

**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

William Dietrich, Interim 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 **February 7, 2024** 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.**

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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. Directors Reports

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 Regular Board Meeting of January 24, 2024. 50
- b) Approval to authorize payments over \$25,000.00. (SF) 59

	Vendor	Purpose	Amount	
1	ClearGov Inc.	Budget Cycle Management Software subscription renewal	\$26,400.00	60
2	HDR Engineering, Inc.	Channel Deepening Project- Construction Phase Support and Modification to Dredged Materials Placement Area No. 8 Project	\$31,634.70	62

PRESENTATION

- 5. Presentation on the Performance of District’s Pension Plan and 457 Voluntary Deferred Compensation Program. (ZY) 64

ACTION ITEMS

- 6. Consideration and ACTION on an Order and Notice of an election to be held on May 4, 2024 for the purpose of electing three Navigation and Canal Commissioners. (MR) 71
(Consideración y acción a una Orden y Aviso de elección que se celebrará el 4 de mayo de 2024 con el propósito de elegir tres comisionados de navegación y del canal.)
- 7. Consideration and ACTION on Leases, Assignments, Negotiations, Easements, Subleases, and Contracts in General: (AG)

1.	AEP Texas Inc. (Authority to Negotiate)	72
2.	Bechtel Energy Inc. (Authority to Negotiate)	75
3.	Enbridge (USA) Inc. (Option to Lease)	78
4.	Ouroboros Land Enterprise, LLC (Option to Lease)	81

5.	Port Warehouse Properties, L.P. (Amendment to Lease)	84
6.	Board of Regents of the Texas A&M University System (A&M System) – (Lease Amendment)	87

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BIDS/AGREEMENTS/PURCHASES

- 8. Consideration and ACTION to authorize the FTZ Administrator to submit a request to the FTZ Board to increase an additional 3,000 acres for the Brownsville Navigation District FTZ No. 62 Port of Brownsville Magnet Site. (TR) 90
- 9. Consideration and ACTION on establishing a leasing rate of \$0.06 cent per square foot per month for the Port of Brownsville Industrial Park. (TR) 94
- 10. Consideration and ACTION to authorize Staff to Advertise for Proposals for the Demolition, Furnishing and installation of new siding, roof, and installation of new sliding, roof, and gutters of Sheds 12-14 Project and open bids thereof. (JH) 95
- 11. Consideration and ACTION to authorize Port staff to advertise for Bids for 118 ac. Industrial Park Roads Concrete Pavement Project and open bids thereof. (JH) 96
- 12. Consideration and ACTION to authorize Port staff to advertise for Proposals to Furnish and install new Doors with Motors needed for Sheds 12-14 repairs and Sheds 15 & 15E. (JH) 97
- 13. Consideration and ACTION to authorize Port staff to advertise for bids to Furnish and Install new Electrical Infrastructure for Sheds 12-14 and Sheds 15 & 15E project. (JH) 98
- 14. Consideration and ACTION to authorize Staff to advertise for proposals for the removal and replacement of the flooring at the BND Police Department building. (JR) 99
- 15. Consideration and ACTION on Change Order No. 1to the contract with RLB Contracting, Inc. on the 2022 Placement Areas 5B, 7 & 8 Improvements project, providing for truck transportation of material from Placement Area 7 to Placement Area 5B. (AC) 100
- 16. Consideration and ACTION on award of bid received for the Cargo Docks 15 & 16 Concrete Pavement project, and to authorize staff to issue the Notice of Award to the successful bidder. (AC) 105

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EXECUTIVE SESSION:

17. 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).
18. Possible ACTION on matters or items discussed in Executive Session.
19. 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 February 7, 2024 Agenda of items to be considered by the Brownsville Navigation District Commission was posted on the Bulletin Area at the BND Building on February 2, 2024. I further certify that the Agenda was posted on the BND's website and can be downloaded by accessing: www.portofbrownsville.com.



**William Dietrich, Interim Port Director & CEO
Brownsville Navigation District**