

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD NOVEMBER 15, 2023 AT 5:30 P.M.**

The Board of Navigation and Canal Commissioners of the Brownsville Navigation District of Cameron County, Texas, held a regular meeting on **Wednesday, November 15, 2023 at 5:30 p.m.** The following individuals were present and absent:

PRESENT: Esteban Guerra, Chairman
Ralph Cowen
John Wood
John Reed
Sergio Tito Lopez

ABSENT: None

ALSO PRESENT: Eduardo A. Campirano, Port Director and CEO
Daniel Rentfro Jr., District Counsel
William J. Irwin, Associate District Counsel

STAFF MEMBERS: Miguel Barajas
Ariel Chavez
Karina Franco
Arturo Gomez
Jose Herrera
Jorge Montero
Margie Recio
Tony Rodriguez
Melinda Rodriguez
Janie Velasquez
Zeus Yanez
Carlos Martinez

OTHERS PRESENT: Rev. Andreas Lewis
Norma Torres
Shariff Gonnella
Nicolas Rodriguez
Humberto Torres
Norma Plitt
Joseph Evans
Jane Scott
Dave Leal
KC Purgusan
Rick Stephano
Leah Stephano
Jorge De La Colina

1. Meeting Called To Order

The Chairman called the meeting to order at 5:38 p.m. Reverend Lewis offered a prayer. The Chairman then led those present in the Pledge of Allegiance to the United States and Texas flags.

2. Public Audience

No person registered to address the Board.

3. Receive Port Monthly Operations Summary Report

Mr. Yanez presented the report to the Board. Brief discussion followed.

CONSENT 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.
- b. Approval to authorize payments over \$25,000.00:
 1. Foremost Paving, Inc., the amount of \$1,570,665.74, for 2023 Ostos Road Pavement Rehabilitation Project;
 2. HDR Engineering, Inc., the amount of \$49,695.12, for Channel Deepening Project – Construction Phase Support.

Commissioner Reed moved to approve consent agenda items under Item 4, Commissioner Wood seconded, and the motion passed unanimously.

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.

6. Consideration and ACTION to Adopt a Resolution for use of the District's Transportation Reinvestment Zone (TRZ) funds.

Mr. Yanez addressed the Board regarding consent agenda Items 5 and 6. After discussion, Commissioner Lopez moved to approved consent agenda Items 5 and 6, Commissioner Lopez seconded, and the motion passed by a vote of 4-1, with Commissioner Wood voting "Nay". Commissioner Wood then clarified that his Nay vote was only with respect to Item 5.

ACTION ITEMS

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

Mr. Gomez addressed the Board regarding the following items:

1. Ten08 Energy LLC (Authority to Negotiate – Option)

Ten08 Energy LLC has requested an option to lease for approximately 300 acres for a term of one year with one renewal option of one year. Commissioner Lopez moved to approve the Authority to Negotiate an option to lease with Ten08 Energy LLC, Commissioner Wood seconded, and the motion passed unanimously.

2. United Rentals Realty, LLC (Authority to Negotiate)

United Rentals Realty, LLC is interested in leasing approximately 6.27 acres located at 500 Yard Road for the purpose of offices, outdoor storage, sales & rental of equipment, for a term of one year with four renewal options of one year each. Commissioner Lopez moved to approve the

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Authority to Negotiate a new lease for United Rentals Realty, LLC, Commissioner Reed seconded, and the motion passed unanimously.

3. **Rodigel Inc. (New Lease)**

Rodigel Inc. is seeking a new lease for the property located at 2685 N. Indiana Avenue for a term of five years with three renewal terms of five years each. Commissioner Cowen moved to approve the New Lease for Rodigel Inc., Commissioner Wood seconded, and the motion passed unanimously.

Items 7(4) and (5) were considered together.

4. **Plitt Leasing Company, LTD (Consent to Assignment)**

Plitt Leasing Company, LTD under BND #4594 sold their improvements to B&L Freight Services, LLC. The lessee is requesting the Board's consent to assign their lease to B&L Freight Services, LLC. This property is located at 2601 R.L. Ostos Road and consists of 2.00 acres..

5. **B&L Freight Services, LLC (Lease Amendment)**

B&L Freight Services, LLC is seeking an amendment to lease for BND Contract #4594 to amend the purpose clause of lease to conducting freight transport of coils, sheet metal sales and warehouse storage. Commissioner Reed moved to approve the consent to assignment and the lease amendment as presented, Commissioner Lopez seconded, and the motion passed unanimously.

Items 7(6) and (7) were considered together.

6. **Brownsville & Rio Grande International Railway, LLC (New Lease)**

Brownsville & Rio Grande International Railway, LLC a current lessee seeks a new lease for 5 acres for the purpose of unloading and storage of aggregates. The lessee is requesting a term of three years with three renewal options of three years each.

7. **Brownsville & Rio Grande International Railway, LLC (Consent to Sublease)**

Brownsville & Rio Grande International Railway, LLC a current lessee is requesting the Board's Consent to Sublease approximately 5.00 acres to DirtRocks for the purpose of unloading and storing aggregates. Commissioner Cowen moved to approve the new lease and the consent to sublease as presented, Commissioner Lopez seconded, and the motion passed unanimously.

Items 7(8)(9) and (10) were considered together.

8. **Nustar Logistics, L.P. (Easement and Right of Way Agreement)**

Nustar Logistics, L.P. a current lessee is seeking an Easement and Right of Way Agreement for the purpose of installing a 10" refined products pipeline from their leased site to the Sunoco site. The term is five years with five renewal options of five years each.

9. **Nustar Logistics, L.P. (Lease Amendment)**

Nustar Logistics, L.P. a current lessee under BND Contract #4394 is seeking a Lease Amendment to increase the size of the leased premises by adding 0.255-acre tract to the current 0.45-acre tract for a total acreage of 0.705 acre.

10. **Sunoco, LLC (Consent to Sublease)**

Sunoco, LLC a current lessee under BND Contract #4504 is requesting the Board's Consent to Sublease approximately 0.864 acre to Nustar Logistics, L.P. for the purpose of their connection facility. Commissioner Reed moved to approve the easement and right of way agreement, the lease amendment, and the consent to sublease as presented, Commissioner Cowen seconded, and the

motion passed unanimously.

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.

Mr. Herrera addressed the Board 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. On April 19, 2023, the Board of Commissioners authorized BND Staff to solicit bids for materials to be utilized for the development of 118-acre tract of land. Advertisements for this solicitation were published in the Brownsville Herald for two consecutive weeks beginning on October 11, 2023. The solicitation documents were made available on the Port website and on Bidnet the same day. Sealed bids were opened on October 26, 2023. A total of three (3) bids were received. One bid was submitted by MS Construction, LLC from Olmito, TX in the amount of \$275,000, a second bid was submitted by Diamond Materials, LLC in the amount of \$355,300, and the third bid was submitted by Texas Sand & Gravel in the amount of \$372,240 for the purchase of up to 22,000 Cubic Yards of less than 12% clay sand. Commissioner Reed moved to award the bid to MS Construction, LLC from Olmito, TX at a cost of \$12.50 per cubic yard in the amount not to exceed \$275,000 for the purchase and delivery of up to 22,000 cubic yards of less than 12% clay sand and to authorize payment of invoice(s) as sand is delivered, Commissioner Lopez seconded, and the motion passed unanimously.

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).

Commissioner Lopez moved to adjourn into executive session, Commissioner Cowen seconded, and the motion passed unanimously. The Chairman then announced that the time was 6:03 p.m., and that the Board would adjourn into executive session.

The Chairman then announced that the time was 7:22 p.m., and that the Board had reconvened in open session.

10. Possible action on matters or items discussed in Executive Session.

There was none.

11. Adjournment.

Commissioner Cowen moved to adjourn the meeting, Commissioner Wood seconded, and the meeting was adjourned by unanimous consent at 7:22 p.m.

ATTEST


John Wood, Secretary



Esteban Guerra
Chairman of the Board