

**THE STATE OF TEXAS §
BROWNSVILLE NAVIGATION DISTRICT §
COUNTY OF CAMERON §**

Esteban Guerra, Chairman
John Reed, Secretary
Ernesto Gutierrez, Commissioner

Sergio Tito Lopez, Vice Chairman
John Wood, Commissioner

William Dietrich, Port Director and CEO

**NOTICE OF A PUBLIC HEARING AND 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 **Wednesday, August 21, 2024** in the Board Room located at 1000 Foust Road, Brownsville, Cameron County, Texas. The Board of Commissioners will convene in a **Public Hearing at 5:30 p.m. and Regular Board Meeting to commence immediately after the conclusion of the Public Hearing.**

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PUBLIC HEARING: 5:30 pm

1. Public Hearing to receive public comment on the proposed 2024 ad valorem tax rate that will exceed the No-New-Revenue tax rate.

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REGULAR MEETING: to commence immediately after the conclusion of the Public Hearing

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*.

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 August 07, 2024. 8

b) Approval to authorize payments over \$25,000.00. 16

	Vendor	Purpose	Amount	
1	Chemical Response & Remediation Contractors Inc.	Phase 2 of the tanker fire, spill and remediation response	\$37,379.75	17
2	HDR Engineering Inc	PA8 – study design project and Channel Deepening Project – Construction phase support	\$33,131.66	30
3	R.R.P. Consulting Engineers, LLC	Design Phase and environmental services for the Fishing Harbor Wastewater Treatment Plant	\$161,542.00	37

ACTION ITEMS

5. Discussion and Possible Action to approve amendments to the District’s Fiscal Year 2024 Operating Budget. (ZY) 48

6. Consideration and ACTION to vote on a Resolution to adopt a 2024 property tax rate for the Brownsville Navigation District at a rate not to exceed \$0.026713 per \$100 valuation. (ZY) 53

7. Consideration and ACTION to approve the Port of Brownsville Business Park Rules and Regulations. (JV) 57

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

1.	OLG Petroleum, LLC (Consent to Assignment)	64
2.	South Texas Railways, Inc. (Lease Amendment)	67
3.	Guadalupe Ochoa (New Lease)	70

BIDS/AGREEMENTS/PURCHASES

9. Consideration and ACTION to Authorize Port Staff to extend the rental of a bulldozer for the continued development of the 118-acre Industrial Park and Patio 22T expansion, pursuant to BuyBoard contract #685-22. (JH) 73
10. Consideration and ACTION on Project Scope Change by HDR Engineering, Inc. on engineering services for the BND Cargo Dock No. 3 Project, and to authorize the Port Director & CEO to execute the Scope Change proposal. (MM) 75
11. Consideration and ACTION to authorize the Port Director and CEO to execute Receipt and Release Affidavit on Oil Dock #6 Damage Repairs by R.M. Walsdorf, Inc. on behalf of Kirby Inland Marine, L.P. (MR) 83
12. Consideration and ACTION to purchase materials (limestone and geogrid) for Patio 22T – 20-acre laydown area development. (AG) 98
13. Consideration and ACTION on approval of Employment Agreement for Port Director and CEO. (EG) 99

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EXECUTIVE SESSION:

14. 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).
15. Possible ACTION on matters or items discussed in Executive Session.
16. 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 August 21, 2024 Agenda of items to be considered by the Brownsville Navigation District Commission was posted on the Bulletin Area at the BND Building on August 16, 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, Port Director & CEO
Brownsville Navigation District