

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND  
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF  
CAMERON COUNTY, TEXAS HELD FEBRUARY 7, 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, February 7, 2018 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  
Bea Rosenbaum  
Steve Tyndal  
Ariel Chavez  
Steve Fitzgibbons  
Jaime Martinez  
Chief Carlos Garcia  
Michael Davis  
Tony Rodriguez  
Debby Duke  
Margie Recio  
Lorena Hernandez  
Patty Gonzales

**OTHERS PRESENT:** Rev. Andreas Lewis  
Norma Torres  
Hunter Stanco  
Peter Schmar  
Kyle Clark  
KBSD

**1. Meeting Called To Order**

The Chairman called the meeting to order at 5:37 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.

The Chairman then addressed the Board regarding his attendance at the groundbreaking ceremonies for the Anastacio Guillen Building and the renovations to Isla Blanca Park. The Chairman reported on the strong progress and development going on at the Port.

## **2. Public Audience**

No person registered to address the Board.

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

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

The reports were received, and discussion followed.

Commissioner Reed asked Ms. Gonzalez for additional information about the advertisements included in the agenda backup. Ms. Gonzalez addressed the Board. Commissioner Reed congratulated Ms. Gonzales and the rest of the staff for their good work.

Commissioner Lopez commended Chief Garcia and his department for the hiring of more female security personnel.

Commissioner Reed asked Mr. Fitzgibbons for additional information regarding the P-Card program used by the Port. Mr. Fitzgibbons reported that staff has used the system more in the past year, but that their use has not reached the levels initially anticipated.

Commissioner Reed also asked Mr. Fitzgibbons for additional information regarding the Port's water meter replacement program. Mr. Fitzgibbons reported on the program and noted that its implementation has been a success in that the Port is saving water and is able to quickly address leaks in the system.

Commissioner Reed commended Mr. Martinez for his department's offering of IT training to Port staff.

## **CONSENT AGENDA**

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

- a. Approval of the Minutes of the Regular Board Meeting of January 17, 2018.
- b. Approval to authorize payments over \$25,000.00:
  1. HDR, the amount of \$41,250.84, for Professional Services for the DMPA 5B Dike Relocation Project;
  2. O'Brien's Response Management, the amount of \$34,417.50, for Environmental Services on Ballast Pit 1 & 2;
  3. Mor-Wil, LLC, the amount of \$242,796.47, for Keppel AmFels water line relocation;
  4. OmniTrax, the amount of \$45,693.90, for payment of portion of rent due on CMG lease;
  5. SAAB Technologies Ltd., the amount of \$93,476.36, for Klein System Annual Software Support/Maintenance; and

6. Triton Marine Construction, the amount of \$1,052,250.41, for Oil Dock 6 Construction, Oil Dock No. 3 Fender System Replacement & Facility Enhancements, & Maintenance Dredging.

c. Approval of the following leases:

1. Friends of Rio Grande Valley Reef, Inc. (New lease)
2. U.S. Government Lease/National Marine Fisheries (New lease)
3. U.S. Government Lease/Customs & Border Protection (New lease)
4. Interlube Corporation, Inc (Easement)
5. Sugaright, LLC (Subordination)

Commissioner Cowen asked that it be noted that the payment under Consent Agenda Item 4b4 was being made pursuant to the terms of the Master Franchise Agreement. Commissioner Reed asked staff and legal counsel if the signed Consent to Agreement had been received. Staff and legal counsel noted that the signed Consent to Agreement had been received.

Commissioner Cowen moved to approve all Consent Agenda items, Commissioner Masso seconded, and the motion passed unanimously.

**5. Presentation of year-end financial report on BND's Pension Plan by Hunter Stanco, Financial Advisor from Morgan Stanley.**

Mrs. Eymard introduced Hunter Stanco, Financial Advisor from Morgan Stanley, who spoke about the year-end financial reports. Discussion followed. Commissioner Reed suggested that the Port hold a workshop to further discuss the funding and performance of the pension plan.

**6. Presentation by Kyle Clark from HDR on the Brazos Island Harbor Channel Improvement Project update.**

Mrs. Eymard introduced Kyle Clark from HDR who spoke about the Island Harbor Channel Improvement Project. Discussion followed regarding the status of the project, involvement of the Army Corps of Engineers, and next steps.

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

Mrs. Rosenbaum addressed the Board regarding the following items:

1. Landro, Inc (**Authority to negotiate**)

Landro, Inc is requesting to lease approximately five acres to store timber mats. Commissioner Masso moved to authorize the Staff to negotiate with Landro, Inc. for a new lease, Commissioner Reed seconded, and the motion passed unanimously.

**8. Consideration and Action to approve adjustment to the BND Wage & Salary Chart for all salary positions.**

Mr. Martinez addressed the Board requesting approval of adjustments to the BND Wage & Salary Chart for all salaried positions. The BND Wage & Salary Chart is utilized to achieve consistent pay practices, comply with BND Policy, mirror the organization's commitment to Equal Employment Opportunity and offer competitive salaries within the labor market. The adjustment to the wage & salary chart is targeted to ensure equitable wages for salaried employees and reflects the requirements and responsibilities of their positions. The Wage & Salary Chart was last adjusted

over ten years ago. Commissioner Cowen moved to approve the Wage & Salary Chart adjustment to be effective March 1, 2018, Commissioner Lopez seconded, and the motion passed unanimously.

**9. Consideration and Action to declare the Champion Motor Grader (Unit 662) as surplus to the District's needs and to authorize the staff to offer the equipment as a trade-in for a new unit.**

Mrs. Duke addressed the Board requesting authorization to declare the Champion Motor Grader (Unit 662) as surplus to the District's needs and to authorize the staff to offer the equipment as a trade-in for a new unit. In discussions with local dealers, they have indicated that they would be willing to take the Champion Motor Grader, Unit 662, as a trade-in for the purchase of a new unit. This motor grader was purchased new on February 1, 1999, for a purchase price of \$101,873.05. It is now fully depreciated with a book value of zero. Commissioner Masso moved to declare the Champion Motor Grader, Unit 662, as surplus to the District's needs and to authorize the staff to offer it as a trade-in for the purchase of a new unit, Commissioner Reed seconded, and the motion passed unanimously.

**10. Consideration and Action on an Order and Notice of an election to be held on May 5, 2018 for the purpose of electing two Navigation and Canal Commissioners.**

Mrs. Duke addressed the Board requesting approval on an Order and Notice of an election to be held on May 5, 2018 for the purpose of electing two Navigation and Canal Commissioners. These are the official documents that call the election and provide public notice of the election. Commissioner Reed moved to adopt the Order of Election and Notice of General Election for an election to be held on May 7, 2016 for the purpose of electing two Navigation and Canal Commissioners, Commissioner Lopez seconded, and the motion passed unanimously.

**11. Consideration and Action on a Resolution in the Matter of Holding a General Election for the Purpose of Electing Two Navigation and Canal Commissioners of the Brownsville Navigation District of Cameron County, Texas.**

Mrs. Duke addressed the Board requesting the adoption or rejection of a Resolution in the Matter of Holding a General Election for the purpose of Electing Two Navigation and Canal Commissioners of the Brownsville Navigation District of Cameron County, Texas. This is the more detailed document that lays out the specific parameters of the election. Commissioner Lopez moved to adopt the Resolution in the Matter of Holding a General Election for the Purpose of Electing Two Navigation and Canal Commissioners of the Brownsville Navigation District of Cameron County, Texas, Commissioner Cowen seconded, and the motion passed unanimously.

**12. Consideration and Action on a contract for Election Services with the Cameron County Election Administration for the May 5, 2018 General Election.**

Mrs. Duke addressed the Board requesting approval on a contract for Election Services with the Cameron County Election Administration for the May 5, 2018 General Election. Staff has received the Contract for Election Services from Remi Garza, Cameron County Elections Administrator, for the District's May 5, 2018, election. Attachment A to the contract lists the Election Day and Early Voting Polling Places. Attachment B is a listing of the election judges to be used in the election and other poll workers who have already been identified. Attachment C is

the schedule of dates and times for Early Voting. Attachment D is the Election Cost Estimate. The total election is estimated to cost \$163,670.98. The District's pro-rata share of this cost is projected to be \$84,067.71, with the assumption that TSC does hold an election. This is an estimated cost, based on estimates of voter activity derived from previous elections. Circumstances may cause the actual costs to increase. The City of Port Isabel expects to be joining this election and would be sharing the cost of one polling place and some of the overhead expenses, which should reduce the District's total cost slightly. Legal counsel has reviewed the contract, and it is ready for the Board's consideration and action. Commissioner Masso moved to approve the Contract for Election Services with the Cameron County Elections Administrator in the estimated amount of \$84,067.71, Commissioner Cowen seconded, and the motion passed unanimously.

**13. Consideration and Action to approve the purchase of ten Flygt pumps from Xylem Water Solutions at a total cost of \$33,622.94.**

Mrs. Duke addressed the Board requesting approval on the purchase of ten Flygt pumps. The District has spoken with a utility consultant and other local utility organizations who strongly recommend Flygt pumps and the District has a number of these pumps already in service with very satisfactory performance. The company has provided a Sole Source letter. Commissioner Reed moved to authorize Staff to purchase ten Flygt Pumps from Xylem Water Solutions at a cost of \$33,622.94, Commissioner Lopez seconded, and the motion passed unanimously

**14. Consideration and Action to enter into an Earthen Material Sale Agreement with contractor Strike, LLC for random fill dirt to be used as trench backfill in their Valley Crossing Pipeline project.**

Mr. Chavez addressed the Board requesting approval to enter into an Earthen Material Sale Agreement with contractor Strike, LLC for random fill dirt to be used as trench backfill in their Valley Crossing Pipeline project. On January 24, 2018, Strike, L.L.C. (Strike), contractor on the Valley Crossing Pipeline project, submitted a request to the District to purchase between 33,000 and 38,000 cubic yards (CY) of Fill Dirt (or Earthen Material) to be used as trench backfill at the Clark Island area in their Valley Crossing Pipeline project. There are two areas from which Earthen Material could be taken: a current excavation area for the District's Patio 22 and Dredged Material Placement Area No. 8 (DMPA #8) that would be advantageous to the District. The District's Disposition of Earthen Material Committee (DEMC) recommended that earthen material be sold at \$0.75 per cubic yard (CY) from either of the designated source areas. Discussion followed regarding the price per cubic yard for the material. After discussion, Commissioner Reed moved to enter into an Earthen Material Sale Agreement with Strike, L.L.C., but at a price not lower than \$1.50 per cubic yard, Commissioner Lopez seconded, and the motion passed unanimously

**15. Consideration and Action on amendment to 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, and approving a new dredging schedule**

Mr. Chavez addressed the Board requesting approval on amendment to 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, and approving a new dredging schedule. Change Order No.5 provided for additional shoaling that pre-dredge bathymetric surveys showed, as compared to the original surveys, and for a temporary bypass of Cargo Dock #15 to accommodate scheduled incoming vessels in February 2018. Triton had proposed to perform the additional dredging for \$239,395.60 and re-schedule Cargo Dock #15 dredging for \$50,000.00, extending the dredging completion contract time 43 days. Triton is now proposing a revised dredging schedule, which includes postponement of Cargo Dock #15 dredging, and waives the \$50,000.00 charge. The project over-all contract time is still extended 7 days. The new contract amount becomes \$24,396,206.97, and the contract completion date becomes January 6, 2019. Commissioner Cowen moved to approve the amended 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, accepting the waived fee of \$50,000.00, for a new contract price of \$24,396,206.97. with the contract completion date remaining at January 6, 2019, Commissioner Lopez seconded, and the motion passed unanimously.

**16. 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 Reed moved to adjourn into Executive Session, Commissioner Lopez seconded, and the motion passed unanimously. The Chairman then announced that the time was 7:18 p.m., and that the Board would adjourn into Executive Session.


Commissioner Cowen moved to reconvene in open session, Commissioner Reed seconded, and the motion passed unanimously. The Chairman then announced that the time was 8:18 p.m. and that the Board had reconvened in open session.

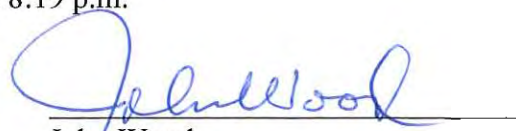
**17. Possible action on matters or items discussed in Executive Session.**

There was none.

**18. Adjournment.**

Commissioner Lopez moved to adjourn the meeting, Commissioner Cowen seconded, and the meeting was adjourned by unanimous consent at 8:19 p.m.

**ATTEST**  
  
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Secretary

  
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John Wood  
Chairman of the Board