

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

PRESENT: John Wood, Chairman
John Reed
Sergio Tito Lopez
Ralph Cowen

ABSENT: Carlos R. Masso

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
Ariel Chavez
Manuel Martinez
Steve Fitzgibbons
Lorena Hernandez
Jaime Martinez
Chief Carlos Garcia
Lieutenant Mario Esquivel
Michael Davis
Oscar Garcia
Patty Gonzales
Tony Rodriguez
Debby Duke
Margie Recio
Memo Rico

OTHERS PRESENT: Rev. Andreas Lewis
Alan Simon
Hector Lopez
Eduardo Duran
KBSD

1. Meeting Called To Order

The Chairman called the meeting to order at 5:31 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 Report

a. Receive Port Monthly Operations Summary Report

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

b. Quarterly Marketing Update

Mr. Tyndal made the update to the Board. Discussion followed.

Commissioner Lopez asked for an update on the container on barge service at the Port. Mr. Tyndal addressed the Board.

Commissioner Cowen, Mr. Campirano, and Mr. Tyndal addressed the Board regarding their recent visit to the AAPA Latin American Congress of Ports in Uruguay.

CONSENT AGENDA

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

- a. Approval of the Minutes of the Regular Board Meeting of November 1, 2017.
- b. Approval to authorize payments over \$25,000.00:
 1. Vulcan Materials Company, the amount of \$239,845.18, for crushed limestone for Patio 22, the Pyramid Yard and various locations;
 2. ZIWA, the amount of \$602,584.50, for Administration Complex Rehab and Building Addition; and
 3. HDR Engineering, Inc., the amount of \$80,776.04, for construction, administration and observation services for Oil Docks 3 and 6 Maintenance Dredging and Construction Observation Services for Valley Crossing Pipeline Project.
- c. Approval of the following leases:
 1. Trareysa, LLC (New lease)
 2. Marine Railway, Inc. (New lease)

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

Commissioner Reed asked Mr. Campirano for an update on the Valley Crossing Pipeline project and HDR Engineering's observation of the project. Mr. Campirano stated that one would be given at the next board meeting.

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

5. Presentation and Discussion by BND consultant S&B Infrastructure, Port Director and Port Staff regarding progress and alternatives for the Foust Road Truck Parking Improvements project.

Mr. Chavez introduced Hector Lopez who spoke about the progress and alternatives for the Foust Road Truck Parking Improvements project. Discussion followed.

6. Presentation and Discussion by Port Director and Staff regarding possible application for EDA funding for Design and Construction of Wastewater Treatment Plant at Fishing Harbor.

Mr. Chavez and Mr. Campirano spoke about an application for EDA funding for design and construction of a Wastewater Treatment Plant at the Fishing Harbor. The Board expressed support for filing the pre-application.

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

Mrs. Rosenbaum addressed the Board regarding the following items:

1. Marine Refrigeration Co., Inc. / La Wera, Inc. (Authority to negotiate)

Marine Refrigeration Co., Inc. is negotiating the sale of their improvements to La Wera, Inc. and is requesting to be released of their lease subject to the Board approving a new lease to La Wera, Inc. Commissioner Reed moved to authorize the Staff to negotiate a new lease with La Wera, Inc. and to prepare a Release of Lease for Marine Refrigeration Co., Inc., Commissioner Lopez seconded, and the motion passed unanimously.

8. Consideration and Action on creating, and appointing members to the Administration Building Betterment Committee.

The Chairman addressed the Board requesting authorization to create and appoint members to the Administration Building Betterment Committee. The District is in process of remodeling the District's Administration Building, including an area that has been designated to display Port memorabilia. The Betterment Committee will gather Port memorabilia to display within the designated areas. The Chairman appointed Commissioner Cowen and Ms. Eymard to the committee, and asked Commissioners Reed and Lopez if they are interested in serving. Mr. Lopez suggested that Commissioner Reed and he alternate on the committee. Commissioner Lopez moved to create and appoint members to this committee, Commissioner Reed seconded, and the motion passed unanimously.

9. Consideration and Action on Policy and Procedures for Proper Access, Use and Dissemination of Criminal History Record Information (CHRI) for the Port of Brownsville Police Department.

Chief Carlos Garcia addressed the Board requesting approval on Policy and Procedures for Proper Access, Use, and Dissemination of Criminal History Record Information (CHRI) for the Port of Brownsville Police Department. The policy and procedures were developed using the FBI's Criminal Justice Information Services (CJIS Security Policy) as a minimum standard. The Policy has been reviewed with the Policy Committee. Commissioner Reed moved to approve the policy and procedures to ensure compliance with the FBI's Criminal Justice Information Security

Policy Standards, Commissioner Lopez seconded, and the motion passed unanimously.

10. Consideration and Action to adopt updated Employee Handbook of the Brownsville Navigation District.

Mr. Jaime Martinez addressed the Board requesting adoption of the updated Employee Handbook of the Brownsville Navigation District. The Employee Handbook of the Brownsville Navigation District has not been updated for several years. To stay compliant with new and updated employment laws, the entire handbook has been reviewed and revised to reflect the required changes. The Employee Handbook has been reviewed with the Policy Committee. Commissioner Reed moved to approve the adoption of the updated Employee Handbook of the Brownsville Navigation District with an effective date of January 1, 2018, Commissioner Cowen seconded, and the motion passed unanimously.

11. Consideration and Action on Amendment to Change Order No. 4 to the Oil Dock No. 6 Construction, Oil Dock No. 3 Fender System Replacement & Facility Enhancements, & Maintenance Dredging Project, for the purpose of enhancing the storm drainage system, realign the road around an existing fence, and extending the water line and force main east to Anchor Road.

Mr. Chavez addressed the Board requesting the ratification on Amendment to Change Order No. 4 to the Oil Dock No. 6 Construction, Oil Dock No. 3 Fender System Replacement & Facility Enhancements, & Maintenance Dredging Project, for the purpose of enhancing the storm drainage system, realigning the road around an existing fence, and extending the water line and force main east to Anchor Road. On Nov. 1, 2017, BND Commissioners also approved Change Order No. 4 in the amount of \$195,429.72, and added 5 days to the contract time. After approval, BND Staff and BND Consultant HDR discovered an error in the amount of 4" sanitary sewer force main extension to be added to the contract. An adjustment has been made and the total contract amount increase was changed to \$164,973.11, or \$30,456.61 less than the previous amount. The new contract amount becomes \$24,156,811.37. The previously requested 5-day increase in contract time was unchanged, so the contract completion date also remains as December 30, 2018. Commissioner Cowen moved to ratify the Amended Change Order No. 4 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 \$164,973.11 for a new contract price of \$24,156,811.37, as well as the 5-day increase in the overall contract time, for a new contract completion date of December 30, 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 7:18 p.m. Commissioner Reed moved to adjourn into executive session, Commissioner Lopez seconded, and the motion passed unanimously.

The Chairman then announced that the time was 7:41 p.m., and that the Board had reconvened in open session.

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

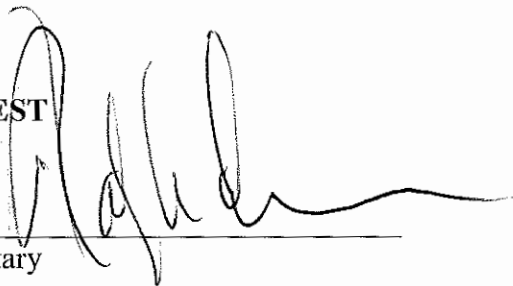
There was none.

14. Adjournment.

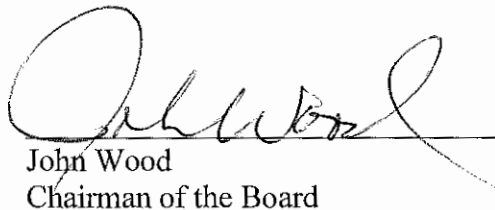
Commissioner Cowen moved to adjourn the meeting, Commissioner Lopez seconded, and the meeting was adjourned by unanimous consent at 7:42 p.m.

ATTEST

Secretary



A handwritten signature in black ink, appearing to be 'R. Lopez', written over a horizontal line.



A handwritten signature in black ink, appearing to be 'John Wood', written over a horizontal line.

John Wood
Chairman of the Board