

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD JANUARY 4, 2017 AT 5:30 P.M.**

The Board of Navigation and Canal Commissioners of the Brownsville Navigation District of Cameron County, Texas, held a regular meeting on **Wednesday, January 4, 2017 at 5:30 p.m.** The following individuals were present and absent:

PRESENT: John Wood, Chairman
John Reed
Sergio Tito Lopez
Ralph Cowen
Carlos R. Masso

ABSENT: None

ALSO PRESENT: Eduardo A. Campirano, Port Director and CEO
Daniel Rentfro Jr., District Counsel
William J. Irwin, Associate District Counsel

STAFF MEMBERS: Donna Eymard
Bea Rosenbaum
Steve Tyndal
Oscar Garcia
Ariel Chavez
Steve Fitzgibbons
Jaime Martinez
Patty Gonzales
Chief Carlos Garcia
Lieutenant Mario Esquivel
Michael Davis
Rosie Hinojosa
Debby Duke

OTHERS PRESENT: Rev. Andreas Lewis
Jeff Massengill
Mike Kreiber
Joseph Linck
Bob Berry
Kevin Garcia
Hector Lopez
Leadership Brownsville participants
KBSD

1. Meeting Called To Order

The Chairman called the meeting to order at 5:34 p.m. Reverend Lewis offered a prayer. The Chairman then led those present in the Pledge of Allegiance to the United States and Texas flags.

2. Public Audience

No person registered to address the Board.

3. Receive Director's Reports

The reports were in the agenda packet. The Board asked a number of questions regarding the reports. Mr. Campirano addressed the Board to provide an update on the Port's grant application. Mr. Chavez addressed the Board to provide an update on the Foust Road Canopy project. Mr. Martinez addressed the Board regarding the Port's HR policy and procedures manual.

CONSENT AGENDA

4. Consideration and Action on the Following Consent Agenda Items:

- a. Approval of the Minutes of the Regular Board Meeting of December 21, 2016.
- b. Approval to authorize payments over \$25,000.00:
 1. Saab Technologies Ltd., the amount of \$91,643.49, for Klein system annual software support maintenance;
 2. Vulcan Materials Company, the amount of \$45,348.18, for crushed limestone for various locations throughout the Port;
 3. HDR, the amount of \$50,944.49, for Brazos Island Harbor Deepening Project.
- c. Approval of the following leases:
 1. Bryant Industrial Services, LLC (Amendment)
 2. TransMontaigne Operating Company, L.P. (Amendment)

Commissioner Reed asked a question regarding the payment to Saab Technologies for Klein system annual software support maintenance. Mr. Campirano and Mrs. Eymard briefly address the Board.

Commissioner Reed moved to approve all consent agenda items, Commissioner Masso seconded, and the motion passed unanimously.

5. Consideration and Action on Assignments, Negotiations, Easements, Subleases, and Contracts in General.

Mrs. Rosenbaum addressed the Board regarding the following items:

1. Firebird Bulk Carriers, Inc. (**Authority to negotiate**)

The lease to Firebird Bulk Carriers, Inc. under BND Contract 3568 expired and the Lessee is requesting a new lease. The purpose of the lease is for a tanker transfer station from rail to truck for petroleum products. Commissioner Lopez moved to authorize the Staff to negotiate with Firebird Bulk Carriers, Inc. for a new lease, Commissioner Cowen seconded, and the motion passed unanimously.

6. Consideration and Action to enter into a Task Order Agreement with consultant HDR Engineering, Inc. for Construction Administration and Observation Services for the Oil Dock No. 6 Construction, Oil Dock No. 3 Fender System Replacement & Facility Enhancements, and Maintenance Dredging project.

Mr. Chavez addressed the Board requesting the authorization to enter a Task Order Agreement with consultant HDR Engineering, Inc. for Construction Administration and Observation Services for the Oil Dock No. 6 Construction, Oil Dock No. 3 Fender System Replacement & Facility Enhancements, and Maintenance Dredging project. On December 21, 2016, BND Commissioners awarded the contract for Oil Dock No.6 Construction, Oil Dock No.3 Fender System Replacement & Facility Enhancements, and Maintenance Dredging (*OD6/OD3/MD*) to Triton Marine Construction Corp. (Triton) in the amount of \$23,649,529.40. During the Bid & Award phase, BND Staff requested a proposal from consultant HDR Engineering, Inc. (HDR) for Construction Administration and Observation Engineering services for the said *OD6/OD3/MD*. HDR's proposed fee is \$1,497,030.00. Port Staff reviewed the proposal, the proposed Scope of Work, and the proposed fee. Commissioner Reed asked several questions about the basis of the fee. Both Mr. Kreiber and Mr. Massengill addressed the Board regarding Commissioner Reed's and Chairman Wood's questions about the lump sum nature of the fee and cathodic protection. Mr. Massengill stated that if construction finishes early on the project, HDR would not charge the Port for any excess services. Discussion followed. Commissioner Cowen then moved to authorize the Port Director & C.E.O. to accept the proposal from HDR Engineering, Inc. for Construction Administration and Observation Services for the Oil Dock No. 6 Construction, Oil Dock No. 3 Fender System Replacement & Facility Enhancements, and Maintenance Dredging project, for a lump sum fee of \$1,497,030.00 and execute a Task Order Agreement with HDR for the services, Commissioner Reed seconded, and the motion passed unanimously.

7. 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 conduct deliberations regarding real property (§551.072); 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).

The Chairman then announced that the time was 6:02 p.m., and that the Board would adjourn into executive session.

The Chairman then announced that the time was 6:47 p.m., and that the Board had reconvened in open session.

8. Possible action on matters or items discussed in Executive Session.

There was none.

9. Public Comment Period.

No person wished to address the Board.

10. Adjournment.

Commissioner Masso moved to adjourn the meeting, Commissioner Lopez seconded, and the

meeting was adjourned by unanimous consent at 6:48 p.m.

ATTEST



Secretary



John Wood
Chairman of the Board