

**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 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, September 04, 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 5:30pm.**

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REGULAR MEETING: 5:30 p.m.

- 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 August 21, 2024. 45
- b) Approval to authorize payments over \$25,000.00. 53

	Vendor	Purpose	Amount	
1	A & I Custom Manufacturing, LLC	Railroad concrete approaches for Foust, Bill Reed & Windhaus Roads	\$110,341.80	54
2	Valley Striping Corp.	2024 Ostos Road Striping and Signage Project	\$103,205.60	56

PRESENTATION

- 5. Presentation on Infrastructure cost update for the development of the 118-acre POB Business Park. (WD) 58

ACTION ITEMS

- 6. Consideration and ACTION to ratify authorizing Port Director and CEO to sign Subordination Agreement for Bedoli Group, Inc. (Scrap Metal Services, LLC). (JV) 60
- 7. Consideration and ACTION on Leases, Amendments, Assignments, Negotiations, Easements, Subleases, and Contracts in General: (JV)

1.	Bay Island Trawlers, Inc. (Authority to Negotiate)	61
2.	Gulf Stream Marine, Inc. (Authority to Negotiate)	64
3.	Motus Energy LLC (Authority to Negotiate – Option to Lease)	67
4.	Gulf Stream Marine, Inc. (Lease Amendment)	70

BIDS/AGREEMENTS/PURCHASES

- 8. Consideration and ACTION on the Grantee/Operators agreement between the Brownsville Navigation District Foreign Trade Zone No. 62 and Brownsville Gulfside Warehouse Inc. (2 acres open storage Ostos Road Site) located at 16100 RL Ostos Road, Brownsville, TX 78521. (TR) **73**
- 9. Consideration and ACTION on the Grantee/Operators agreement between the Brownsville Navigation District Foreign Trade Zone No. 62 and Brownsville Gulfside Warehouse Inc. (formerly known as 905/BMW Inc) located at 8900 Old SH48, Brownsville, TX 78521. (TR) **83**

- 10. Consideration and ACTION to authorize the Port Director and CEO to enter into a Memorandum of Understanding (MOU) between the Brownsville Navigation District and Ternium USA, 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. (MM) **93**
- 11. Consideration and ACTION to authorize BND Acting Director of Engineering Services to execute a Contributed Funding Agreement between BND and USACE for the review and evaluation of plans for Ternium’s dock construction. (MM) **99**
- 12. Consideration and ACTION on award of bids received for the BND Cargo Dock 3 – Phase II: Pile Procurement project, and to authorize staff to issue the Notice of Award to the successful bidder. (MM) **103**
- 13. Consideration and ACTION to purchase materials (geogrid) for Patio 22T laydown area development. (AG) **105**

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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 September 04, 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 30, 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**