

Minutes of the Port Isabel-San Benito Navigation District
August 21, 2024
Regular Meeting

A regular meeting of the Port Isabel-San Benito Navigation and Canal Commission was held on Wednesday August 21, 2024, at 6:00 P.M., at the Port Isabel-San Benito Navigation District (PISBND) Office, located at 250 Industrial Drive, Port Isabel, Texas 78578.

Commissioners Present were:

Victor Barrera, Commissioner Chairman,
Joe Martinez, Commissioner Secretary,

Commissioners Absent were:

Jose L Morales, Commissioner,

Others in Attendance were:

Steve Bearden, Port Director/General Manager,
Ana V. Lopez, Office Manager,

The meeting was called to order by Chairman Victor Barrera at 6:18 P.M.

Item #3 on the Agenda Public Comments had no one from the public desiring to speak.

The Minutes for the Regular July 16, 2024, and July 16, 2024, Certified Agenda, were presented, and discussed the following motion was made:

A motion was made by Mr. Martinez and seconded by Mr. Barrera to approve minutes as presented. Motion carried unanimously.

Mr. Bearden then presented the TWIA Windstorm policy for approval for 2024-2025. He presented a spreadsheet (copy attached to these minutes) comparing each policy category to the previous year's premium rates and stated the TWIA policy had no increase in premium. The Commissioners then took the following action:

A motion was made by Mr. Martinez and seconded by Mr. Barrera to approve the TWIA Windstorm insurance policy renewals for 2024-2025 as presented. Motion carried unanimously.

Mrs. Ana Lopez reviewed renewal rate options for Employee Health and Life Insurance for 2024-2025. The monthly rate for each employee increased from the previous year's rate. Life insurance remained at the same rate. After discussion of the options, the following motion was made:

A motion was made by Mr. Martinez that was seconded by Mr. Barrera, to continue with the current Health Insurance and Life Insurance Policies and new rates. Motion carried unanimously.

Next item was discussion and possible action on a Lay Berth Lease Agreement with Great Lakes Dredge and Docks. Mr. Bearden drafted a Lease Agreement for this Lay Berth area in the Northeast corner of the Turning Basin and recommended a fee of \$1,000 per month. Mr. Bearden would have the Port Attorney review the Lease Agreement before talking to Great Lakes about the Lease. After discussion on the issue the Commissioners took the following action.

A motion was made by Mr. Martinez and seconded by Mr. Barrera to approve the Lease Agreement for \$1,000 per month and a month-to-month for two (2) years with one (1) option for an additional one (1) year after the Port Attorney reviewed the Draft Lease Agreement. Motion carried unanimously.

Mr. Bearden reviewed Agenda items number 8 and 9 together. The Harbor Pilots have presented an option to lease the north 200 feet presently leased by the Harbor Pilots to construct a Harbor Pilot station. The terms would be \$1,000 per one hundred (100) feet, which they requested a fifty (50) year lease and increase each five (5) years by 7.5%. The Commissioners agreed to proceed with this Lease Agreement but for a twenty-five (25) year period which could then be renewed at that time. Further Mr. Bearden requested to have the Port Engineer prepare for the bidding of the half acre on the west side of the old shrimp farm to raise the soil level add 4 inches of aggregate and fence the area to move General Pipe to and this new lease would be for \$500 per month for the balance of the General Pipe Lease Agreement. The south one hundred (100) feet will be used for the Texas Department of Public Safety boat yard and boat ramp.

A motion was made by Mr. Martinez and seconded by Mr. Barrera to approve the Lease Agreement with Harbor Pilots and changes to the General Pipe Lease Agreement and moving forward with engineering and bidding for the half acre site. Motion carried unanimously.

Mr. Bearden presented amendments to the 2024 Draft Budget (copy attached) that had been approved by the Commissioners at the November 16, 2023, meeting. After a discussion of the additional changes and variances, the following action was taken:

A motion was made by Mr. Martinez and seconded by Mr. Barrera to approve the amendments to the 2024 Draft Budget, as attached. Motion carried unanimously.

The Commissioner then took up the request by a member of the Long Island Village to assist them with \$100,000 to prepare the engineering for a new draw bridge to replace the present swing bridge. After discussion on the request the following motion was made and seconded:

A motion was made by Mr. Martinez and seconded by Mr. Barrera to deny the request from Long Island Village. Motion carried unanimously.

Items number 12 and 13 were taken up together. Mr. Bearden informed the Commissioners about the request from Mr. Scott Brown, PILOT, to have PISBND pay interest on the 20% match monies PILOT paid to PISBND for the EDA grant. After lengthy discussion it was decided to draft an agreement for the Port Attorney to review and have PILOT sign off to guarantee prompt payment each month during the construction period of the 20% matching funds. It was also discussed and decided not to open an additional account for this project. There being no more discussion the following action was taken:

A motion was made by Mr. Martinez and seconded by Mr. Barrera to not open a new construction account, draft a document approved by the Port Attorney for prompt guaranteed payment of the 20% matching funds as required monthly and return the present funds to PILOT once the document is executed. Motion carried unanimously.

The Commissioners discussed that starting the date the new Port Director is hired that all checks would require two (2) signatures from the M&O account. It was also decided that the Chairman and Secretary would with either one co-sign checks with the new Port Director. It was also decided that the payroll account which uses ACH disbursements would remain using the ACH method and not require two (2) signatures as it is not a check. Monies from the Payroll account can only go toward payroll and related payroll benefits and tax payments.

A motion was made by Mr. Martinez and seconded by Mr. Barrera to as states above require two (2) signatures on all checks from M&O account that the payroll disbursements would remain as ACHs and not checks. The Chaiman and Secretary would both be added to the account for the second signature with the Port Director. Motion carried unanimously.

Item #15 was tabled until the February 2025 meeting.

A motion was made by Mr. Martinez and seconded by Mr. Barrera to table action on travel by Commissioners until the February 2025 meeting to allow for the new Port Director to work with Commissioners on potential travel locations. Motion carried unanimously.

Item number #16 RFQ for Port Attorney and Item Number #17 Port Director job posting were taken up together in Executive Session.

The Commissioner went into Executive Session at 7:30 P.M with the following action:

EXECUTIVE SESSION to deliberate the employment and duties of a public officer(s), specifically the "Port Director" and "Port Attorney" (regarding advertising for and job description of Port Director and Port Attorney), pursuant to Tex. Gov't Code Ann. § 551.074 (Vernon 2004) (Personnel Matters; Closed Meeting).

The Commissioners returned to open session at 7:48 P.M., in accordance with the following motion:

A motion was made by Mr. Martinez and seconded by Mr. Barrera to return to the open session at 7:49 P.M. and discuss only two (2) item(s) and there being no action taken in Executive Session. Motion carried unanimously.

The Commissioners, after returning to open session, took up the following agenda item, Numbers 16 and 17. Discussion and (possible) Action on matters arising from or related to the said **EXECUTIVE SESSION.**"

A motion was made by Mr. Martinez and seconded by Mr. Barrera to post the Port Director position and the RFQ for Port Attorney in the Valley Morning Star, Brownsville Herald, Port Isabel and San Benito Press and McAllen Monitor (just RFQ for Port Attorney) using the approved advertisement(s) (copies attached) on November 14 and 21, 2024, and that resumes must be emailed, mailed and delivered in person by no later than Wednesday November 27, 2024 (this date was amended on Thursday August 22, 2024, by Chairman Barrera once discovered that the original date of November 29 was a closed holiday for the Port). Motion carried unanimously.

In the Monthly Director's report Mr. Bearden reported that General Pipe was late with three months' rent and he was working with them to get caught up. According to Mr. Farrer he was working closing a loan to pay the back rents and fees. Mr. Bearden said if not completely caught up by the September meeting it would be an agenda item for possible legal action. PILOT requested that the Port provide him with a letter stating the legal right to operate from the Ports property according to the tax exemption of the law. Once this language is provided Mr. Bearden will have the Port Attorney review it and then send it to each Commissioner before executing the document. Pirate Cove requested that PISBND correct a drainage issue at the entrance that may have been caused by PISBND and the Commissioners concerned that this be fixed. Mr. Bearden will be attending a Next Decade LNG community advisory board meeting next Monday to get the latest information on the legal issues and will report to the Commissioners any new information. Mr. Bearden reviewed progress made by Mr. Ochoa in cleaning up the leased property and most if not all of the repairs and removal of non-lease agreement items has taken place or will be take care before the end of the month. Next, he reviewed the September meeting date and time, and it is tentatively scheduled for Wednesday September 18, 2024, at 6:30PM.

A motion was made by Mr. Martinez and seconded by Mr. Barrera to acknowledge the Director's Report. Motion carried unanimously.

The previous month's bills were reviewed by the Commissioners. After questions and comments about some items, the following motion was made:

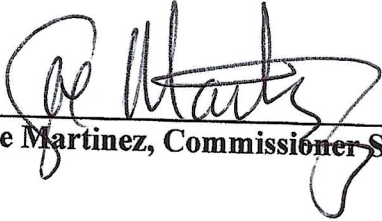
A motion was made by Mr. Martinez and seconded by Mr. Barrera to approve the payment of the bills, as presented. Motion carried unanimously.

There being no further business to come before the Commissioners, the following motion was made:

**A motion was made by Mr. Martinez and seconded by
Mr. Barrera to adjourn the meeting at 8:17 P.M.
Motion carried unanimously.**



Victor Barrera, Commissioner Chairman



Joe Martinez, Commissioner Secretary