

## POHA February 6, 2025

The Commissioners of the Port of Harlingen Authority (POH) met in a regularly scheduled session on Thursday February 6, 2025 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 (remote)  
Neil Haman – Commissioner, Place 2  
Alan Johnson – Chairman, Place 3  
Chris Villarreal – Commissioner, Place 4  
Ryan Newman – Commissioner, Place 5

**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  
Don Haire – Coldwell Bankers

A. Meeting called to order at 12:00 pm.

Declaration of conflicts of interest: None.

B. 1. **Item:** PUBLIC COMMENTS

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

3. **Discussion:** There were no public comments.

4. **Action Taken:** None.

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 Mr. Villarreal and seconded by Mr. Newman, the Commissioners voted unanimously to approve the vouchers.

D. 1. **Item:** APPROVAL OF MINUTES & CERTIFIED AGENDA FOR THE MEETING ON JANUARY 16, 2025

2. **Issue:** To review the corresponding minutes.

3. **Discussion:** There was no discussion regarding the minutes.

4. **Action Taken:** On a motion by Mr. Villarreal and seconded by Mr. Newman, the

Commission voted unanimously to approve the minutes & certified agenda for the meeting on January 16, 2025.

- E. 1. **Item:** CONSIDERATION AND POSSIBLE ACTION REGARDING THE QUARTERLY CASH FLOW AND INVESTMENT REPORTS
2. **Issue:** To review and approve the reports.
  3. **Discussion:** Mr. McDonald stated that the Cashflow shows that the cash available increased significantly due to higher reimbursement on the Turning Basin expansion and removal of Circle X seawall project. He also said that the Port will have \$2.9 million in cash at the end of the 5 years. Regarding the Investment report, Mr. McDonald said that the Port had a large cash balance in the bond account. The bond matured on 12-31-24 and wasn't repurchased until January 2.
  4. **Action Taken:** On a motion by Mr. Newman and seconded by Mr. Villarreal, the Commissioners voted unanimously to approve the quarterly Cashflow and Investment reports.
- F. 1. **Item:** PORT DIRECTOR REPORT AND DISCUSSION
2. **Issue:** To hear updates regarding various projects.
  3. **Discussion:** Mr. Smith reported that he visited the Capitol in Austin to discuss the Port's Overweight Corridor bill with legislators. He said he met with Rep. Janie Lopez, TxDOT & stakeholders regarding the bill. Mr. Smith reported that he had various conversations with DPS, the Governor's office and TXDOT officials regarding this matter. The bill has been filed as HB1978. Regarding USACE, Mr. Smith stated that he received an email stating that there was a pause on the CAP 107 project, however there was a following email a few days later that the pause had been lifted. Mr. Smith also stated that the PIDP 2024 funding is in limbo.
  4. **Action Taken:** This was for discussion only.
- G. 1. **Item:** PR & MARKETING DIRECTOR REPORT AND DISCUSSION
2. **Issue:** To hear updates regarding various projects.
  3. **Discussion:** Mrs. Lynch reported that she is helping with gathering information for the upcoming legislative visits to the Capitol. She also updated the Commission on the upcoming Texas Ports Association Day and Harlingen day at the Capitol.
  4. **Action Taken:** This was for discussion only.

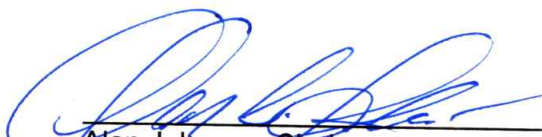
- H. 1. **Item:** CONSIDERATION AND POSSIBLE ACTION REGARDING THE STATE CONSULTING AGREEMENT WITH WILLIAM YARNELL AND TERRAL SMITH
2. **Issue:** To review the agreement for approval.
  3. **Discussion:** Mr. Smith said that a new agreement is needed as the previous one is expiring. It is a 2-year agreement with the same terms and amount as the previous one.
  4. **Action Taken:** On a motion by Mr. Haman and seconded by Mr. Villarreal the Commissioners voted unanimously to approve the consulting agreement with William Yarnell and Terral Smith.
- I. 1. **Item:** CONSIDERATION AND POSSIBLE ACTION REGARDING THE LICENSE AGREEMENT FOR COASTAL MARINE CONTRACTORS
2. **Issue:** To review the agreement for approval.
  3. **Discussion:** Mr. Smith explained that the new lease with Jones Power on the east side of the Arroyo is for a ground lease only and Coastal Marine Contractors are the company that will be transporting the pipe via barge to the Port. Mr. Smith said this would be an additional rent of \$17,000 each month. The license agreement allows Coastal Marine Contractors to operate at the Port.
  4. **Action Taken:** On a motion by Mr. Villarreal and seconded by Mr. Newman the Commissioners voted unanimously to approve the License Agreement with Coastal Marine Contractors as presented.
- J. 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 review the lease agreement.
  3. **Discussion:** This item was passed and there was no discussion.
  4. **Action Taken:** No action was taken.
- K. 1. **Item:** CONSIDERATION AND POSSIBLE APPROVAL OF A LANDLORD WAIVER OF SECURITY FOR VMK CONCRETE, LLC
2. **Issue:** To review the waiver for approval.
  3. **Discussion:** This item was passed and there was no discussion.
  4. **Action Taken:** No action was taken.

The Commission entered the executive session authorized by Chapters 551.071 & 551.072 at 1:03 PM. They came out of the executive session at 1:47 PM. A Certified Agenda for the executive session is on file.

- L. 1. **Item:** CONSULTATION WITH PORT ATTORNEY REGARDING CIRCLE X PROPERTY AND CIRCLE X LEASES PURSUANT TO TEX GOV'T CODE 551.071(2) AND 551.072.
2. **Issue:** Circle X surplus property to be sold.
3. **Discussion:** Discussion took place during the executive session.
4. **Action Taken:** On a motion by Mr. Newman and seconded by Mr. Villarreal, the Commission voted unanimously to authorize Mr. Don Haire to submit a counter offer as discussed in executive session.
- M. 1. **Item:** CONSULTATION WITH PORT ATTORNEY REGARDING RIO GRANDE VALLEY SUGAR GROWERS LEASE AGREEMENT PURSUANT TO TEX GOV'T CODE 551.071(2) AND 551.072.
2. **Issue:** The termination of the lease.
3. **Discussion:** Discussion took place during the executive session.
4. **Action Taken:** On a motion by Mr. Villarreal and seconded by Mr. Newman, the Commission voted unanimously to authorize Mr. Boswell to convey acceptance of the offer subject to approval of a final written settlement agreement as discussed in executive session.

There being no further business, the meeting was adjourned at 1:48 PM.

ATTEST:

  
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Alan Johnson, Chairman

  
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Chris Villarreal, Secretary