

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD OCTOBER 7, 2026 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, October 7, 2026, at 5:30 p.m.**

The following individuals were present and absent:

PRESENT: Sergio Tito Lopez, Chairman
Ernesto Gutierrez
John Reed
Luis Villarreal
David Garcia

ABSENT: None

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

STAFF MEMBERS: Arturo Gomez
Janie Velasquez
Manuel Martinez
Jorge Montero
James Paschall
Carlos Garza
Margie Recio
Michael Davis
Yessenia Gonzalez
Maria Elena Sanchez
Guillermo Rico
Jorge Montero
Santos Barbosa
Estela Rangel
Zeus Yanez
Ervey Gonzalez
Adriana Montiel
Ana Pascual
Pablo Esquivel

OTHERS PRESENT: Rev. Andreas Lewis
Jorge de la Colina
Xavier Valverde
Ruben Guerra
Hollie Takacs

Kris Wood
Shariff Gonnella
Adhlemmy Sanchez
Clint Harp
David Krams
Kristen Garza
Ricardo Gonzalez
Arlemy Martinez
Kendall Spurlin
Durkin Ledger
Eliud Cavazos
Uriel Gavito
Joseph Leal
Everard McDowell
Paul Shane
Victor Garza
John Clint
Toribo Garza
Thomas Helmke
Mark Helmke
Joseph Leal
Everard McDowell

REGULAR MEETING

1. Meeting Called To Order

At 5:30 p.m. Chairman Lopez 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

Adhlemmy Sanchez addressed board regarding items on the agenda relating to Space Exploration Technologies Corp.

Etienne Rosas registered to address the board, but did not appear.

3. Director's Report

The reports were included in the Board's packet. No presentation was made.

Mr. Dietrich then asked that Items 7(1), (3), and 15 be tabled. Commissioner Villarreal so moved, Commissioner Gutierrez seconded, and the motion passed unanimously.

4. Port Monthly Operations Summary Report

The report was included in the Board's packet. No presentation was made.

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CONSENT AGENDA ITEMS

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

- a. Approval of the Minutes of the Regular Board Meeting of September 2, 2026.
- b. Approval to authorize payments over \$25,000.
 1. Diverse Construction, the amount of \$75,157.00, for the Texas A&M Lift Station project.
 2. Russel Marine, LLC, the amount of \$774,290.48, for the Cargo Dock 3 – Phase I and III Demolition and Construction project.

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

ACTION ITEMS

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

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 Investment Policy C501(Local), Investment Strategy C501 (Exhibit A), and List of Approved Brokers/Dealers and Investment Pools C501(Exhibit 8) contained in it not less than annually, and to adopt a Resolution certifying this review and adopt changes, if any. A Resolution that fulfills the foregoing requirement is included with this agenda item. Port Staff have reviewed the attached Investment Policy, Investment Strategy and List of Approved Brokers/Dealers and Investment Pools and noted no revisions are necessary at this time. Commissioner Reed moved to approve the Resolution certifying review and adoption of the District's Investment Policy C501 (Local), Investment Strategy C501 (Exhibit A), and List of Approved Brokers/Dealers and Investment Pools C501 (Exhibit B) as presented, Commissioner Gutierrez seconded, and the motion passed unanimously.

7. Consideration and Action on Assignments, Negotiations, Easements, Subleases, and Contracts, in general:

Mr. Dietrich then addressed the Board regarding the following Items:

1. Blue Rock Materials LLC (Authority to Negotiate)

This item was tabled.

2. Cellco Partnership d/b/a Verizon Wireless (Authority to Negotiate)

Cellco Partnership d/b/a Verizon Wireless has been using the Port of Brownsville (POB) communication tower located on Everglades Road as a temporary location for its telecommunications equipment. The equipment was relocated to allow Verizon Wireless to continue providing service while the permanent tower is being reconstructed. Verizon Wireless's use of the site was originally authorized under Term Sheet Contract #4781 for an initial term of nine months, commencing June 1, 2025, with an option to renew for an additional three-month term. The term sheet expired in May 2026, and since the expiration of the term sheet, Verizon Wireless has continued to use the site on a month-to-month basis. Verizon Wireless is seeking a

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new lease for an eighteen-month term to continue using the site. The requested term is intended to provide Verizon Wireless with a temporary location until Crown Castle completes construction of the replacement tower. Based on the current construction timeline, completion of the replacement tower is anticipated in late 2027, at which time Verizon Wireless and other carriers will install their equipment on the new tower. The purpose is to provide cell coverage and the operation of a wireless cell site. Commissioner Reed moved to authorize negotiations for a new lease with Cellco Partnership dba Verizon Wireless, Commissioner Garcia seconded, and the motion passed unanimously.

3. Filegonia Aggregates LLC (Authority to Negotiate)

This item was tabled.

4. International Longshoremen No. 2995 (Authority to Negotiate)

International Longshoremen No. 2995 (ILA) under contract #3948 has been on a month-to-month tenancy since May 2022. The ILA is seeking a new lease for approximately 0.08 acres located at 8160 Old State Hwy 48. The proposed use of the site is to continue to supply union labor services to stevedoring companies. The proposed lease term would be for an initial period of one-year with four additional one-year renewal options. A Special Conditions provision will be added to the lease agreement stating that if lessee submits a written request to renew the terms 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. Commissioner Garcia moved to authorize negotiations for a new lease with International Longshoremen No. 2995, Commissioner Villarreal seconded, and the motion passed unanimously.

5. Karpower Valley Inc. (Authority to Negotiate)

The Board previously authorized POB staff to negotiate new leases for Parcels D, E, F, G, H-I, and IV with Karpower Valley Inc. Since that time, POB staff have continued working with Karpower in support of the company's phased development of the parcels and operational needs. Staff and Karpower have also been coordinating surveying activities necessary to prepare the metes and bounds descriptions for the individual parcels. Staff is requesting authority to continue negotiations with POB staff through December 31, 2026 and to allow additional time to complete the necessary surveying activities and finalize the metes and bounds descriptions for multiple parcels. Commissioner Reed moved to authorize staff to continue negotiations with Karpower Valley Inc. through December 31, 2026, Commissioner Gutierrez seconded, and the motion passed unanimously.

6. Space Exploration Technologies Corp. (Authority to Negotiate – Easement & Right of Way Agreement)

SpaceX is seeking a 30-foot-wide Easement and Right of Way (ROW) Agreement for the construction, operation, and maintenance of one 16-inch underground pipeline. The proposed pipeline will be located approximately 150 feet below the surface and will extend approximately 4,319 linear feet, beginning at the SH 48 right of way line and extending to property owned by SpaceX located south of R.L. Ostos Road. The pipeline will be used to transport natural gas to the SpaceX site. SpaceX will continue to work closely with POB Engineering staff to finalize the proposed construction plans, required permits, and pipeline alignment. Commissioner Garcia

moved to authorize negotiations for an easement and right of way agreement, Commissioner Villarreal seconded, and the motion passed unanimously.

7. The Metals Company USA, LLC (Authority to Negotiate)

The Board previously authorized staff to negotiate an Option to Lease with The Metals Company USA, LLC. Since that time, POB staff have continued to work with the company's representatives to review the proposed development timeline and address site-specific requirements associated with the project. Staff is seeking Board approval to continue negotiations with The Metals Company USA, LLC through December 2026, allowing the company additional time to conduct due diligence related to the potential construction and operation of a minerals processing facility. The proposed project includes the offloading and stockpiling of polymetallic nodules, as well as their processing, including crushing, mineral processing, refining, and smelting. Commissioner Reed moved to authorize POB staff to continue negotiations with The Metals Company USA, LLC through December 31, 2026, Commissioner Gutierrez seconded, and the motion passed unanimously.

8. Warwagon, Inc. (Authority to Negotiate)

Warwagon, Inc. is seeking a new lease for approximately 0.918 acres, including 200 linear feet of dock, located at 2275 Angler's Place Road. The proposed lease term would be for an initial period of one-year with four additional one-year renewal options. A Special Conditions provision will be added to the lease agreement stating that if lessee submits a written request to renew the term and 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 is for shrimp operations and maintenance of personal and third-party boats. Commissioner Gutierrez moved to authorize negotiations for a new lease with Warwagon, Inc., Commissioner Villarreal seconded, and the motion passed unanimously.

9. Francisco Pena d/b/a Port Machine Shop (Termination / Release of Lease)

Francisco Pena d/b/a Port Machine Shop entered into Lease Agreement Contract No. 4539 with the District for approximately 0.321 acres located at 1720 Everglades Road for the operation of a machine shop. Mr. Pena, the lessee, has passed away. Mrs. Pena and adult children have represented to the District that they are the successors in interest of lessee and have full authority to act on behalf of lessee. On June 19, 2026, the Pena family entered into a purchase agreement with SGV Injection Plastic Molding, LLC ("SGV") for the sale of certain property, including an approximate 2,400 square foot building located on the leased premises. In connection with the proposed sale and SGV's request for a new lease with the District, Port Machine Shop desires to terminate lease agreement contract #4539. The sale is subject to the District's approval of a new lease between the District and SGV. Mr. Irwin suggested that items 6(9) and (10) be considered together since they are related items.

10. SGV Injection Plastic Molding LLC (New Lease)

SGV Injection Plastic Molding LLC ("SGV") is in the process of acquiring the assets from Francisco Pena dba Port Machine Shop. The assets include an approximately 2,400 square foot structure and related machine shop equipment. SGV Injection Plastic Molding LLC is seeking a new lease for the purpose of operating a welding and fabrication machine shop to support the needs

of the fishing industry, as well as other industrial operations. The term of the lease will be for an initial period of one year with four additional one-year renewal options. A Special Conditions provision will be added to the lease agreement stating 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 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.

Commissioner Gutierrez moved to approve the release/termination of lease agreement with Francisco Pena d/b/a Port Machine Shop and to approve the New Lease for SGV Injection Plastic Molding LLC, Commissioner Reed seconded, and the motion passed unanimously.

11. Jose Alfredo Sanchez d/b/a Antojitos Freddy (New Lease)

Jose Alfredo Sanchez, d/b/a Antojito Freddy, is seeking a new lease for approximately 0.36 acres located at 8150 Old SH 48. The proposed use of the site is to continue operating as a restaurant. The initial term will be for one year and the lessee and District may agree 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. Commissioner Gutierrez moved to approve the new lease for Jose Alfredo Sanchez d/b/a Antojitos Freddy, Commissioner Villarreal seconded, and the motion passed unanimously.

12. Shallow Stalker Boat, LLC (New Lease)

This new lease with Shallow Stalker Boat, LLC. will replace BND Contract# 4107 for approximately 1.768 acres located on Angler's Place Road. The proposed use of the site is for marine manufacturing and repair. The initial term will be for one year and the lessee and District may agree to extend the term of the agreement by four terms of one year each. A Special Conditions provision will be added to the lease agreement stating 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 their discretion. If the request is denied, the lease will expire on the current expiration date. Commissioner Gutierrez moved to approve the new lease for Shallow Stalker Boat, LLC, Commissioner Villarreal seconded, and the motion passed unanimously.

13. Motus T1, LLC (License Agreement)

Motus T1, LLC. (Contract #3964) is seeking the Board's approval of a License Agreement to install product pipelines extending from its leased site to Liquid Cargo Dock. The proposed installation includes seven 8-inch & one 4-inch pipelines. The proposed License Agreement is to take effect on October 1, 2026, and will remain in force for the duration of the existing lease under the same terms and conditions. The current lease term expires on September 18, 2028, with three additional five-year renewal options available under the same terms and conditions outlined in the lease. Commissioner Villarreal moved to approve the License Agreement with Motus T1, LLC, Commissioner Gutierrez seconded, and the motion passed unanimously.

14. Motus T2, LLC (License Agreement)

Motus T2, LLC (Contract# 4026) is seeking the Board's approval of a License Agreement to install product pipelines extending from its leased site to liquid Cargo Dock. The proposed installation includes one 10-inch, two 12-inch & three 24-inch pipelines. The proposed License Agreement is to take effect on October 1, 2026, and will remain in force for the duration of the existing lease under the same terms and conditions. The current lease term expires on February 3, 2030, with three additional five-year renewal options available under the same terms and conditions outlined in the lease. Commissioner Villarreal moved to approve the License Agreement with Motus T2, LLC, Commissioner Reed seconded, and the motion passed unanimously.

15. CHCL Enterprises, LLC (Consent to Sublease)

CHCL Enterprise, LLC, a current lessee, is seeking the Board's Consent to sublease approximately 7.62 acres, including buildings of approximately 15,000 square feet and 20,000 square feet, to Sunbelt Rentals, Inc. The proposed use is for equipment and tool rental, sale, display, repair, maintenance, warehousing, inside and outside storage of such equipment and tools generally used in construction, in industry, and by consumers/homeowners, which includes trailers and heavy machinery, above ground storage tanks for oil, gasoline and other petroleum products and waste materials. Commissioner Gutierrez moved to approve the Consent to Sublease for CHCL Enterprises, LLC, Commissioner Villarreal seconded, and the motion passed unanimously.

16. VMK Equipment Series, a series of VMK Investment Group, LLC (Lease Amendment)

VMK Equipment Series, a current lessee under BND Contract No. 4560, located at 3600 North Chemical Road, is seeking the Board's approval to amend its Lease Agreement to add approximately 6.16 acres to the leased premises and adjust the rental rate and security deposit in accordance with District leasing policies. The current leased premises consist of approximately 3.61 acres. The proposed lease amendment would add approximately 6.16 acres, resulting in a total leased area of approximately 9.77 acres. Commissioner Villarreal moved to approve the Lease Amendment for VMK Equipment Series a series of VMK Investment Group, LLC, Commissioner Gutierrez seconded, and the motion passed unanimously.

17. Don Wolfe d/b/a Wolfe Sandblasting & Industrial Painting (Renewal of Lease)

Don Wolfe d/b/a Wolfe Sandblasting & Industrial Painting entered into lease agreement contract No. 4764 with the District on November 1, 2024, for an initial term of one year covering approximately 0.358 acres located at 1800 Bayou Court. The lease provides that the lessee and District may agree to extend the lease for up to four additional one-year terms, provided the lessee is not in default and obtains board approval. The current term expires on October 31, 2026, and lessee is seeking the Board's approval to exercise a one-year renewal option for the period of November 1, 2026, through October 31, 2027. Staff confirmed that the lease is not in default. The permitted use of the leased premises is for sandblasting and painting operations. The lease agreement does not permit lessee to conduct boat repair or maintenance operations for boats owned by third parties. Commissioner Garcia moved to approve the Renewal of Lease for Don Wolfe d/b/a Wolfe Sandblasting Industrial Painting, Commissioner Gutierrez seconded, and the motion passed unanimously.

18. Space Exploration Technologies Corporation (Renewal of Lease)

Space Exploration Technologies Corp. entered into a lease agreement contract No. 4745 with the

District for an initial term of one year covering approximately 1.649 acres located at 15700 RL Ostos. The lease provides that lessee and District may agree to extend the agreement for up to four additional one-year terms, provided the lessee is not in default and obtains board approval. The current term expired on September 17, 2026, and lessee is seeking the Board's approval to exercise a one-year renewal option for the period of September 18, 2026 through September 17, 2027. Staff confirms that the lease is not in default. The permitted use of the leased premises is for a staging area for hardware such as pressure vessels, vaporizers, stars launch tower components, and other Lessee equipment and components. Commissioner Reed moved to approve the Renewal of Lease for Space Exploration Technologies Corporation (Contract #4745), Commissioner Garcia seconded, and the motion passed unanimously.

19. Yolanda Linarte d/b/a Marine & Industrial Safety Association (Renewal of Lease)

Yolanda Linarte d/b/a Marine & Industrial Safety Association entered into a lease agreement contract No. 4540 with the District on October 1, 2021, for an initial term of five years covering approximately 0.294 acres located at 1120 Everglades Road. The lease provides that the lessee and District may agree to extend the lease for one additional five-year term, provided the lessee is not in default and obtains board approval. The current term expired on September 30, 2026, and the lessee is seeking the Board's approval to exercise the five-year renewal option for the period of October 1, 2026, through September 30, 2031. Staff confirmed that the lease is not in default. The permitted use of the leased premises is for marine safety consulting & H-2B permits. Commissioner Garcia moved to approve the renewal of lease for Yolanda Linarte d/b/a Marine & Industrial Safety Association, Commissioner Villareal seconded, and the motion passed unanimously.

20. City of Brownsville (Easement Agreement)

The City of Brownsville (COB) is requesting a 20' ingress and egress easement across area currently leased to Lone Star National Bank for the purpose of allowing access for emergency vehicles and emergency personnel from Brownsville Fire Department Station #8 to and from a public roadway, namely Illinois Road. Additionally, the City of Brownsville shall build (or improve) an all-weather surface with caliche, asphalt or concrete on the easement property as well as on the adjacent access road identified as Illinois Road. COB will need to submit its plans for construction of an all-weather surface to the District's Engineering Department for review and approval prior to commencement of construction. Lone Star National Bank will jointly execute the easement agreement as consent and agreement of the easement. For so long as this easement is in effect, it shall be the COB's responsibility to maintain the easement property and Illinois Road in a manner safe and appropriate for its intended use. To the extent permitted by law, the COB agrees to indemnify and hold the District harmless for any claims arising out of use of the property, provided that such claims do not arise out of the sole negligence, gross negligence, or intentional misconduct. The term of the easement is for a period of twenty-five years and both entities may mutually agree to extend the term of the easement for an additional term of twenty-five years on the same terms and conditions. Legal Counsel has reviewed the agreement and concurs that it is ready for consideration by the BND Commission. Commissioner Reed moved to approve the easement agreement for City of Brownsville, provided that the easement agreement require completion of the road improvements within 12 months, Commissioner Villarreal seconded, and the motion passed unanimously.

BIDS / AGREEMENTS / PURCHASES

Mr. Barbosa presented items 8-10 together. Villarreal Gutierrez

8. Consideration and ACTION to authorize Port Staff to solicit proposals for asphalt pavement improvements at the BND maintenance department yard.

Mr. Barbosa addressed the Board that BND Staff is requesting authorization from the Board of Commissioners to advertise and solicit proposals for asphalt pavement improvements within the BND Maintenance Department Yard. This project will include the furnishing of material and related work required to extend asphalt pavement improvements. The asphalt pavement improvements will provide a durable and suitable surface for maintenance department operations, including the movement, parking, servicing, and maintenance of vehicles and heavy equipment. Extending the asphalt will also help improve site accessibility, drainage, and overall working conditions within the maintenance department yard. Upon Board authorization, BND staff will advertise a Request for Proposals in the local newspaper and will make the solicitation documents available on the Port of Brownsville's website and through the BidNet electronic procurement platform, (www.bidnet.com).

9. Consideration and ACTION to authorize Port Staff to solicit proposals for repairs and improvements to the Port of Brownsville North Tank.

Mr. Barbosa addressed the Board that Staff is requesting authorization from the Board of Commissioners to advertise and solicit proposals for repairs and improvements to the Port of Brownsville North Tank (IMG). The proposed repairs and improvements will address necessary maintenance, and rehabilitation needs to ensure the tank remains in good operating condition and continues to provide reliable water storage capacity. The work will help improve the tank's overall condition, functionality, and long-term serviceability. Upon Board authorization, BND staff will advertise a Request for Proposals in the local newspaper and will make the solicitation documents available on the Port of Brownsville's website and through the BidNet electronic procurement platform, (www.bidnet.com).

10. Consideration and ACTION to authorize Port Staff to solicit proposals for testing and laboratory services at the Fishing Harbor Wastewater Treatment Plant, the Northside Plant, and the Turning Basin Wastewater Treatment Plant.

Mr. Barbosa addressed the Board that Staff is requesting authorization from the Board of Commissioners to advertise and solicit proposals for Testing and Laboratory Services for the Fishing Harbor Wastewater Treatment Plant, Northside Plant, and Turning Basin Wastewater Treatment Plant. The testing and laboratory services will provide the necessary analytical support to monitor wastewater treatment processes and ensure compliance with applicable regulatory requirements. These services will include the collection, analysis, and reporting of wastewater samples as required for ongoing plant operations and regulatory compliance. Upon Board authorization, BNO staff will advertise a Request for Proposals in the local newspaper and will make the solicitation document available on the Port of Brownsville's website and through the

BidNet electronic procurement platform, (www.bidnetcom).

Commissioner Villarreal moved to approve Items 8-10 as presented authorizing the solicitation of proposals as requested, Commissioner Gutierrez seconded, and the motion passed unanimously.

11. Consideration and ACTION to award a contract with ST Sanitation, LLC and CB3 Consultants, Equipment, & Hauling for on-call services for the disposal of wastewater treatment residuals and related services OWT-063026-51.

Mr. Barbosa addressed the Board that, on June 20th, the Facilities and Maintenance Department published a Request for Proposals for On-Call Services for the Disposal of Wastewater Treatment Residuals and Related Services. On July 30th, the project closed and two responses were received. The evaluation committee evaluated proposals based on Key Personnel References, Project-Related Experience and Qualifications, Technical Proposal, and Pricing. The Facilities and Maintenance Department has chosen to recommend both respondents to be awarded as primary and secondary to ensure availability of service. BND Staff is seeking authorization to obtain services from ST Sanitation, LLC (primary) and CB3 Consultants, Equipment & Hauling (secondary) for On-Call Services for the Disposal Wastewater Treatment Residuals and Related Services OWT-063026-51. The term of these agreements shall be for a primary term of 12 months with the option to renew for up to four (4) additional one-year periods, not to exceed five (5) years. Commissioner Reed moved to award contracts to ST Sanitation, LLC (primary) and CB3 Consultants, Equipment, & Hauling (secondary) for On-Call Services for the Disposal of Wastewater Treatment Residuals and Related Services, Commissioner Gutierrez seconded, and the motion passed unanimously.

12. Consideration and ACTION to authorize Port Director and CEO to execute and approve the proposal from HDR Engineering, Inc. for the USACE Coordination on 408 Authorization and Memorandum of Agreement for Easement Removal on Placement Area 5A.

Mr. Martinez addressed the Board that HDR Engineering, Inc. has submitted the coordination proposal with USACE Real Estate Division and Operation Division to permanently remove the easement on Placement Area 5A. This work is a continuation of previous assessments performed by the firm on Placement Areas 5A and 5B and will be completed under the recently extended Master Service Agreement. With these Task Orders, HDR will provide services to coordinate with USACE on both Memorandum of Agreement for Easement Release and a Section 408 Authorization. HDR will prepare environmental documentation for Categorical Exclusion documents, Phase I Environmental Site Assessment and a cultural resources desktop assessment, along with the 408 application for submittal to USACE Operations. HDR will provide services on a Time and Material basis and estimates a fee of approximately \$98,000.00. This amount will be reimbursed by the tenant as stated in the lease contract. Commissioner Villarreal moved to authorize the Port Director and CEO to accept the proposal from consultant HDR Engineering, Inc., to perform the work related to USACE Coordination on 408 Authorization and Memorandum of Agreement for Easement Removal on Placement Area 5A, Commissioner Gutierrez seconded, and the motion passed unanimously.

13. Consideration of and ACTION on Master Service Agreements with selected firms for on-call professional engineering services for Port infrastructure projects.

Mr. Martinez addressed the Board that, on June 17, 2026, the Board of Commissioners accepted the evaluation and recommended list of firms that responded to the Statement of Qualifications for On-Call Professional Engineering Services. The selected firms will form a pool of service providers that will be utilized on an on-call basis as project needs arise. BND Staff is now requesting consideration and approval from the Board of Commissioners to execute a Master Service Agreement with each of the Professional Engineering Service providers in the following categories: Maritime Engineering, Construction Phase Engineering, Environmental Services, Traffic Engineering, Stormwater Systems, Water Distribution, Wastewater Collection and Treatment, Development Services, Third-Party Facility Inspection, Construction Material Testing, and Surveying Services. Proposals or Project Specific Questionnaires will be requested from the selected firms to evaluate which firm is the most qualified for the identified project. Detailed task orders and associated costs will be presented to the Board of Commissioners for authorization on a project-by-project basis, as needed. Commissioner Garcia moved to approve the execution of 24 Master Service Agreements for on- call Professional Engineering Services with qualified engineering firms, Commissioner Reed seconded, and the motion passed unanimously.

14. Consideration and ACTION to authorize Port Director and CEO to execute a License Agreement with U.S. Customs and Border Protection for the Carrizo Cane Eradication activities.

Mr. Martinez addressed the Board that BND staff has received a proposed License Agreement from the U.S. Customs and Border Protection to allow access to Port property for the purpose of performing the Carrizo Cane Eradication and control of vegetation activities next to the Rio Grande River. This site is located south of South Port Connector Road and State Highway 4. Commissioner Garcia asked if this property would be used specifically for enforcement activities and Mr. Dietrich noted it would not be. Commissioner Gutierrez moved to authorize the Port Director and CEO to execute the license Agreement with the U.S. Customs and Border Protection to allow access to Port premises to perform the Carrizo Cane Eradication activities, Commissioner Reed seconded, and the motion passed unanimously.

15. Consideration and ACTION to enter into an Earthen Material Sale Agreement with Space Exploration Technology Corp. for fill dirt from DMPAs 4 and 7.

This item was tabled.

16. Consideration and ACTION to designate a signatory for the East Ostos Road Pavement Improvements project documents with the Texas Department of Transportation.

Mr. Martinez addressed the Board that BND Staff has been working with Texas Department of Transportation (TXDOT) Maritime Division on a grant for the East Ostos Road Pavement Improvements of approximately 3 miles of road widening and utility adjustments. On June 17,

2026, BND Commissioners adopted the resolution to enter an Advance Funding Agreement with TXDOT to accept the grant in the amount of \$7,299,714.00 for this project. TXDOT requires BND staff to submit a Signatory Approval form to designate responsible individuals accountable for the propriety and policy compliance of the project documentation. Commissioner Gutierrez moved to approve the item was presented for the East Ostos Road Pavement Improvements to comply with TXDOT's grant requirements, Commissioner Villarreal seconded, and the motion passed unanimously.

17. Consideration and ACTION on Change Order No. 1 to the Texas A&M Lift Station Construction project to adjust cost and time due to collapsed manhole.

Mr. Martinez addressed the Board that, during the preparation to place the shoring box to safely install the lift station, a manhole collapsed affecting all work performed by Diverse Construction L.L.C. The outburst of wastewater quickly filled the excavated area and damaged the wellpoints installed to maintain dry and stable soil condition. Change Order No. 1 accounts for the additional cost of equipment rental required to recover the construction progress and the time delay incurred. Change Order No. 1 will increase the current contract amount by \$50,000.00 to a new total of \$375,000.00. Commissioner Reed asked how staff knew this was not contractor error. Martinez noted the age and condition of the manhole were known at the outset of the project. Mr. Martinez also noted that the contractor had substantially decreased its requested price. Commissioner Garcia moved to approve Change Order No. 1 to the Texas A&M Lift Station contract with Diverse Construction L.L.C., increasing the current \$325,000.00 contract amount by \$50,000.00, for the new contract amount of \$375,000.00 and increasing the current 90 calendar days contract time by 60 calendar days, for the new contract time of 150 calendar days, Commissioner Gutierrez seconded, and the motion passed unanimously.

EXECUTIVE SESSION

18. 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 (§ 551.071); 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).

- a. Discussion with attorney regarding pending or contemplated litigation relating to BRG Railroad (§ 551.071).
- b. Discussion with attorney regarding possible purchase, exchange, lease, or value of real property relating to Space Exploration Technologies Corp. (§ 551.071 and § 551.072).
- c. Discussion with attorney regarding pending or contemplated litigation relating to Lone Star National Bank (§ 551.071) .

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Commissioner Gutierrez moved to adjourn into executive session, Commissioner Villarreal seconded, and the motion passed unanimously at 6:02 p.m.

Chairman Lopez reconvened the meeting in open session at 8:05 p.m.

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

- a. Action, if any, relating to Item 18(a).

Commissioner Garcia moved to proceed as discussed in executive session, Commissioner Reed seconded, and the motion passed unanimously.

- b. Action, if any, relating to Item 18(b), including possible action on a memorandum of understanding.

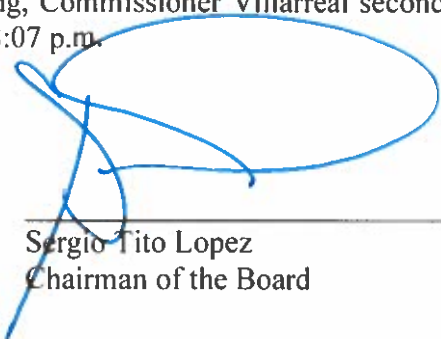
Commissioner Reed moved to table this item, Commissioner Gutierrez seconded, and the motion passed unanimously.

- c. Action, if any, relating to Item 18(c).

Commissioner Garcia moved to proceed as discussed in executive session, Commissioner Gutierrez seconded, and the motion passed unanimously.

20. Adjournment.

Commissioner Reed moved to adjourn the meeting, Commissioner Villarreal seconded, and the meeting was adjourned by unanimous consent at 8:07 p.m.



Sergio Tito Lopez
Chairman of the Board

ATTEST



John Reed, Secretary