

**THE STATE OF TEXAS §
BROWNSVILLE NAVIGATION DISTRICT §
COUNTY OF CAMERON §**

Esteban Guerra, Chairman
John Wood, Secretary
Sergio Tito Lopez, Commissioner

Ralph Cowen, Vice Chairman
John Reed, Commissioner

Eduardo A. Campirano, Port Director and CEO

**NOTICE A REGULAR BOARD MEETING OF THE
BROWNSVILLE NAVIGATION DISTRICT**

Notice is hereby given that the Board of Commissioners of the Brownsville Navigation District will meet on **Wednesday, November 15, 2023** in the Board Room located at 1000 Foust Road, Brownsville, Cameron County, Texas. The Board of Commissioners will convene in a **Regular Board Meeting at 5:30p.m.**

REGULAR MEETING:

1. Call to Order.

INVOCATION

PLEDGE OF ALLEGIANCE

2. Public Audience.
If you wish to address the Board of Commissioners during the Public Audience portion of today's meeting about either an **item on this agenda or other issue**, please print your name and the agenda item or topic of discussion you wish to address on the Sign-In-Sheet located at the Reception Desk.

In accordance with BND Policy, only those persons who have signed up on the list shall be heard. The speaker must limit remarks to three minutes. The Board shall allot no more than 30 minutes for the Public Audience portion of the meeting. Complaints and concerns for which other channels of resolution are provided shall be directed through those channels. If the Chairman of the Board determines that a person has not attempted to resolve a matter administratively, the person shall be directed to the appropriate individual for attempted resolution before bringing the matter to the Board. A complaint against specific employees or officers of the BND shall be heard in a Closed Meeting, as authorized by the *Texas Government Code Title 5 – Sections 551.074(1) and (2)*. If your topic concerns a complaint against a specific employee or officer, please note this on the sign-in sheet. You must make your points on issues in a constructive and courteous fashion pursuant to *Robert's Rules of Order*.

3. Port Monthly Operations Summary Report

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CONSENT AGENDA ITEMS

All Consent Agenda Items listed are considered to be routine by the BND Commission and will be approved in one motion. There will be no separate discussion of these items unless at least one BND Commissioner so requests, in which event the item will be removed from the Consent Agenda and considered separately in the Regular Agenda.

4. Consideration and ACTION on the following Consent Agenda Items:
 - a) Approval of the Minutes of the Special Board Meetings and Regular Board Meeting of October 31, 2023, November 1, 2023 and November 2, 2023. 8
 - b) Approval to authorize payments over \$25,000.00. 20

	Vendor	Purpose	Amount	
1	Foremost Paving, Inc.	2023 Ostos Road Pavement Rehabilitation Project	\$1,570,665.74	21
2	HDR Engineering Inc.	Channel Deepening Project – Construction Phase Support	\$49,695.12	23

5. Consideration and ACTION to approve payment of the District’s .65602 pro-rata portion of the 2024 Cameron Appraisal District (CAD) budget for an annual total of \$48,834. (ZY); 28
6. Consideration and ACTION to Adopt a Resolution for use of the District’s Transportation Reinvestment Zone (TRZ) funds. (ZY) 30

ACTION ITEMS

7. Consideration and ACTION on Leases, Assignments, Negotiations, Easements, Subleases, and Contracts in General: (MR)

1	Ten08 Energy LLC (Authority to Negotiate – Option)	34
2	United Rentals Realty, LLC (Authority to Negotiate)	37
3	Rodicel Inc. (New Lease)	40
4	Plitt Leasing Company, LTD (Consent to Assignment)	43
5	B&L Freight Services, LLC (Lease Amendment)	46
6	Brownsville & Rio Grande International Railway, LLC (New Lease)	49
7	Brownsville & Rio Grande International Railway, LLC (Consent to Sublease)	52
8	Nustar Logistics, L.P. (Easement and Right of Way Agreement)	55
9	Nustar Logistics, L.P. (Lease Amendment)	58
10	Sunoco, LLC (Consent to Sublease)	61

BIDS/AGREEMENTS/PURCHASES

- 8. Consideration and ACTION to make an award on bid received for the purchase and delivery of up to 22,000 cubic yards (less than 12% clay) of sand. (JH)

EXECUTIVE SESSION:

- 9. Adjourn into Executive Session, as authorized by Subchapter D of Chapter 551 of the Government Code to discuss with attorneys pending or contemplated litigation, and matters in which the duty of the attorneys under the Rules of Professional Conduct clearly conflict with Chapter 551; to deliberate the purchase, exchange, lease, or value of real property; to deliberate the deployment of security personnel or devices (§551.076); to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee (§551.074); and to conduct deliberations regarding economic development negotiations (§551.087).

- 10. Possible ACTION on matters or items discussed in Executive Session.

- 11. Adjournment.

NOTE: The Board of Commissioners reserves the right to discuss any items in Executive Session whenever authorized under the Texas Open Meetings Act, Chapter 551, Title 5 of the *Texas Government Code*.

NOTE: The Brownsville Navigation District does not discriminate on the basis of disability in the admission of, access to, treatment of, or employment in its programs, activities, or public meetings. Any individual with a disability in need of an accommodation is encouraged to contact the Director of Human Resources by Monday, no later than 5:00 P.M., to make proper arrangements.

I certify that a copy of the November 15, 2023 Agenda of items to be considered by the Brownsville Navigation District Commission was posted on the Bulletin Area at the BND Building on November 9, 2023. I further certify that the Agenda was posted on the BND's website and can be downloaded by accessing: www.portofbrownsville.com.

**Eduardo A. Campirano, Port Director & CEO
Brownsville Navigation District**