

**MINUTES OF A PILOT BOARD MEETING AND A REGULAR MEETING OF THE
BOARD OF NAVIGATION AND CANAL COMMISSIONERS OF THE
BROWNSVILLE NAVIGATION DISTRICT OF CAMERON COUNTY, TEXAS HELD
JANUARY 10, 2024 AT 5:30 P.M.**

The Board of Navigation and Canal Commissioners of the Brownsville Navigation District of Cameron County, Texas, held a Pilot Board meeting & a regular meeting on **Wednesday, January 10, 2024 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: William Dietrich, Interim Port Director and CEO
Daniel Rentfro Jr., District Counsel
William J. Irwin, Associate District Counsel

STAFF MEMBERS: Ariel Chavez
Michael Davis
Arturo Gomez
Jose Herrera
Jorge Montero
Margie Recio
Memo Rico
Tony Rodriguez
Julio Romo
Janie Velasquez
Zeus Yanez
Miguel Barajas

OTHERS PRESENT: Rev. Andreas Lewis
Captain Jonathan Willett
Luis Rodriguez
Leadership Brownsville
Nancy Gaytan
Kevin Garcia
Shariff Gonnella
Humberto Torres
Shannon Caraway

PILOT BOARD MEETING

The Chairman called the Pilot Board Meeting to order at 5:36 p.m.

- 1. Acknowledge receipt of:**
 - a. **Rules, Qualifications and Regulation,**
 - b. **Deputy Pilot Training Program,**
 - c. **New Deputy Branch Pilot Application**

Jonathan Willett addressed the Board. Commissioner Wood moved to acknowledge receipt of Rules, Qualifications and Regulation, Deputy Pilot Training Program and New Deputy Branch Pilot Application, Commissioner Cowen seconded, and the motion passed unanimously.

There being no further business before the Pilot Board, the Chairman announced that the pilot board meeting would be closed at 5:37 p.m. and the Board would move on to the Regular Meeting agenda.

REGULAR MEETING

1. Meeting Called To Order

The Chairman called the meeting to order at 5:37 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

Carlton Reyes registered to address the Board but was not present and did not address the Board.

3. Receive Directors Reports

The Board received the reports. Mr. Dietrich requested that Items 8, 12, and 14 be tabled. Commissioner Lopez moved to table Items 8, 12, and 14, Commissioner Wood seconded, and the motion passed unanimously.

CONSENT AGENDA

4. Consideration and Action on the Following Consent Agenda Items:

- a. Approval of the Minutes of the Regular Board Meeting of December 20, 2023.
- b. Approval to authorize payments over \$25,000.00:
 1. Foremost Paving, Inc., the amount of \$539,752.09, for 2023 Ostos Road Pavement Rehabilitation Project;
 2. HDR Engineering Inc., the amount of \$55,380.81, for Channel Improvement Project – Phase 2 Design Repackaging & Placement Area 8 Study & Design;
 3. RLB Contracting, Inc., the amount of \$324,446.40, for 2022 Placement Areas 5B, 7 & 8 Improvements.

Commissioner Reed moved to approve all consent agenda items, Commissioner Cowen seconded, and the motion passed unanimously.

BROWNSVILLE NAVIGATION DISTRICT MINUTES

January 10, 2024

Page 2 of 6

5. Consideration and ACTION on a Contract for a Joint Election and Election Services with the Cameron County Election Administrator for the May 4, 2024, General Election. (Consideracion y accion para un contrato conjunto y servicios para la eleccion con el administrador de elecciones de Condado de Cameron para el dia 04 de mayo de 2024 elecciones generales.)

Ms. Recio addressed the Board to request approval on a Contract for a Joint Election and Election Services with the Cameron County Election Administrator for the May 4, 2024 General Election. The Contract for Election Services for the District's May 4, 2024, election has been provided by Remi Garza, Cameron County Elections Administrator. While the primary body of the agreement has been drafted and is ready for consideration, the Attachments A, B and C are still undergoing finalization. Attachments A, B, and C are integral to providing specific details related to the election process, and the Cameron County Elections Office is working diligently to ensure their completion. To secure the services of Cameron County Elections Office and initiate the necessary preparations, a deposit of 60% of the total estimate cost is required by January 12. Commissioner Reed moved to approve the Contract for Election Services with the Cameron County Elections Administrator in the estimated amount of \$99,000 and approve payment of invoices once received, Commissioner Wood seconded, and the motion passed unanimously.

6. Consideration and ACTION on the Grantee/Operators agreement, under the Alternative Site Framework "Usage Driven Site Agreement" between the Brownsville Navigation District Foreign Trade Zone No 62 and AMFCO Group.

Mr. Rodriguez addressed the Board to approve the Grantee/Operators agreement, under the Alternative Site Framework "Usage Driven Site Agreement" between the Brownsville Navigation District Foreign Trade Zone No. 62 and AMFCO Group. AMFCO Group is requesting to become an Operator of FTZ No. 62 under the Alternative Site Framework "ASF" Program "Usage Driven Site Agreement". This will allow AMFCO to activate 5 acres, approximately 214,385 SF total site area. Their scopes of operations will be importing/exporting and general warehousing to include but not limited to; unpacking, inspecting, repacking, repairing, relabeling, handling, storing destruction, research, and development engineering testing, and shipping. The facility is located in the GBIC Industrial Park, 7185 G.B.I.C. Circle Brownsville, TX 78526. Commissioner Reed asked Mr. Rodriguez to explain the purpose of the FTZs for those present in the audience. Mr. Rodriguez then provided an explanation of the purpose of FTZs. Commissioner Lopez moved to approve AMFCO Group be an Operator of FTZ No. 62 under the new ASF "Usage Driven Site Agreement", Commissioner Wood seconded, and the motion passed unanimously.

7. Consideration and ACTION to authorize the FTZ Administrator to submit a request to the FTZ Board to increase the activation limit to 3,000 acres for the Brownsville Navigation District FTZ No. 62 Magnet Site.

Mr. Rodriguez addressed the Board to authorize the FTZ Administrator to submit a request to the FTZ Board to increase the activation limit to 3,000 acres for the Brownsville Navigation District FTZ No. 62 Magnet Site. The Brownsville Navigation District Grantee of FTZ No. 62 magnet site has an activated acreage of 1,998 acres out of the 2,000-acre limit. BND Staff seeks the Commissioner's authorization to submit a request for approval from the FTZ Board to modify the activation limit to 3,000 acres. The increase of acreage will provide the flexibility to continue to promote the FTZ program and associated economic development benefits throughout Brownsville,

Texas, and Cameron County. BND Staff is currently working with NextDecade (Rio Grande LNG, LLC) and other large projects that will require to be activated within the FTZ magnet site. Commissioner Lopez moved to approve the acknowledgement letter request, Commissioner Cowen seconded, and the motion passed unanimously.

8. Consideration and ACTION on the Grantee/Operators agreement between the Brownsville Navigation District Foreign Trade Zone No. 62 and Forza Steel USA LLC.

This item was tabled.

9. Consideration and ACTION to approve extension of the Purchase Agreement for the purchase of Testing & Lab Services for BND Wastewater Treatment Plants.

Mr. Herrera addressed the Board to approve the extension of the Purchase Agreement for the purchase of Testing & Lab Services for BND Wastewater Treatment Plants. On April 05, 2023, the Board of Commissioners authorized a purchase agreement for the purchase of Testing and Lab Services. The purchasing agreement expired on December 31, 2023, and the vendor has agreed to extend the agreement with the Brownsville Navigation District for one year upon the same initial terms and no increase in unit price, the total estimated annual project cost is \$25,148.00. The extension of the agreement will cover the period from January 1, 2024 through December 31, 2024. Commissioner Lopez moved to approve the extension of the purchase agreement with Southern Petroleum Laboratories Inc. formally Ana-Lab Corporation for Testing & Lab Services for BND Wastewater Treatment Plants and to pay invoices once received, Commissioner Cowen seconded, and the motion passed unanimously.

10. Consideration and ACTION to approve the extension of the Purchase Agreement for the purchase and delivery of sand (less than 12% clay).

Mr. Herrera addressed the Board to approve the extension of the Purchase Agreement for the purchase and delivery of sand (less than 12% clay). On March 01, 2023 the Board of Commissioners authorized a purchase agreement for the purchase and delivery of sand (less than 12% clay). The Purchase Agreement expired December 31, 2023 and the vendor has agreed to extend the agreement with the Brownsville Navigation District for one year upon the same initial terms and no increase in unit price. The extension of the agreement will cover the period from January 1, 2024 through December 31, 2024. Commissioner Wood moved to approve the extension of the purchase agreement with Olmito Sand Pit at a cost of \$17.30 per Cubic Yard for the purchase and delivery of sand (less than 12% clay), Commissioner Lopez seconded, and the motion passed unanimously.

11. Consideration and ACTION to authorize BND Staff to proceed with the Purchase and Delivery of Material to be utilized in the installation of the sewer system for the 118-acre Business Park, pursuant to BuyBoard contract #706-23.

Mr. Herrera addressed the Board to BND Staff to proceed with the Purchase and Delivery of Material to be utilized in the installation of the sewer system for the 118-acre Business Park, pursuant to BuyBoard contract number 706-23. 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. BND Staff obtained a quote from Ferguson Waterworks pursuant to BuyBoard contract number 706-23, in the amount of \$67,404.24 for material to be utilized in the installation of the sewer system. Commissioner Reed moved to authorize the purchase of materials required

for the 118-acre Business Park from Ferguson Waterworks pursuant to BuyBoard contract number 706-23 in the amount of \$67,404.24 and pay invoices once received, Commissioner Lopez seconded, and the motion passed unanimously.

12. Consideration and ACTION to authorize BND Staff to proceed with the repair of unit #732 bulldozer.

This item was tabled.

13. Consideration and ACTION to authorize BND Staff to purchase luffing control blocks and FES valves.

Mr. Davis addressed the Board to authorize BND Staff to purchase luffing control blocks and FES valves. BND Staff is seeking authorization for the purchase of two luffing control blocks and two FES valves for mobile harbor crane Unit #736 & Unit #737 (GHMK 6507, Model 6). Recently the vendor who was supplying luffing control blocks and FES valves to KoneCranes has discontinued manufacture of these parts. KoneCranes recommends these parts be ordered immediately due to the long lead time (35 weeks) from their new supplier. The total purchase amount for these parts is \$24,856.00 plus shipping which will be determined when the parts are shipped. Mr. Davis confirmed that this is a sole source item. Commissioner Lopez moved to authorize BND Staff to purchase two luffing control blocks and two FES valves for mobile harbor crane Unit #736 & Unit #737 (GHMK 6507, Model 6), Commissioner Wood seconded, and the motion passed unanimously.

14. Consideration and ACTION to authorize BND Staff to purchase the Fishing Harbor Security Fence Materials pursuant to BuyBoard National Purchasing Cooperative Proposal 657-21 from Hurricane Fence Co.

This item was tabled.

15. 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).

There was none.


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

There was none.

17. Adjournment.

Commissioner Wood moved to adjourn the meeting, Commissioner Cowen seconded, and the meeting was adjourned by unanimous consent at 5:56 p.m.

ATTEST



John Wood, Secretary



Esteban Guerra
Chairman of the Board