

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD OCTOBER 11, 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, October 11, 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	Jaime Martinez
Steve Tyndal	Tony Rodriguez
Ariel Chavez	Bea Rosenbaum
Michael Davis	Lieutenant Mario Esquivel
Debby Duke	Lorena Hernandez
Steve Fitzgibbons	Margie Recio
Chief Carlos Garcia	Memo Rico
Oscar Garcia	

OTHERS PRESENT: Rev. Andreas Lewis
Joseph Linck
Mike Kreiber
David Garcia
Steve Slayton
KBSD

1. Meeting Called to Order

The Chairman called the meeting to order at 5:35 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

Joseph Linck spoke about the County Commissioners' approval of a tax abatement agreement for Rio Grande LNG.

The Chairman then asked to take Agenda Item 5 out of order.

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5. Consideration and Action on Memorandum of Understanding between Brownsville Navigation District and Cameron County.

Mr. David Garcia addressed the Board requesting approval of a Memorandum of Understanding between Brownsville Navigation District and Cameron County. The Memorandum of Understanding between the parties provides various information sharing and reciprocal marketing provisions linking the organizations for the common good on mutually beneficial regional and international trade initiatives. Commissioner Reed moved to approve the proposed Memorandum of Understanding, Commissioner Cowen seconded, and the motion passed unanimously.

The Chairman then resumed the agenda in the posted order.

3. Receive Director's Reports

There was a general discussion regarding several items in the reports.

Commissioner Reed asked Mrs. Eymard and Mr. Rentfro about the status of the Railroad Relocation Project. Mr. Rentfro, Mrs. Eymard, and Mr. Campirano addressed the Board.

Commissioner Reed asked Mrs. Eymard about the Morgan Stanley investment report. Mrs. Eymard addressed the Board.

Commissioner Masso asked Mr. Martinez for additional information about the sexual harassment training course provided to employees. Mr. Martinez addressed the Board.

Commissioner Masso asked Mr. Campirano for a status update on the Valley Crossing pipeline project. Mr. Campirano addressed the Board.

Commissioner Masso asked Mr. Rodriguez for a report on the conference he attended in Lazaro Cardenas, Mexico. Mr. Rodriguez addressed the Board.

Commissioner Masso asked Mr. Chavez for an update on the disposal of oil at the Fishing Harbor. Mr. Chavez addressed the Board.

Commissioner Reed asked for additional information about the new insurance requirements at the Port. Mrs. Duke addressed the Board.

CONSENT AGENDA

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

- a. Approval of the Minutes of the Regular Board Meeting of September 20, 2017 and Special Board Meeting of September 27, 2017.
- b. Approval to authorize payments over \$25,000.00:
 1. Terracon, the amount of \$29,635.00, for environmental analysis at Esco Marine;
 2. Vulcan Construction Materials, the amount of \$91,767.87, for crushed limestone for the Pyramid Yard;
 3. HDR, the amount of \$24,133.12, for construction observation services for Valley Crossing Pipeline Project;
 4. ZIWA Corporation, the amount of \$340,626.51, for BND Administration Complex Rehab & Bldg. Addition;

5. Triton Marine Construction Corp; the amount of \$464,382.68, for Oil Dock 6, Oil Dock 3 Fender System Replacement, Oil Dock 3 Facility Enhancements, and Maintenance Dredging;
 6. Southmost Regional Water Authority, the amount of \$145,250.07, for assessment fees; and
 7. Keppel Amfels, the amount of \$664,601.80, for facility improvements.
- c. Approval of the following leases:
1. Strike, LLC (Ratify Temporary Agreement)

Commissioner Reed asked for additional information regarding HDR's observation of the Valley Crossing Pipeline Project. Mr. Chavez and Mr. Kriebler addressed the Board.

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

PRESENTATION

Presentation of District Funds Investment Report for the Period July 1, 2017 through September 30, 2017.

Mr. Fitzgibbons commented on the District Funds Investment Report for the Period July 1, 2017 through September 30, 2017.

BIDS / AGREEMENTS / PURCHASES

6. Consideration and Action to request proposals for medical, dental, short-term, and long-term disability insurance benefits for all BND employees.

Mr. Martinez addressed the Board requesting authorization to request proposals for medical, dental, short-term, and long-term disability insurance benefits for all BND employees. The end of 2017 marks the completion of the three-year agreements with the medical, dental, short term and long-term disability insurance carriers. Mr. Martinez informed the Board that the group life insurance was carried by the carrier that currently has the short-term and long-term disability, so the group life insurance will also be included in this request for proposals. Staff must request proposals for insurance benefits for the employees, to have enough time to meet the insurance benefits renewal date of January 1. Mr. Ken Wethe from Wethe & Associates will serve as consultant to advise Staff through the entire process. Commissioner Reed moved to authorize Staff to request bids for medical, dental, short-term, and long-term disability benefits (including group life insurance) for all BND employees, Commissioner Masso seconded, and the motion passed unanimously.

7. Consideration and Action to authorize Staff to advertise for bids for a new or used truck and lowboy trailer.

Mr. Garcia addressed the Board requesting authorization for Staff to advertise for bids for a new or used truck and lowboy trailer. Staff will be soliciting quotes for the purchase of a new or used truck and lowboy trailer for the use of hauling heavy equipment throughout the Port area. Commissioner Lopez asked Mr. Garcia to also consider looking to various auctions for the equipment. Commissioner Masso moved to authorize the Staff to advertise for bids for a new or used truck and lowboy trailer, Commissioner Cowen seconded, and the motion passed unanimously.

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8. Consideration and Action to contract with Carr, Riggs & Ingram, LLC, for Audit Services for 2017 with an option for two additional years at a fee and expenses not to exceed \$38,150.00 for 2017 Audit Services.

Mr. Fitzgibbons addressed the Board requesting approval of a contract with Carr, Riggs & Ingram, LLC, for Audit Services for 2017, with an option for two additional years at a fee and expenses not to exceed \$38,150.00 for the 2017 Audit Services. On August 16, 2017, the Board of Commissioners authorized staff to negotiate with Carr, Riggs & Ingram LLC, for Audit Services for 2017 with an option for two additional years. Staff has negotiated a proposed agreement with Carr, Riggs & Ingram for what staff believes to be a comprehensive agreement meeting District needs and state and federal requirements at a fair price. Commissioner Lopez moved to approve contracting with Carr, Riggs & Ingram, LLC for Audit Services for 2017 with an option for two additional years at a fee and expenses not to exceed \$38,150.00 for the 2017 Audit Services, Commissioner Masso seconded, and the motion passed unanimously.

9. Consideration and Action to issue a purchase order to Rockdale Country Ford d/b/a Caldwell Country Chevrolet in the amount of \$32,625.00 for the purchase of an IT Service Van under the Buy Board Co-operation agreement and to authorize payment of the invoice when received.

Mrs. Duke addressed the Board, requesting authorization to issue a purchase order to Rockdale Country Ford d/b/a Caldwell Country Chevrolet in the amount of \$32,625.00 for the purchase of an IT Service Van under the Buy Board Co-operation agreement and to authorize payment of the invoice when received. Through the Buy Board, the District received a quote in the amount of \$32,625.00 for the IT Service Van with the options requested by the IT Department. The quoting dealer was Rockdale Country Ford d/b/a Caldwell Country Chevrolet. This van will be ordered from the factory, and the delivery is expected to be within 120 days. Commissioner Masso moved to approve the purchase order to Rockdale Country Ford d/b/a Caldwell Country Chevrolet in the amount of \$32,625.00 for the purchase of a 2018 Ford Transit Van to be used as the IT Service Van under the Buy Board Cooperative agreement and to authorize the payment of the invoice when it is received, Commissioner Reed seconded, and the motion passed unanimously.

10. Consideration and Action to accept proposal from the selected Consulting Engineering Firm for Professional Engineering Services on the Foust Road Truck Parking Improvements project.

Mr. Chavez addressed the Board, requesting the acceptance of the proposal from the selected Consulting Engineering Firm for Professional Engineering Services on the Foust Road Truck Parking Improvements project. The Texas Legislature has allocated funds under Rider 45 for certain transportation-related projects, and after conversations with TxDOT staff, BND Staff believes the Foust Road Truck Parking Improvements project next to the new Permits Office qualify for this funding. BND Staff is recommending that BND Commissioners select S & B Infrastructure, Ltd. for this project subsequent to a Request for Proposals. Mr. Chavez reported to the Board on the selection process. After discussion, Commissioner Masso moved to authorize the Port Director to request a fees proposal for Professional Engineering Services from S & B Infrastructure, Ltd. on the Foust Road Truck Parking Improvements project, Commissioner Reed seconded, and the motion passed unanimously.

11. Consideration and Action on Change Order No 3 to the Oil Dock No. 6 Construction, Oil Dock No. 3 Fender System Replacement & Facility Enhancements, & Maintenance

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Dredging project increasing Pipe Pile re-strike time, modifying anchor rods and pipe bridge anchor bolts, adding waterstop material, & changing contract times.

Mr. Chavez addressed the Board requesting approval on Change Order No. 3 to the Oil Dock No. 6 Construction, Oil Dock No. 3 Fender System Replacement & Facility Enhancements, & Maintenance Dredging project increasing Pipe Pile re-strike time, modifying anchor rods and pipe bridge anchor bolts, and changing contract times. Consultant HDR is recommending that the restrike for pipe pile testing be increased by \$46,839.49 with a 10-day increase in the contact time, and that the Bulkhead Anchor Rod connections and the Pipe Bridge Anchor Bolts be modified with an increase in the contract cost of \$5,911.07 with no additional days, for a total increase in the contract price of \$52,750.56. Additionally, because of the impacts that Hurricane Harvey had on the marine industry, Triton is requesting an 80-day increase to the contract time for Oil Dock #3 Repairs, changing the completion date from January 14, 2018 to April 4, 2018, and a 5-day increase in contract time for the entire project. The 80-day increase for the Oil Dock #3 Repairs will not impact the over-all completion date for the entire project. The additional 15 days requested will change the overall contact completion date from December 10, 2018 to December 25, 2018. Mr. Chavez also noted that the waterstop material in the original proposed Change Order had been deleted and was no longer a part of the request before the Board. After discussion, Commissioner Reed moved to approve Change Order No. 3 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 \$52,750.56, for a new contact price of \$23,991,838.26, with a change in the Oil Dock #3 completion date from January 14, 2018 to April 4, 2018 and a change in the overall contact completion date from December 10, 2018 to December 25, 2018, Commissioner Lopez seconded, and the motion passed unanimously.

12. 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 7:00 p.m. On motion of Commissioner Masso, seconded by Commissioner Reed, and unanimously carried, the Board adjourned into executive session.

The Chairman then announced that the time was 8:24 p.m. On motion of Commissioner Cowen, seconded by Commissioner Lopez, and unanimously carried, the Board reconvened in open session.


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

There was none.

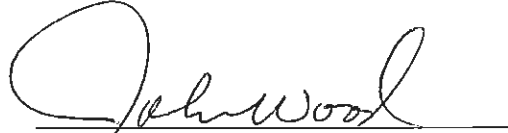
14. Adjournment.

Commissioner Cowen moved to adjourn the meeting, Commissioner Lopez seconded, and the meeting was adjourned by unanimous consent at 8:25 p.m.

ATTEST



Secretary



John Wood
Chairman of the Board