

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND  
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF  
CAMERON COUNTY, TEXAS HELD FEBRUARY 15, 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, February 15, 2017 at 5:30 p.m.** The following individuals were present and absent:

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

**ABSENT:** John Wood, Chairman

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

**STAFF MEMBERS:** Bea Rosenbaum  
Ariel Chavez  
Steve Tyndal  
Steve Fitzgibbons  
Jaime Martinez  
Chief Carlos Garcia  
Lieutenant Mario Esquivel  
Michael Davis  
Tony Rodriguez  
Debby Duke  
Margie Recio  
Patty Gonzales  
Oscar Garcia

**OTHERS PRESENT:** Rev. Andreas Lewis  
Joseph Linck  
Alan Simon  
Michael Landsgraf  
Ric Godinez  
Noel Munoz  
Roberto Ruiz  
Randy Delay  
Dan Garza  
Mike Kriebler  
Norma Torres  
KBSD

## **1. Meeting Called to Order**

The Vice Chairman called the meeting to order at 5:40 p.m. Reverend Lewis offered a prayer. The Vice Chairman then led those present in the Pledge of Allegiance to the United States and Texas flags.

## **2. Public Audience**

Joseph Linck briefly addressed the Board regarding LNG and the Port.

## **3. Receive Director's Report**

### **a. Receive Port Monthly Operations Summary Report**

Mr. Fitzgibbons made a report to the Board. Discussion followed.

## **CONSENT AGENDA**

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

- a. Approval of the Minutes of the Regular Board Meeting of February 1, 2016.
- b. Approval to authorize payments over \$25,000.00:
  1. Vulcan Materials Company, the amount of \$28,810.41, for crushed limestone for Patio 22 and various areas in the Port;
  2. Tyler Technologies, the amount of \$36,896.00, for annual support accounting software.
- c. Approval of the following leases:
  1. TransMontaigne Operating Company, L.P. (Amendment)
  2. Castro Trawlers, Inc. (New lease)
  3. Miss Anid, Inc. (Release of lease)

Mrs. Rosenbaum asked that Consent Agenda Item 4c1 be tabled. Commissioner Lopez moved to table Consent Agenda Item 4c1, Commissioner Cowen seconded, and the motion passed unanimously.

Commissioner Masso moved to approve all other consent agenda items, Commissioner Lopez 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. Brownsville Acquisition, Inc. (**Lease Amendment**)

Mr. Campirano asked that the item be tabled. Commissioner Lopez moved to table this Item, Commissioner Cowen seconded, and the motion passed unanimously.

**6. Consideration and Action to designate The Port of Brownsville Police Command Center, 2993 N. Indiana Avenue, Suite B, Brownsville, Cameron County, Texas as the administrative office of the Brownsville Navigation District of Cameron County, Texas for the limited purpose of posting notice of meetings under the Texas Open Meetings Act during renovation of the Administration Building.**

Mr. Campirano addressed the Board requesting the designation of The Port of Brownsville Police Command Center, 2993 N. Indiana Avenue, Suite B, Brownsville, Cameron County, Texas as the administrative office of the Brownsville Navigation District of Cameron County, Texas for the limited purpose of posting notice of meetings under the Texas Open Meetings Act during renovation of the Administration Building. Commissioner Masso moved to designate the Port of Brownsville Police Command Center as the administrative office of the Brownsville Navigation District for the limited purpose of posting notice of meetings under the Texas Open Meetings Act during the renovation of the administration building, Commissioner Lopez seconded, and the motion passed unanimously.

**7. Consideration and possible Action on adjusting meeting schedule for March 2017 Board meetings.**

Mr. Campirano addressed the Board requesting the adjustment of the meeting schedule for March 2017 Board meetings. Commissioner Masso moved to change the dates of the March meetings to March 8th and 22nd, Commissioner Lopez seconded, and the motion passed unanimously.

**8. Consideration and Action to authorize the Port Director & CEO, Eduardo A. Campirano to enter into a Marketing Consultant Agreement with Stephen Garifalos.**

Mr. Tyndal addressed the Board requesting the authorization for the Port Director & CEO, Eduardo A. Campirano to enter a Marketing Consultant Agreement with Stephen Garifalos. Mr. Tyndal addressed the Board regarding Mr. Garifalos' qualifications and contributions to the District's marketing efforts. Mr. Tyndal clarified that the agreement may be cancelled on 30 days' written notice. Commissioner Lopez moved to accept the proposed agreement, to be effective February 1, 2017, Commissioner Cowen seconded, and the motion passed unanimously.

**9. Consideration and Action to accept work performed by contractor NM Contracting, L.L.C. on the Foust Road Entrance Canopy and Guard House project, and authorize release of the \$74,960.00 retainage, subject to liquidated damages.**

Mr. Chavez addressed the Board requesting the acceptance of the work performed by contractor NM Contracting L.L.C. on the Foust Road Entrance Canopy and Guard House project, and authorize release of the \$74,960.00 retainage, subject to liquidated damages. On September 14, 2016, the BND's architect, Roberto Ruiz (Mr. Ruiz), issued the Certificate of Substantial Completion. Mr. Ruiz has stated that NM has completed all work and submitted all pertinent closing documents. Due to some problems with the soffit in the Canopy, BND has requested an extended warranty, and NM has agreed and has issued a 2-year warranty document, which Mr. Ruiz has deemed satisfactory. Due to a substantial completion delay of 49 days, NM is subject to liquidated damages, which through their attorney, NM has requested that BND reduce. Discussion followed. Ric Godinez, legal counsel for NM Contracting, L.L.C., addressed the Board. Commissioner Lopez moved to table this Item until after Executive Session, Commissioner Masso seconded, and the motion passed unanimously.

**10. Consideration and Action to authorize Port staff to publish Invitation to Bid on Yearly Contract to Dispose of Oil from the Fishing Harbor Sewer Treatment Plant, and to open bids thereof.**

Mr. Chavez addressed the Board requesting authorization for Port Staff to publish Invitation to Bid on Yearly Contract to Dispose of Oil from the Fishing Harbor Sewer Treatment Plant, and to open bids thereof. BND Engineering staff is proposing to issue a Request for Proposals for a yearly contract to handle a projected 150,000 gallons of oil, with a 20% margin. Discussion followed. Commissioner Masso moved to authorize the preparation of an Invitation to Bid on a Yearly Contract to Dispose of Oil from the Fishing Harbor Sewer Treatment Plant, to publish said invitation in the local newspaper as required by BND Purchasing procedures, and to open the bids thereof once received, Commissioner Lopez seconded, and the motion passed unanimously. The Commission requested that Mr. Chavez report back to the Board on this issue within 60 days.

**11. 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 Vice Chairman then announced that the time was 6:04 p.m. Commissioner Masso moved to adjourn into executive session, Commissioner Cowen seconded, and the motion passed unanimously.

The Vice Chairman then announced that the time was 6:35 p.m., and that the Board had reconvened in open session.

**12. Possible action on matters or items discussed in Executive Session.**

The Vice Chairman recalled Agenda Item 9.

**Consideration and Action to accept work performed by contractor NM Contracting, L.L.C. on the Foust Road Entrance Canopy and Guard House project, and authorize release of the \$74,960.00 retainage, subject to liquidated damages.**

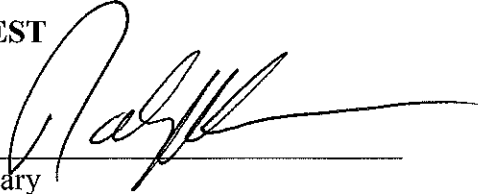
Commissioner Masso moved to accept the work performed by NM Contracting, L.L.C. on the Foust Road Entrance Canopy and Guard House contract, and authorize issuance of final payment of the retainage in the amount of \$74,960.00, subject to liquidated damages of \$12,250.00 as applied by the Board, Commissioner Lopez seconded, and the motion passed unanimously.

**13. Adjournment.**

Commissioner Lopez moved to adjourn the meeting, Commissioner Masso seconded, and the meeting was adjourned by unanimous consent at 6:36 p.m.

**ATTEST**

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Secretary



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John Reed  
Vice-Chairman of the Board

