

**MINUTES OF A WORKSHOP AND AREGULAR MEETING OF THE BOARD OF
NAVIGATION AND CANAL COMMISSIONERS OF THE BROWNSVILLE
NAVIGATION DISTRICT OF CAMERON COUNTY, TEXAS HELD
MAY 2, 2018 AT 4:30 P.M.**

The Board of Navigation and Canal Commissioners of the Brownsville Navigation District of Cameron County, Texas, held a workshop and regular meeting on **Wednesday, May 2, 2018 at 4:30 p.m.** The following individuals were present and absent:

PRESENT: John Wood, Chairman
Ralph Cowen
John Reed
Sergio Tito Lopez
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
Ariel Chavez
Steve Fitzgibbons
Jaime Martinez
Chief Carlos Garcia
Lieutenant Mario Esquivel
Tony Rodriguez
Debby Duke
Patty Gonzales
Memo Rico
Oscar Garcia
Manuel Martinez
Margie Recio

OTHERS PRESENT: Rev. Andreas Lewis
Michael Kriebler
Mark Davenport
Christopher Mear
Scott Donnaho
John Young
Randy Boyd
KBSD

1. Workshop – Update on Construction on Liquid Cargo Dock No. 6

The Chairman called the Workshop to order at 4:40 p.m. Mr. Chavez, Mr. Krieber, and Mr. Boyd addressed the Board regarding the discovery of various unknown objects below the mudline in the ship channel and the implications for the ongoing construction project on Oil Dock 6. Discussion followed.

1. Meeting Called To Order

The Chairman called the regular meeting to order at 5:29 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

The Board received the reports. Mr. Campirano noted that staff intends to go out for bids on the bulk cargo dock project on May 7, 2018.

CONSENT AGENDA

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

- a. Approval of the Minutes of the Regular Board Meeting of April 18, 2018.
- b. Approval to authorize payments over \$25,000.00:
 1. Triton Marine Construction, the amount of \$747,916.18, for Oil Dock No. 6 Construction, Oil Dock No. 3 Fender System Replacement & Facility Enhancement & Maintenance Dredging.
- c. Approval of the following leases:
 1. Firebird Bulk Carriers, Inc. (New lease)
 2. Paul Piazza & Son, Inc. (Amendment)
 3. Raul Garcia, d/b/a Garcia Shrimping (Release of lease)

5. Consideration and Action on Steamship Agents License Renewal Application for:

1. ISS Marine Services Inc. d/b/a Inchcape Shipping Services.

Commissioner Reed moved to approve all consent agenda items, Commissioner Masso seconded, and the motion passed by a vote of 4-0. Commissioner Cowen asked that he be shown as abstaining from the vote on approval of the April 18 minutes, as he was not present at that meeting.

6. Presentation by Mark Davenport from HDR, Inc. on pipeline construction observation for the Valley Crossing Pipeline project.

Mr. Campirano introduced Mark Davenport and Christopher Mear of HDR, who spoke about their observation of the pipeline construction for the Valley Crossing Pipeline project. Discussion followed.

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

Mrs. Rosenbaum addressed the Board regarding the following items:

1. M & M Mooring Company (Authority to negotiate)

M & M Mooring Company under BND Contract 3962 has requested an amendment of its lease to increase the size of the leased premises. M&M Mooring Company intends to build a new office for their line handling business and need additional land for parking. Commissioner Cowen moved to authorize the Staff to negotiate an amendment with M & M Mooring Company to increase the size of the leased premises, Commissioner Masso seconded, and the motion passed unanimously.

8. Consideration and Action on Change Order No. 6 to the Oil Dock No. 6 Construction, Oil Dock No. 3 Fender System Replacement & Facility Enhancements, & Maintenance Dredging project, for the purpose of removing any and all debris, concrete, pilings, and other miscellaneous objects within the dredging prism of Oil Dock No. 6.

Mr. Chavez addressed the Board requesting approval on Change Order No. 6 to the Oil Dock No. 6 Construction, Oil Dock No. 3 Fender System Replacement & Facility Enhancements & Maintenance Dredging project, for the purpose of removing any and all debris, concrete, pilings, and other miscellaneous objects within the dredging prism of Oil Dock No. 6. On December 21, 2016, BND Commissioners awarded the Oil Dock No. 6 Construction, Oil Dock No. 3 Fender System Replacement & Facility Enhancements, and Maintenance Dredging contract to Triton Marine Construction Corp. (Triton) for \$23,649,529.40. BND Commissioners have approved Change Orders No. 1 through No.5 (amended) in the amount of \$746,677.57, for a current contract price of \$24,396,206.97, with 27 days added to the overall contract time. During dredging operations in the Oil Dock No. 6 basin, several large and multiple smaller objects were discovered at depths of 10 to 20 feet below the mudline (and deeper) that must be removed. Triton proposes to remove all obstructions (debris, concrete, pilings, and other objects) within the entire basin footprint down to the design dredge depth (-45 feet) for a lump sum price of \$3,280,858.00. Change Order No.6 would adjust the contract price to include this cost, for a new contract amount of \$27,677,064.97. Since the amount of debris and obstruction objects is not entirely known at this time the impact on the contract completion date remains open and will be evaluated upon completion of the removal of obstructions and debris. Mr. Boyd addressed the Board and noted that his company would assume all risk associated with removing the objects that have been discovered. Commissioner Reed moved to approve the amended Change Order No. 6 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 \$3,280,858.00, for a new contract price of \$27,677,064.97, Commissioner Masso 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 Masso moved to adjourn into executive session, Commissioner Reed seconded, and the motion passed unanimously. The Chairman announced that the time was 6:04 p.m. and that the Board would adjourn into executive session.

Commissioner Cowen moved to reconvene into open session, Commissioner Masso seconded, and the motion passed unanimously. The Chairman then announced that the time was 6:23 p.m. and that the Board had reconvened in open session.

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

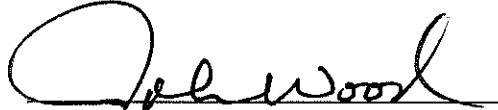
There was none.

11. Adjournment.

Commissioner Masso moved to adjourn the meeting, Commissioner Cowen seconded, and the meeting was adjourned by unanimous consent at 6:24 p.m.

ATTEST

Secretary


John Wood
Chairman of the Board