

## POHA December 5, 2024

The Commissioners of the Port of Harlingen Authority (POH) met in a regularly scheduled session on Thursday December 5, 2024 at 12:00 PM at the Port's Administration Office located at 24633 Port Road, Harlingen, Texas, 78550.

**COMMISSIONERS PRESENT:** Rose Snell – Commissioner, Place 1  
Neil Haman – Commissioner, Place 2  
Alan Johnson – Chairman, Place 3  
Chris Villarreal – Commissioner, Place 4

**PORT STAFF PRESENT:** Walker Smith – Port Director  
Robert McDonald – Chief Financial Officer (remote)  
Amy Lynch – Director of Marketing & Public Relations  
Anne Jimenez - Receptionist

**OTHERS PRESENT:** Chris Boswell – Port Attorney  
Sterling King – visitor  
Art Morales – visitor  
Shelia Betancourt – visitor  
Andy Hernandez – visitor

- A. Meeting called to order at 12:15 pm.  
Declaration of conflicts of interest: Chris Villarreal submitted a conflict-of-interest affidavit concerning items H, I & J.
- B. Public Comment was delayed until 12:30 p.m. to give Circle X residents who expressed an interest in attending the meeting and making public comment to arrive on time.
- C. 1. **Item:** APPROVAL OF VOUCHERS  
2. **Issue:** To review the vouchers for approval.  
3. **Discussion:** There was no discussion regarding the vouchers.  
4. **Action Taken:** On a motion by Mrs. Snell and seconded by Mr. Villarreal, the Commissioners voted unanimously to approved the vouchers.
- D. 1. **Item:** APPROVAL OF MINUTES & CERTIFIED AGENDA FOR THE MEETING ON NOVEMBER 21, 2024  
2. **Issue:** To review the corresponding minutes.  
3. **Discussion:** There was no discussion regarding the minutes.

4. **Action Taken:** On a motion by Mr. Haman and seconded by Mrs. Snell, the Commission voted unanimously to approve the minutes & certified agenda for the meeting on November 21, 2024.

E. 1. **Item:** PORT DIRECTOR REPORT AND DISCUSSION

2. **Issue:** To hear updates regarding various projects.

3. **Discussion:** Mr. Smith presented a federal legislative report submitted by Pat Younger, the Port's federal consultant. Mr. Smith also reported that he is waiting for the final documents on the NuStar dock construction. He also reported that the fuel truck crossings have been going smoothly and the business has picked up slightly.

4. **Action Taken:** This was for discussion only.

F. 1. **Item:** PR & MARKETING DIRECTOR REPORT AND DISCUSSION

2. **Issue:** To hear updates regarding various projects.

3. **Discussion:** Mrs. Lynch reported that she has been working on legislative priorities as well as holiday gifts from the Port.

4. **Action Taken:** This was for discussion only.

*(Public Comment began at 12:30 p.m.)*

G. 1. **Item:** PUBLIC COMMENTS

2. **Issue:** To hear public comments, if any.

3. **Discussion:** The visitors referred to above gave comments regarding the potential sale of the Circle X property.

4. **Action Taken:** None.

*(Commissioner Villarreal exited the meeting chamber at this time and did not participate in the discussion or voting on the following matters.)*

H. 1. **Item:** CFO REPORT AND DISCUSSION

2. **Issue:** To hear updates regarding various projects.

3. **Discussion:** Mr. McDonald asked for feedback from the Commission regarding a loan that the Port has for the purchase of land that the payment is coming due in January. Mr. McDonald asked if the Port would refinance the loan or pay it off. The Commission asked Mr. McDonald to search for a bank that would refinance the loan at a lower interest rate.

4. **Action Taken:** This was for discussion only.

- I. 1. **Item:** CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE ASSUMPTION OF THE CEMEX CONSTRUCTION MATERIALS SOUTH, LLC LEASE AGREEMENT BY VMK CONCRETE, LLC AND/OR A LEASE BETWEEN THE PORT OF HARLINGEN AUTHORITY WITH VMK CONCRETE, LLC
2. **Issue:** To discuss the possibility of VMK Concrete assuming Cemex's lease.
3. **Discussion:** Mr. Smith explained that Cemex Construction Materials South ("Cemex") are selling their assets at the terminal here at the Port to VMK Concrete. Mr. Boswell prepared a new lease agreement for VMK Concrete. The Commissioners asked if the Port has reviewed any financial statements or documents from VMK Concrete. Mr. Smith said that he can request such information. Mr. Haman added that the Port should include a 6-month decommissioning clause in the lease agreement. Mr. McDonald also pointed out that the COLA index date was incorrect and Mr. Boswell stated that it would be corrected.
4. **Action Taken:** On a motion by Mr. Haman and seconded by Mrs. Snell, the Commission voted unanimously to authorize Mr. Boswell to submit the proposed draft lease with change for 6-month decommission timeline and any other necessary corrections..
- J. 1. **Item:** CONSIDERATION AND POSSIBLE APPROVAL OF A LANDLORD WAIVER OF SECURITY FOR VMK CONCRETE, LLC
2. **Issue:** To review and possibly approve a Landlord Waiver of Security.
3. **Discussion:** The Commission decided to table this matter.
4. **Action Taken:** Action was tabled.

*(Commissioner Villarreal returned to the meeting chamber at this time.)*

- K. 1. **Item:** DISCUSSION REGARDING A PLAN FOR THE PORT'S PIDP ASSET MANAGEMNET AND MASTER PLAN UPDATE PROJECT
2. **Issue:** To give an update regarding the grant.
3. **Discussion:** Mr. Smith stated that he reached out to MARAD to get the grant process started. He also stated that he and Mrs. Lynch are working on the Request for Qualifications to have it ready.
4. **Action Taken:** This was for discussion only.

The Commission entered the executive session authorized by Chapters 551.071 & 551.072 at 1:04 PM. They came out of the executive session at 1:40 PM. A Certified Agenda for the executive session is on file.

There being no further business, the meeting was adjourned at 1:40 PM.

ATTEST:

  
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Alan Johnson, Chairman

  
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Chris Villarreal, Secretary