

**MINUTES OF THE PUBLIC HEARING AND REGULAR MEETING OF THE BOARD
OF NAVIGATION AND CANAL COMMISSIONERS OF THE BROWNSVILLE
NAVIGATION DISTRICT OF CAMERON COUNTY, TEXAS HELD AUGUST 16, 2017
AT 5:30 P.M.**

The Board of Navigation and Canal Commissioners of the Brownsville Navigation District of Cameron County, Texas, held a public hearing and regular meeting on **Wednesday, August 16, 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
William J. Irwin, Associate District Counsel

STAFF MEMBERS: Donna Eymard
Bea Rosenbaum
Ariel Chavez
Steve Fitzgibbons
Jaime Martinez
Chief Carlos Garcia
Michael Davis
Tony Rodriguez
Oscar Garcia
Memo Rico
Steve Tyndal
Debby Duke
Margie Recio

OTHERS PRESENT: Rev. Andreas Lewis
Nancy Gaytan
Jorge Gaytan
Dan Garza
Mike Krieber
Joe Garza
Don de Leon
KBSD

PUBLIC HEARING

The Vice Chairman called the public hearing to order at 5:37 p.m.

1. Public Comment

Mr. Campirano briefly addressed the Board regarding the tax increase.

This was the first public hearing to receive public comment on the proposed tax rate of \$0.035920 per hundred dollars valuation, consisting of \$0.024885 per hundred dollars valuation for the purpose of maintenance and operations, and \$0.011035 per hundred dollars valuation for the purpose of debt service for the Brownsville Navigation District for the Tax Year beginning October 1, 2017 and ending September 30, 2018. This rate will exceed the lower of the effective tax rate or the rollback tax rate. The public hearing was called to provide time for citizens to present their views, opinions, suggestions, etc., regarding the proposed 2017 Tax Rate.

No members of the public addressed the Board. Commissioner Masso moved to adjourn the public hearing, Commissioner Cowen seconded, and the motion passed unanimously.

REGULAR MEETING

1. Meeting Called To Order

The Vice Chairman called the meeting to order at 5:41 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

No person registered to address the Board.

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 August 2, 2017.
- b. Approval to authorize payments over \$25,000.00:
 1. American Surveillance, the amount of \$67,644.63, for partial payment for purchase of equipment and services of Port of Brownsville Cameras;
 2. Vulcan Materials, the amount of \$67,109.20, for crushed limestone for Patio 11; and
 3. ZIWA, the amount of \$292,317.22, for BND Admin Complex Rehab & Building Addition.

c. Approval of the following leases:

1. Gulmar, Inc. (Release of Lease)
2. Gabriela Cantu, d/b/a G.C. Trawlers (New lease)
3. International Shipbreaking Limited, LLC (Subordination and Consent)
4. Hi-Tech Welding Institute, LLC (New Lease)

5. Consideration and Action on Application for Stevedore and Freight Handler License Renewal.

1. Schaefer Stevedoring, Inc.

Mrs. Rosenbaum asked that Consent Agenda Items 4c1, 4c3, and 4c4 be tabled.

Commissioner Masso moved to table Consent Agenda Items 4c1, 4c3, and 4c4, Commissioner Lopez seconded, and the motion passed unanimously.

Commissioner Lopez moved to approve all other consent agenda items, Commissioner Cowen seconded, and the motion passed unanimously.

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

Mrs. Rosenbaum addressed the Board regarding the following items:

1. Auto Lineas RTG, S.A. de C.V. (**Authority to negotiate**)

Auto Lineas RTG, S.A. De C.V. has requested a lease for 1.50 acres for a transportation yard. Commissioner Masso moved to authorize the Staff to negotiate a new lease with Auto Lineas RTG, S.A. De C.V., Commissioner Cowen seconded, and the motion passed unanimously.

2. Don E. Moore / Richard Ellis (**Assignment of Lease**)

Don E. Moore has assigned his fish camp lease under BND Contract 3472 to Richard Ellis and has requested the Board's Consent to the Assignment. Commissioner Cowen moved to consent to the assignment of the fish camp lease from Don E. Moore to Richard Ellis, Commissioner Masso seconded, and the motion passed unanimously.

7. Consideration and Action to review the Investment Policy and Investment Strategy and to adopt a Resolution certifying that the Policy C501(Local) Investment Policy and Policy C501(Exhibit A) Investment Strategy have been reviewed and have been adopted by the Board.

Mr. Fitzgibbons addressed the Board requesting them to adopt a Resolution certifying that Policy C501(Local) Investment Policy and Policy C501(Exhibit A) Investment Strategy have been reviewed and have been adopted by the Board. The Staff recommended no changes to the Investment Policy and Strategy. Commissioner Masso moved to adopt the resolution certifying that C501(Local) Investment Policy and C501(Exhibit A) Investment Strategy have been reviewed and that the Board adopts them with no revisions, Commissioner Cowen seconded, and the motion passed unanimously.

8. Consideration and Action to authorize staff to negotiate with Carr, Riggs & Ingram LLC., for Audit Services for 2017 with an option for two additional years.

Mr. Fitzgibbons addressed the Board requesting authorization to negotiate with Carr, Riggs, & Ingram, LLC for Audit Services for 2017, with an option for two additional years. At the July 5,

2017 Commissioners' Meeting, staff was authorized to request qualifications for audit services for 2017 with two additional option years. The District received responses from Burton McCumber & Cortez, L.L.P., Patillo, Brown & Hill LLP, Carr, Riggs & Ingram LLC, and Park Fowler & Co., PLLC. After reviewing all submitted qualifications, staff felt that all proposers were well qualified but that Carr, Riggs & Ingram LLC. submitted qualifications that best fit the needs of the District. Commissioner Cowen moved to authorize Staff to negotiate with Carr, Riggs & Ingram, LLC. for Audit Services for 2017 with an option for two additional years, Commissioner Lopez seconded, and the motion passed unanimously.

9. Consideration and Action on Change Order No. 2 to the Oil Dock No. 6 Construction, Oil Dock No. 3 Fender System Replacement & Facility Enhancements, and Maintenance dredging project adding Pipe Pile Testing and correcting Force Main pipe type.

Mr. Chavez addressed the Board requesting approval of Change Order No. 2 to the Oil Dock No. 6 Construction, Oil Dock No. 3 Fender System Replacement & Facility Enhancements, and Maintenance dredging project adding Pipe Pile Testing and correcting Force Main pipe type. While driving the pipe piles for the bulkhead anchors, the detected capacity was below expectations, so an additional PDA Test (7-day restrike) for pipe pile A20 needed to be added to confirm low values and obtain 7-day re-strike test values, at a cost of \$2,422.47. It was also discovered that the PVC SCH- 40 pipe that was used for the 4" force main was not DR-25 as modified by the pre-bidding Addenda. This error was discovered after 1,090 feet of pipe had been already installed, and was because the issued-for-construction contract drawings from consultant HDR, Inc. indicated the incorrect pipe type. Triton proposes to remove the SCH-40 and install the DR-25 pipe for \$30,520.00, for which consultant HDR, Inc. will give credit to BND in their construction services contract. This Change Order No. 2 will increase the contract price by \$32,942.47 to address both these items, for a new contract price of \$23,939,087.70, which is a 0.14% increase of the original contract price. Neither of these modifications require a change to the contract time. Commissioner Masso moved to approve Change Order No. 2 to the contract with Triton Marine Construction Corp. on the Oil Dock No. 6 Construction, Oil Dock No. 3 Fender System Replacement & Facility Enhancements, and Maintenance Dredging project, increasing the current contract price by \$32,942.47, for a new contract price of \$23,939,087.70, with no impact on the contract time, Commissioner Lopez seconded, and the motion passed unanimously.

10. Consideration and Action to authorize Port Staff to Advertise for Bids on the Keppel AmFELS Water Line Realignment project, and to open bids thereof.

Mr. Chavez addressed the Board requesting authorization for Port Staff to Advertise for Bids on the Keppel AmFELS Water Line Realignment project, and to open bids thereof. BND Staff has been working on preparing construction drawings, specifications, and bidding documents to reroute the water line currently running through the Keppel AmFELS (AmFELS) lease site towards State Highway No. 48 (SH 48), in order to avoid going through the private lease. The proposed realignment would place the new pipe around and outside of the AmFELS West, North and East boundaries, and re-connect with the existing 10' Water Line at an angle. Upon completion of the specifications for this project, the staff is requesting authorization to publish an Invitation to Bid in the local newspaper for a Utilities contractor. The target advertisement dates are August 14 and August 21, 2017, with a target bid opening date of August 29, 2017 and a target project award date of September 6, 2017. Commissioner Cowen moved to authorize the Staff to prepare an Invitation to Bid on the Keppel AmFELS Water Line Realignment project, as per drawings and

specifications prepared by the BND Department of Engineering Services, to publish same in the pertinent local newspaper as required by standard BND Purchasing procedures, and to open bids on this project once they are received, Commissioner Masso seconded, and the motion passed unanimously.

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).

Commissioner Masso moved to adjourn into Executive Session, Commissioner Lopez seconded, and the motion passed unanimously. Vice Chairman Reed announced the time was 5:58 p.m., and that the Board would adjourn into Executive Session.

The Vice Chairman then announced that the time was 6:56 p.m., and that the Board had reconvened in open session.


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


There was none.

13. Adjournment.

Commissioner Masso moved to adjourn the meeting, Commissioner Lopez seconded, and the meeting was adjourned by unanimous consent at 6:57 p.m.

ATTEST


Secretary


John Reed
Vice Chairman of the Board