

MINUTES OF A PILOT MEETING AND A REGULAR MEETING OF THE BOARD OF NAVIGATION AND CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF CAMERON COUNTY, TEXAS HELD MAY 07, 2025 AT 5:30 P.M.

The Board of Navigation and Canal Commissioners of the Brownsville Navigation District of Cameron County, Texas, held a pilot meeting and a regular meeting of the board on **Wednesday, May 07, 2025 at 5:30 p.m.**

The following individuals were present and absent:

PRESENT: Esteban Guerra, Chairman
Sergio Tito Lopez
John Reed
Ernesto Gutierrez
John Wood

ABSENT: None

ALSO PRESENT: William Dietrich, Port Director and CEO
William Irwin, District Counsel

STAFF MEMBERS: Arturo Gomez
Jose Herrera
Jorge Montero
Margie Recio
Janie Velasquez
Zeus Yanez
Memo Rico
Michael Davis
Estela Rangel
Tony Rodriguez
Manuel Martinez
Julio Romo
Yessenia Gonzalez
Justin Torres

OTHERS PRESENT: Rev. Andreas Lewis
Shariff Gonnella
Jorge de la Colina
Andrea Meneses

PILOT MEETING

The Chairman called the pilot board meeting to order at 5:30 p.m.

- 1. Consideration and ACTION to recommission Captain Christopher Ross Urbanovsky.**

Mr. Davis read a statement to the Board on behalf of Captain Urbanovsky. Commissioner Lopez moved to recommission Captain Christopher Ross Urbanovsky, Commissioner Gutierrez seconded, and the motion passed unanimously.

There being no further business before the pilot board, the pilot meeting was adjourned.

REGULAR MEETING

1. Meeting Called To Order

The regular board meeting commenced immediately after the conclusion of the pilot board meeting at 5:32 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 addressed the Board.

3. Director's Report

The Board received the reports.

Mr. Dietrich asked that Item 5(3) be tabled. Commissioner Lopez so moved, Commissioner Reed seconded, and the motion passed unanimously.

Mr. Dietrich then asked that Item 11 be tabled. Commissioner Lopez so moved, Commissioner Gutierrez 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 April 16, 2025.
- b. Approval to authorize Payments over \$25,000.00.
 1. Carr, Riggs, & Ingram, LLC, the amount of \$25,550.00, for audit services rendered for the FY2024 BND Financial and Pension Plan financial audits; and
 2. Electro-Hi, the amount of \$95,000.00, for boring services, materials, and installation to complete the Loma Alta waterline repairs project; and
 3. Estrada Hinojosa Investment Bankers, the amount of \$134,500.00, for professional services rendered as financial advisors in connection with issuance of the Ship Channel Improvement Revolving Fund Loan; and
 4. Winstead, PC, the amount of \$40,500.00, for professional services rendered as counsel in connection with issuance of the Ship Channel Improvement Revolving Fund Loan; and
 5. White Cap, LP, the amount of \$85,536.00, for rebar used in the Business Park

project.

Commissioner Reed moved to approve the Consent Agenda Items, Commissioner Wood seconded, and the motion passed unanimously.

ACTION ITEMS

5. Consideration and ACTION on Leases, Assignments, Negotiations, Easements, Subleases, and Contracts in general.

Mr. Dietrich addressed the Board regarding the following Items:

1. E&J Trawlers, Inc. (Authority to Negotiate)

The lease with E&J Trawlers, Inc., under BND contract #4466, will expire on June 30, 2025, and has no renewal options. The lessee seeks a new lease for 0.331 acres located in the Fishing Harbor at 1950 Bayou Court. The recommended term would be for one year with four renewal options of one year each. The purpose clause is for shrimp operations, specifically the unloading and boat tie-up of shrimp and seafood vessels. Commissioner Lopez moved to authorize negotiations for a new lease with E&J Trawlers, Inc., Commissioner Gutierrez seconded, and the motion passed unanimously.

2. Guadalupe Ochoa (New Lease)

This new lease with Guadalupe Ochoa will replace BND contract #4031 for the 0.303-acre site located in the Fishing Harbor at 1795 Bayou Court. The initial term will be for one year, with the option to extend the term of the agreement by four terms of one year each. A Special Conditions provision in the lease agreement states that if lessee submits a written request to renew the term of the lease agreement and is not in default under any part of the agreement, the request will be presented to the District's Board of Commissioners for approval. The Board may approve or reject the renewal request at its discretion. If the request is denied, the lease will expire on the current expiration date. The purpose clause is for shrimp operations, specifically the unloading and boat tie-up of shrimp and seafood vessels, and for boat repairs and maintenance of personal boats. Commissioner Lopez moved to approve the new lease with Guadalupe Ochoa, Commissioner Wood seconded, and the motion passed unanimously.

3. Gulf Stream Marine, Inc. (New Lease)

This item was tabled.

4. Jose Antonio Ortega d/b/a Pollo's Diesel Service (New Lease)

This new lease with Jose Antonio Ortega D/B/A Polio's Diesel Service will replace BND contract #3993 for the 0.459-acre site located in the Fishing Harbor at 3810 Gator Court. The initial term will be for one year with the option to extend the term of the agreement by four terms of one year each. A Special Conditions provision in the lease agreement states that if lessee submits a written request to renew the term of the lease agreement and is not in default under any part of the agreement, the request will be presented to the District's Board of Commissioners for approval. The Board may approve or reject the renewal request at its discretion. If the request is denied, the lease will expire on the current expiration date. The purpose clause is for shrimp operations, specifically the unloading and boat tie up of shrimp and seafood vessels. Commissioner Lopez

moved to approve the new lease with Pollo's Diesel Service, Commissioner Gutierrez seconded, and the motion passed unanimously.

5. Garcia/Dougherty Family Group (Termination and Release of Easement)

On February 13, 1981, the BND (as Lessee) entered into a ground lease agreement with the Garcia/Dougherty Family Group (as Lessor). The lease included a perpetual easement in favor of BND over approximately 1.73 acres for the installation and operation of a railway line, as well as the installation and maintenance of utility lines. The lease specified that if BND did not begin installation or construction of the railway and utility improvements within 20 years of commencement of the lease, the easement would terminate and the property would revert to the Garcia/Dougherty Family Group. BND Engineering Staff has confirmed that no such installation or construction has occurred to date, and more than 20 years have passed since the easement was granted. The Garcia/Dougherty Family Group, through their legal counsel, has requested that the BND execute a release of easement to acknowledge that the easement described under the lease has terminated and that the easement property has reverted to the Garcia/Dougherty Family Group. Commissioner Reed moved to approve the termination and release of easement, Commissioner Lopez seconded, and the motion passed unanimously.

6. Consideration and ACTION to Approve Letter of Agreement between Port of Brownsville and BISD Adult Continuing Education for participation as a collaborating partner.

BISD, as a participating member of the BISD Adult Continuing Education Consortium for Cameron County, has developed programs for delivery of basic education skills to educationally disadvantaged adults in Cameron County. Since 2021, the Port of Brownsville has been participating as a collaborating partner. BND would support the efforts by providing presentations and tours of the Port and collaborate on workforce and job skills development. Commissioner Wood moved to approve the Letter of Agreement between the Port of Brownsville and BISD Adult Continuing Education for participation as a collaborating partner, Commissioner Lopez seconded, and the motion passed unanimously.

BIDS/AGREEMENTS/PURCHASES

7. Consideration and ACTION to authorize Port Staff to purchase letters and plaques for the Industrial Park entrance signs.

Mr. Hererra addressed the Board that on December 7, 2024, the BND Commission authorized staff to procure material for the construction of Industrial Park Entrance signs. BND Staff solicited sealed quotes for letters and plaques and received responses from two vendors, Signs and More, LLC and SSC Signs and Lighting. Staff recommends the Board of Commissioners authorize staff to purchase letters and plaques from vendor Signs and More, LLC, the lowest bidder, at a total cost of \$27,740.00. The cost includes fabrication and installation of letters and plaque. Commissioner Reed moved to authorize Port Staff to purchase letters and plaques, including fabrication and installation from vendor Signs and More LLC at a total cost of \$27,740.00, Commissioner Wood seconded, and the motion passed unanimously.

8. Consideration and ACTION on Bid received on February 25, 2025, for the Fishing

Harbor Sewer Plant Temporary Equipment Installation and Rental project.

Mr. Martinez addressed the Board that on January 8, 2025, BND Commissioners authorized Port Staff to solicit bids for the Fishing Harbor Sewer Plant Temporary Equipment Installation and Rental project. On February 25, 2025, BND staff received and read aloud bids from CB3, L.L.C. in the amount of \$738,000.00, and a second bid from R.M. Walsdorf, Inc. in the amount of \$1,687,400.00. It has been determined that this project will no longer move forward as the permanent Fishing Harbor Wastewater Treatment Plant was rejected on April 16, 2025. Commissioner Reed moved to reject all bids received for the Fishing Harbor Sewer Plant Temporary Equipment Installation and Rental project, Commissioner Lopez seconded, and the motion passed unanimously.

9. Consideration and ACTION to authorize Port Staff to Solicit Bids for the Furnish and Install New Fenders to Oil Dock 5 project, and to open bids thereof.

Mr. Martinez addressed the Board that BND Staff is requesting authorization from BND Commissioners to advertise to solicit and open bids for the Furnish and Install New Fenders to Oil Dock No. 5 project. This project will consist of the replacement of a (1) Breasting Fender Panel System and two (14) Rubber Leg Fenders. Once BND opens bids, BND Staff will bring the proposals to the Board of Commissioners to authorize and issue a Notice of Award for this project. Discussion followed regarding sourcing of fenders and potential “buy American” requirements if using federal funds. Commissioner Gutierrez moved to authorize staff to prepare an Invitation to Bid on the Furnish and Install New Fenders to Oil Dock No. 5 project and to open bids once they are received, Commissioner Wood seconded, and the motion passed unanimously.

10. Consideration and ACTION on award of bids received for the BND Cargo Dock 10 Maintenance Dredging project, and to authorize staff to issue the Notice of Award to the successful bidder.

Mr. Dietrich addressed the Board that on March 19, 2025, BND Commissioners authorized Staff to advertise to solicit bids on the BND Cargo Dock 10 Maintenance Dredging project. This project will consist of dredging out a total amount of 21,600 CY of shoaled material in front of Cargo Dock 10. BND Staff received two bids; Orion Marine Group submitted a bid in the amount of \$2,158,600.00, and Callan Marine Ltd. submitted a bid in the amount of \$3,286,000.00. Staff have reviewed the submitted documentation, including bonding documents and references. Chairman Guerra asked for information on how long the project would take and discussion followed regarding the depth of the dredge. Commissioner Reed moved to award the contract for the BND Cargo Dock 10 Maintenance Dredging project to lowest responsive and responsible bidder, Orion Marine Group, in the amount of \$2,158,600.00, and authorize Staff to issue the Notice of Award to the successful bidder, Commissioner Wood seconded, and the motion passed unanimously.

11. Consideration and ACTION to authorize Port Director & CEO to enter into a Memorandum of Understanding (MOU) between the Brownsville Navigation District and Seatrium AmFELS Inc. to reimburse the Port of Brownsville all costs related to the permitting process with the United States Army Corps of Engineers for their facility.

This item was tabled.

EXECUTIVE SESSEION

12. 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 (§551.072); 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).

- 1) Deliberation regarding purchase, lease, and value of real property interests and consultation with attorney relating to Project Rio Grande.
- 2) Deliberation regarding purchase, lease, and value of real property interests and consultation with attorney relating to Project 48.

Commissioner Lopez moved to adjourn into Executive Session at 5:53 p.m., Commissioner Reed seconded, and the motion passed unanimously.

At 6:55 p.m. the Board reconvened in Open Session. Commissioner Wood exited the meeting prior to the end of executive session.

13. Possible ACTION on matters or items discussed in Executive Session.

- 1) Authorization for Port Director and CEO to execute a letter of intent for the possible purchase or lease of real property interests relating to Project Rio Grande.

Commissioner Lopez moved to authorize the Port Director and CEO to execute a letter of intent for the possible purchase or lease of real property interests relating to Project Rio Grande, Commissioner Reed seconded, and the motion passed unanimously.

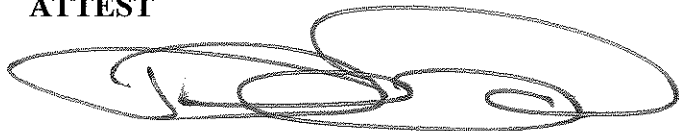
14. Adjournment.

Commissioner Lopez moved to adjourn the meeting, Commissioner Reed seconded, and the meeting was adjourned by unanimous consent at 6:56 p.m.



Esteban Guerra
Chairman of the Board

ATTEST



John Reed, Secretary