

**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 **May 01, 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

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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 Regular Board Meeting of April 17, 2024. 44

b) Approval to authorize payments over \$25,000.00. 51

	Vendor	Purpose	Amount	
1	EarthCo, LLC	2023 Ostos Road Rehabilitation Project	\$25,341.00	52
2	HDR Engineering, Inc.	Placement Area 8 Study and Design Cargo Dock 3 Phase 1 Design	\$54,026.25	57
3	RLB Contracting, Inc.	2022 Placement Areas 5B, 7 & 8 Improvement Project	\$1,158,677.10	66

PROCLAMATION

5. Proclamation of the Board of Navigation and Canal Commissioners of the Brownsville Navigation District Honoring Commissioner Ralph Cowen. 68

ACTION ITEMS

6. Consideration and ACTION to approve the Commercial Tenancy Termination Agreement with Brownsville Public Utilities Board. (WD) 69

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

1.	Bryant Industrial Services, LLC (Lease Amendment)	70
2.	905 / BMW, Inc. – Brownsville Gulfside Warehouse, Inc. (Consent to Assignment and Lease Amendment)	73
3.	Friends of RGV Reef (New Lease)	76
4.	Guadalupe Ochoa – 3200 Cajun Court (New Lease)	79

BIDS/AGREEMENTS/PURCHASES

- 8. Consideration and ACTION on the Grantee/Operators agreement between the Brownsville Navigation District Foreign Trade Zone No. 62 and Forza Steel USA LLC. (TR) 82
- 9. Consideration and ACTION to authorize Trustees of the Retirement Plan for the Employees of Brownsville Navigation District to enter into an Institutional Service Agreement with Morgan Stanley Smith Barney. (ZY) 91
- 10. Consideration and ACTION to purchase materials (limestone and geogrid) for Patio 22T – 19.94-acre laydown area development. (AG) 107
- 11. Consideration and ACTION on Proposal by Raba Kistner, Inc. for Construction Material Engineering Testing Services for the Port of Brownsville Business Park – Concrete Pavement project. (AC) 108
- 12. Consideration and ACTION to authorize Port Staff to Solicit Bids for Harbor Master Power Generator Installation project and to open bids thereof. (AC) 120
- 13. Consideration and ACTION to authorize Port Staff to Solicit Bids for BND Cargo Dock No. 3 Construction project including Phase I: Demolition, Phase II: Pile Procurement, and Phase III: construction; and to open bids thereof. (AC) 121
- 14. Consideration and ACTION to authorize Port Staff to Solicit Bids for the installation of Railroad Concrete Approaches and related appurtenances for Foust Road, Bill Reed Road and Windhaus Road project and to open bids thereof. (AC) 122
- 15. Consideration and ACTION to authorize Interim Port Director and CEO and Port Legal Counsel to execute Right of Entry Agreement with Space Exploration Technologies to move heavy loads through the South Port Connector Road. (AC) 123
- 16. Consideration and ACTION to authorize Interim Port Director and CEO to accept proposal from R.R.P. Consulting Engineers, LLC to review Space Exploration Technologies’ inspections and related documents on heavy loads through South Port Connector Road. (AC) 129

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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 May 01, 2024 Agenda of items to be considered by the Brownsville Navigation District Commission was posted on the Bulletin Area at the BND Building on April 26, 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**