

**Minutes of the Port Isabel-San Benito Navigation District
September 18, 2024
Regular Meeting**

A regular meeting of the Port Isabel-San Benito Navigation and Canal Commission was held on Wednesday September 18, 2024, at 6:30 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,
Jose L Morales, Commissioner,

Others in Attendance were:

Steve Bearden, Port Director/General Manager,
Ana V. Lopez, Office Manager,
Norton Colvin, Port Attorney
Deborah A Morales, City of San Benito Commissioner

The meeting was called to order by Chairman Victor Barrera at 6:32 P.M.

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

The Minutes for the Regular Meeting August 22, 2024, and August 22, 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.

Commissioner Morales abstained from voting as he was not present at the August meeting.

Mr. Bearden then discussed the use of the old forklift and requested that the fee being charged be done away with. The Commissioners are concerned over possible liability issues when using the forklift and the need to have the Port Attorney draft a document to cover liability issues. It then was decided that the best option would be for the Port Attorney to review all shrimp dock annual leases and add any language that would cover the Port indemnification and liability issues in the annual lease agreement. The Commissioners then took the following action:

A motion was made by Mr. Morales and seconded by Mr. Martinez to table action on this issue until the Port Attorney reviews the annual shrimp dock leases and to present the new Lease Agreement and Vacating the fees for the Forklift at the November annual shrimp dock renewals. Motion carried unanimously.

Mr. Bearden then discussed the possible purchase of a larger backhoe for the Port. The Port would keep the present Massey Ferguson tractor to use for mowing and purchase on Buy Board a Case 580 backhoe (76 hp). After discussing the purchase, the Commissioners wanted more detail on the purchase. The Commissioners requested the Port Director bring back more information on Case 580 in stock to the October meeting before making a decision on the purchase. The Commissioners then took the following action:

A motion was made by Mr. Morales and seconded by Mr. Martinez to table action on purchase of a new backhoe until the October meeting and for the Port Director to get complete details on the purchase item on Buy Board from Case. Motion carried unanimously.

Next item was discussion and possible action on a Resolution for Chairman Barrera to have authority to sign all documents pertaining to the USDA loan and possible grant for the construction of the Tx DPS facility. Changes were made to the Resolution by the Port Attorney to require that the full Commission review the loan amount and other documents prior to the Chairmans execution of the final loan document. After discussion on the issue the Commissioners took the following action.

A motion was made by Mr. Morales and seconded by Mr. Martinez to approve corrected Resolution (copy attached). Motion carried unanimously.

Items number 8 was taken up and 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.

The Commissioner went into Executive Session at 7:29 P.M with the following action:

EXECUTIVE SESSION to consult with PISBND's (corporate) counsel, to obtain his advice about various legal issues in regard to a Tenants Lease Agreement and Grant Conditions, which is a matter in which the duty to PISBND's Navigation and Canal Commission, under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, clearly conflicts with the Texas Open Meetings Act, pursuant to Tex. Gov't Code Ann. § 551.071 (Vernon 2012) (Consultation With Attorney; Closed Meeting).

The Commissioners returned to open session at 7:42 P.M., in accordance with the following motion:

A motion was made by Mr. Morales and seconded by Mr. Martinez to return to the open session at 7:42 P.M. and discuss only one (1) item 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, Number 10. Discussion and (possible) Action on matters arising from or related to the said **EXECUTIVE SESSION.**"

A motion was made by Mr. Morales and seconded by Mr. Martinez to deny the request from PILOT to pay interest on the money as it was not a part of the original agreement. Motion carried unanimously.

Mr. Bearden then requested that item number 11 be taken up as is the opening of a new checking account with IBC Bank using the attached Bank resolution for the Grant Project and all PILOT monies be placed in that account.

A motion was made by Mr. Morales and seconded by Mr. Martinez to open the new Grant Project account and place all PILOT funds into the new account to be used in the EDA Grant Project. Further, for the Chairman to execute the Bank Resolution. Motion carried unanimously.

Next item number 12, 13, and 14 Mr. Bearden requested no action on these items as the tenant General Pipe has paid all back months and late fees and only owes the present month of \$2,860 and will be settling with this fee in the next 10 days. The Commissioners stated that if not corrected and paid to date for this item once again to be placed on the October agenda.

A motion was made by Mr. Morales and seconded by Mr. Martinez to take no action at this time on items 12, 13 and 14. Further if the balance for September is not paid in full for this item to be placed on the agenda for the October meeting. Motion carried unanimously.

Mr. Bearden then presented the resignation of the Office Manager, Ana Lopez, effective December 31, 2024. Mr. Bearden requested that the Commissioners allow for the hiring of a new Administrative Assistant so that Ana could train this person in November and then the person could also attend the SOS Elections training in Austin in the third week in December. The Commissioners then decide to have a Special Meeting on Monday September 23, 2024 to further discuss this issue and to also place on the agenda the support letter requested by the Laguna Madre Water District.

A motion was made by Mr. Morales and seconded by Mr. Martinez to take a Special Meeting at 11:45 A.M. Monday September 23, 2024, to take up the Personnel issues and Laguna Madre Water District Request. Motion carried unanimously.

In the Monthly Director's report Mr. Bearden reported that Great Lease Agreement as reviewed by the Port Attorney was complete and the monthly rate is \$3,000 per month for two (2) years with one (1) option to renew for one (1) additional year and the Leaser agreement can be

cancelled by either party with 30 days' notice. Mr. Bearden then reported the mold issue in three (3) office in the LAMEC Building and had contract with Erasmo to remove all sheetrock and insulation in the offices and remove the mold and replace all rotten boards. The total cost of this and the overcoat of the roof with silicone material was \$14,400. Chairman Barrera said that he should also do the fill of the flowerbeds with concrete to help prevent any additional water from coming in from the bottom of the wall and expansion joint. Mr. Bearden will be working with a local contractor to bring in dirt and aggregate for the ½ acre where the move of General Pipe will be. Then contract with a fencing company to fence the area and move General Piep to the new area. Mr. Bearden stated he will be out on funeral leave at noon Thursday and return to work on Monday. Next, he reviewed the October meeting date and time, and it is tentatively scheduled for Wednesday October 16, 2024, at 6:30PM.

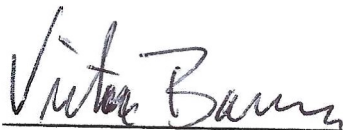
A motion was made by Mr. Martinez and seconded by Mr. Mr. Morales to acknowledge the Director's Report. Motion carried unanimously.

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

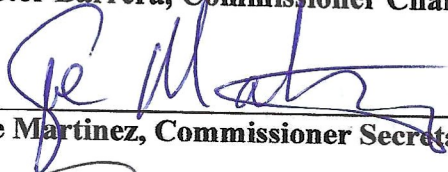
A motion was made by Mr. Martinez and seconded by Mr. Mr. Morales to approve the payment of the bills, as presented. Motion carried unanimously.

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

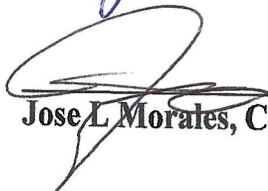
A motion was made by Mr. Martinez and seconded by Mr. Mr. Morales to adjourn the meeting at 8:11 P.M. Motion carried unanimously.



Victor Barrera, Commissioner Chairman



Joe Martinez, Commissioner Secretary



Jose L. Morales, Commissioner