

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD SEPTEMBER 17, 2025 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 of the board on **Wednesday, September 17, 2025 at 5:30 p.m.**

The following individuals were present and absent:

PRESENT: Esteban Guerra
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
Margie Recio
Michael Davis
Janie Velasquez
Yessenia Gonzalez
Estela Rangel
Tony Rodriguez
Manuel Martinez
Santos Barbosa
Zeus Yanez
Ervey Gonzalez
Carlos Martinez
Julio Romo
Jorge Montero
Martin Medrano
Justin Torres

OTHERS PRESENT: Rev. Andreas Lewis
Ralph Cowen
Nico Schaefer
Jorge de la Colina
Rod Chaplin
Ann Carpenter
Jorge Sanchez
Jason Fulton

REGULAR MEETING

1. Meeting Called To Order

At 5:31 p.m. Chairman Guerra called to order the regular meeting. 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. Port Monthly Operations Summary Report

Mr. Yanez made the report to the Board.

CONSENT AGENDA ITEMS

4. Consideration and ACTION on the Following Consent Agenda Item:

- a. Approval of the Minutes of the Regular Board Meeting of September 3, 2025.
- b. Approval to authorize payments over \$25,000.
 1. Lanier & Associates Consulting Engineers, Inc., the sum of \$46,953.55, for engineering services to perform above and underwater inspections, evaluations, and recommendations for repairs and upgrades for the relieving platform between docks 7 and 8.

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

ACTION ITEMS

5. Consideration and ACTION on Resolution certifying review and adoption of the District's Investment Policy C501 (Local), Investment Strategy C501, and List of Approved Brokers/Dealers and Investment Pools C501.

Mr. Yanez addressed the Board that Chapter 2256 of the Texas Government Code (the "Public Funds Investment Act") requires the Board to review the District's Investment Policy C501 (Local), Investment Strategy C501, and List of Approved Brokers/Dealers and Investment Pools C501 contained in it not less than annually, and to adopt a Resolution certifying this review and adopted changes, if any. A Resolution that fulfills the foregoing requirement is included with this agenda item. Port Staff have reviewed the Investment Policy, Investment Strategy, and List of

Approved Brokers/Dealers and Investment Pools and noted no revisions are necessary at this time. Commissioner Wood moved to approve the Resolution certifying review and adoption of the District's Investment Policy C501 (Local), Investment Strategy C501, and List of Approved Brokers/Dealers and Investment Pools C501 as presented, Commissioner Gutierrez seconded, and the motion passed unanimously.

6. Discussion and possible ACTION on canceling Port of Brownsville Tariff No. 6 and adopting Port of Brownsville Tariff No. 7.

Mrs. Recio addressed the Board. Staff has undertaken a comprehensive review of the current provisions of Tariff No. 6. As part of this review, a comparative analysis was conducted measuring the Port's rates against those of comparable ports. The findings identified areas where administrative updates and rate adjustments are necessary to remain competitive, align with industry standards, and support the Port's long-term growth. Given the substantial revisions, the best approach would be to cancel Tariff No. 6 and adopt Tariff No. 7, which incorporates both administrative changes and increases in certain rates. Most of the administrative updates and rate adjustments will take effect on January 1, 2026. Exceptions include Tariff Item No. 275 (Wharfage), Item 340 (Harbor Fee), and Item 345 (Dockage), which will reflect incremental increases effective on January 1, 2026, January 1, 2027, and a final increase on January 1, 2028. This proposal has been reviewed by the Policy Committee and legal counsel. In addition, stakeholder meetings were held on June 12 and June 13 to gather input and address questions. Commissioner Wood moved to cancel Port of Brownsville Tariff No. 6 and adopt Port of Brownsville Tariff No. 7 as proposed with an effective date of January 1, 2026, Commissioner Lopez seconded, and the motion passed unanimously.

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

Mrs. Velasquez addressed the Board regarding the following Items:

1. Precision 1 Works, LLC (Authority to Negotiate)

Precision 1 Works, LLC is seeking the Authority to Negotiate a new lease for 0.258 acres located at 1430 Angler's Place Road at the Fishing Harbor. The requested term for this lease is three years. The purpose clause would be for maintenance, repairs, and fabrication: specifically, the repair and maintenance of fuel tanks; lubrications of crane cables, wires, and rope; and sandblasting and painting of fuel tanks and ships. Commissioner Reed moved to authorize negotiation of a new lease for Precision 1 Works, LLC, Commissioner Lopez seconded, and the motion passed unanimously.

2. Reploy Power Inc. (Authority to Negotiate)

Reploy Power Inc. is seeking the Authority to Negotiate a new lease for approximately 254 waterfront acres. The suggested term for this lease would be thirty years with two renewal options of ten years each. The purpose clause would be for electric generation, a submerged power system (SPS), and cargo handling, such as manufacturing, integration, and maintenance. Commissioner

Lopez moved to authorize negotiation of a new lease for Reploy Power Inc., Commissioner Gutierrez seconded, and the motion passed unanimously.

BIDS/AGREEMENTS/PURCHASES

8. Consideration and ACTION to authorize District staff to solicit proposals for depository banking services.

Mr. Yanez addressed the Board. Staff is seeking authorization from the Board to solicit proposals for Depository Banking Services. The objective of this solicitation is to identify a financial institution most capable of providing the highest level of service and highest earnings at the lowest cost to the District. It is the intent of the District to minimize banking costs, improve operational efficiency, and to maximize earnings. Staff will post the solicitation documents through the BidNet electronic platform, advertise in the local newspaper and give notice of this opportunity to all eligible financial institutions within the District's territory. Commissioner Reed moved to authorize staff to solicit proposals for depository banking services, Commissioner Lopez seconded, and the motion passed unanimously.

9. Consideration and ACTION to authorize the Director of Human Resources to enter into a worksite agreement for subsidized work-based training with Workforce Solutions Cameron.

Ms. Gonzalez addressed the Board that Workforce Solutions Cameron provides subsidized work-based training opportunities to help individuals gain practical experience and improve their employability. Under this Agreement between Workforce Solutions Cameron and the Port of Brownsville, eligible participants will be offered training opportunities in the Engineering and IT Departments. Wages will be funded by Express Employment Professionals and will be processed through Workforce Solutions Cameron, the Employer of record. The program is intended to give participants exposure to real-world work environments while developing practical, professional, and leadership skills that will prepare them to contribute effectively to the community's workforce. Training assignments will vary in length but will not exceed 26 weeks. Workforce Solutions Cameron will provide liability and workers' compensation coverage for the participants. This Agreement becomes effective on the last signature date of the parties and will remain in effect for one calendar year, unless terminated earlier by mutual written agreement of both parties or by either party providing 30 days' written notice to the other. Discussion followed regarding the program and involvement of staff in training. Commissioner Wood moved to authorize the Director of Human Resources to enter into a worksite agreement with Workforce Solutions Cameron to provide subsidized work-based training opportunities, Commissioner Lopez seconded, and the motion passed unanimously.

10. Consideration of and ACTION to ratify Change Order No. 1 to the BND Cargo Dock

10 Maintenance Dredging project, to accept work performed by Orion Construction L.L.C., and to authorize final payment, including retainage.

Mr. Martinez addressed the Board that on August 9, 2025, Orion Construction L.L.C., working under contract 4782, achieved substantial completion of the BND Cargo Dock 10 Maintenance Dredging project. Change Order No. 1 accounts for the new rate per cubic yard requested by Orion Construction due to the hardness of the material found on Cargo Dock 10. Additional to this, Change Order No. 1 also accounts for extra stand-by time which was accumulated every time a vessel was moored to any dock from Cargo Dock 11 to Cargo Dock 16. Change Order No. 1 will increase the total contract amount to \$2,641,934.00. Orion Construction, L.L.C. is requesting acceptance of the work completed, the release of final payment, including retainage, and a \$40,000 discount, for a total amount of \$1,224,584.00. Commissioner Reed moved to ratify Change Order No.1 to the Cargo Dock 10 Maintenance Dredging project, authorizing release of final payment to Orion Construction L.L.C. in the amount of \$1,224,584.00, which includes retainage, Commissioner Wood seconded, and the motion passed unanimously.

ECEXECUTIVE SESSION

- 11. 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).**

There was none.

- 12. Possible ACTION on matters or items discussed in Executive Session.**

There was none.

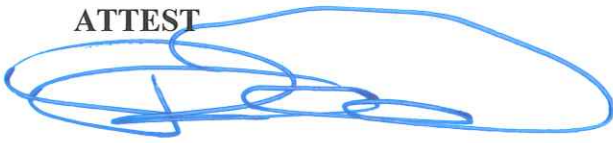
- 13. Adjournment.**

Commissioner Lopez moved to adjourn the meeting, Commissioner Gutierrez seconded, and the meeting was adjourned by unanimous consent at 6:09 p.m.



Esteban Guerra
Chairman of the Board

ATTEST



John Reed, Secretary