

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD JANUARY 17, 2018 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 17, 2018 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
Steve Tyndal
Ariel Chavez
Jaime Martinez
Chief Carlos Garcia
Michael Davis
Tony Rodriguez
Cristina Valdez
Rosie Hinojosa
Patty Gonzales
Oscar Garcia
Lt. Mario Esquivel
Lorena Hernandez
Margie Recio

OTHERS PRESENT: Rev. Andreas Lewis
Scott Donnaho
Mike Krieber
Jim Schine
Javier Vera
Joe Linck
KBSD

1. Meeting Called To Order

The Chairman called the meeting to order at 5:39 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

Ms. Hernandez made the report to the Board. Discussion followed. Commissioner Reed asked that, in the future, the executive summary be presented on the monitors in the meeting room.

CONSENT AGENDA

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

- a. Approval of the Minutes of the Regular Board Meeting of January 3, 2018.
- b. Approval to authorize payments over \$25,000.00:
 1. HDR, the amount of \$158,753.74, for Construction Administration and Observation Services for Oil Docks 3 & 6, Maintenance Dredging, services to support the Brazos Island Harbor Deepening Project and Construction Observation Services for Valley Crossing Pipeline;
 2. OmniTRAX, the amount of \$45,693.90, for Reimbursement of Land Lease; and
 3. ZIWA Construction, the amount of \$477,084.78, for construction services on BND Administration Complex Rehab & Building addition.
- c. Approval of the following leases:
 1. Sugaright, LLC (New lease)

Chairman Wood asked for clarification regarding the payment described in Consent Agenda Item 4b2. Mr. Campirano addressed the Board and acknowledged that this payment is not a reimbursement, but is instead OmniTRAX's share of the rent paid under the lease with CMG Brownsville II, LLC, pursuant to the Master Franchise Agreement. Commissioner Reed asked if the Port had received all required documentation to process this payment. Mr. Irwin addressed the Board and noted that OmniTRAX had not yet submitted the signed Consent to Agreement.

Commissioner Reed moved to table Consent Agenda Item 4b2, Commissioner Cowen seconded, and the motion passed unanimously.

Commissioner Reed moved to approve all other Consent Agenda Items, Commissioner Cowen seconded, and the motion passed unanimously.

5. Presentation of District Funds Investment Report for the Period October 1, 2017 through December 31, 2017.

Mrs. Hernandez presented the District Funds Investment Report to the Board. Discussion followed.

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

Mrs. Rosenbaum addressed the Board regarding the following items:

1. Elite Packaging Services, LLC/CSC Sugar, LLC (First Amendment to Sublease Agreement)

Elite Packaging Services, LLC and CSC Sugar, LLC requested the Board's approval of the amendment to their sublease which extends the term of the sublease. Commissioner Reed moved to consent to the amendment to the sublease as presented, Commissioner Lopez seconded, and the motion passed unanimously.

2. Aldo Graciél Bello Del Angel & Oscar Garza Guerrero, d/b/a Transportes AB & OSRO (Authority to negotiate)

Aldo Graciél Bello Del Angel & Oscar Garza Guerrero d/b/a Transportes AB & OSRO has requested a lease for approximately two acres off of Highway 48 for the purpose of truck parking. Commissioner Cowen moved to authorize the Staff to negotiate a new lease with Transportes AB & OSRO, Commissioner Lopez seconded, and the motion passed unanimously.

7. Consideration and Action to authorize Staff to award bid for Audio and Visual outfitting for Administration Complex Rehabilitation and Building Additions Project to lowest responsive bidder.

Mrs. Eymard addressed the Board requesting authorization for Staff to award the bid for Audio and Visual outfitting for Administration Complex Rehabilitation and Building Additions Project to lowest responsive bidder. Bids were due on January 10, 2018 and two were received; Vanguard IT Solutions and Dtronics, LTD. The lowest responsive bid was from Dtronics, LTD in the amount of \$72,804.13. The bid submitted by Vanguard IT Solutions did not include the required bid bond and therefore was not considered as responsive. Commissioner Cowen moved to reject the bid from Vanguard IT Solutions as non-responsive and to award the project to Dtronics, LTD, Commissioner Reed seconded, and the motion passed unanimously.

8. Consideration and Action on Change Order No. 5 to the Oil Dock No. 6 Construction, Oil Dock No. 3 Fender System Replacement & Facility Enhancements, & Maintenance Dredging project for the purpose of increasing dredging volumes to conform to pre-dredge surveys submitted by the contractor and temporarily bypass Cargo Dock #15 dredging.

Mr. Chavez addressed the Board requesting approval on Change Order No. 5 to the Oil Dock No. 6 Construction, Oil Dock No. 3 Fender System Replacement & Facility Enhancements, & Maintenance Dredging project for the purpose of increasing dredging volumes to conform to pre-dredge surveys submitted by the contractor and temporarily bypass Cargo Dock #15 dredging. Pre-Dredge bathymetric surveys submitted by the contractor show that additional shoaling has occurred since the original surveys. BND also needs dredging work to temporarily bypass Cargo Dock #15 to accommodate a series of incoming vessels. The contractor proposes to perform the additional dredging work and re-schedule dredging of Cargo Dock #15 for \$289,395.60, and extend the dredging completion contract time 43 days. Due to a small impact to dredging work on Oil Dock #6, the project over-all contract time would only be extended a net of 7 days. The new contract amount becomes \$24,446,206.97, and the contract completion date becomes January

6, 2019. Commissioner Reed moved to approve Change Order No. 5 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 \$289,395.60, for a new contract price of \$24,446,206.97, and approve a 43-day increase in the Dredging completion time and a 7-day increase in the overall contact time, for a new contract completion date of January 6, 2019, Commissioner Cowen seconded, and the motion passed unanimously.

- 9. 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 Lopez moved to adjourn into executive session, Commissioner Cowen seconded, and the motion passed unanimously. The Chairman then announced that the time was 6:18 p.m., and that the Board would adjourn into executive session.

The Chairman then announced that the time was 7:07 p.m. and that the Board had reconvened in open session.

- 10. Possible action on matters or items discussed in Executive Session, including but not limited to action with regard to the contract and/or compensation of the Port Director/CEO.**

Commissioner Lopez moved to approve the new contract for Eduardo A. Campirano as Port Director and CEO, as presented in Executive Session, Commissioner Cowen seconded, and the motion passed unanimously.

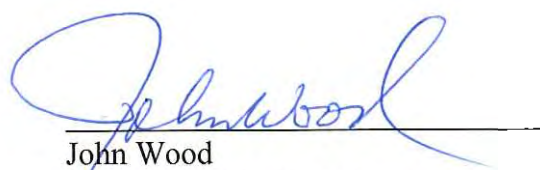
11. Adjournment.

Commissioner Lopez moved to adjourn the meeting, Commissioner Reed seconded, and the meeting was adjourned by unanimous consent at 7:08 p.m.

ATTEST



Secretary



John Wood
Chairman of the Board