

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND  
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF  
CAMERON COUNTY, TEXAS HELD JUNE 20, 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, June 20, 2018 at 5:30 p.m.** The following individuals were present and absent:

**PRESENT:** John Reed, Chairman  
Sergio Tito Lopez  
Ralph Cowen  
Esteban Guerra

**ABSENT:** John Wood

**ALSO PRESENT:** William Irwin, District Counsel

**STAFF MEMBERS:** Donna Eymard  
Bea Rosenbaum  
Patty Gonzales  
Lieutenant Mario Esquivel  
Lorena Hernandez  
Steve Tyndal  
Manuel Martinez  
Oscar Garcia  
Ariel Chavez  
Steve Fitzgibbons  
Jaime Martinez  
Chief Carlos Garcia  
Michael Davis  
Tony Rodriguez  
Debby Duke  
Margie Recio

**OTHERS PRESENT:** Rev. Andreas Lewis  
Joe Linck  
Wade Gates  
Alfonso Vital  
Grecia Silva  
Andres Trevino  
Estella Hankin  
Jose Reyes  
Jorge de la Colina

### **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.

### **2. Public Audience**

No person registered to address the Board.

Mrs. Eymard recognized the interns serving at the Port this summer – Alfonso Vital, Grecia Silva, and Andres Trevino. Mrs. Eymard also recognized the externs serving at the Port this summer – Estella Hankin and Jose Reyes.

The Board congratulated Commissioner Guerra on the recent birth of his daughter.

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

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

Ms. Hernandez made the report to the Board. Discussion followed.

### **CONSENT AGENDA**

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

- a. Approval of the Minutes of the Regular Board Meeting of June 6, 2018.
- b. Approval to authorize payments over \$25,000.00:
  1. HDR, Inc., the amount of \$42,803.77, for DMPA 5B Dike Relocation Project, BIH Deepening Project;
  2. McGriff, Seibels & Williams, Inc., the amount of \$382,755.45, for Property and Liability Insurance Policy Renewals;
  3. Environmental Evolutions National, the amount of \$29,484.00, for disposal of Oily Waste; and
  4. Vulcan Material Company, the amount of \$91,260.08, for crushed limestone.
- c. Approval of the following leases:
  1. AmSpec, LLC (New lease)
  2. American Cement Advisors, Inc (New lease)
  3. Luma Trading, Inc. (Release of Lease)
  4. Valley Crossing Pipeline, LLC (Amendments to Easements)
  5. West Plains, LLC (Amendment)
  6. M&M Mooring Company (Amendment)

Mrs. Rosenbaum asked that the Board table Consent Agenda Item 4c5. Commissioner Lopez moved to table Item 4c5, Commissioner Cowen, seconded, and the motion passed unanimously.

Chairman Reed asked for additional information regarding the nature of Consent Agenda Item 4c4. Ms. Rosenbaum and Mr. Chavez addressed the Board to clarify that the amendment is to correct the legal descriptions after additional surveying.

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

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

Mrs. Rosenbaum addressed the Board regarding the following items:

**1. Optimum Quality Transfer, LLC (Authority to negotiate)**

The lease with Optimum Quality Transfer, LLC under BND Contract No. 3671 expired on May 21, 2018, and Optimum Quality Transfer has requested a new lease. The purpose of the lease is for a transportation yard. Commissioner Guerra moved to authorize the Staff to negotiate a new lease with Optimum Quality Transfer, LLC, Commissioner Lopez seconded, and the motion passed unanimously.

**6. Consideration and Action to enter into negotiations with Burson-Marsteller to refine scope of work and extend contract.**

Mr. Tyndal addressed the Board requesting authorization for Staff to enter into negotiations with Burson-Marsteller to refine scope of work and extend contract. Wade Gates addressed the Board on behalf of Burson-Marsteller. August 1, 2017 is the effective date of a Master Services Agreement between the Brownsville Navigation District and Burson-Marsteller for communications services. The agreement terminates July 31, 2018. Port staff recommended the Commission consider refining Burson-Marsteller's scope of work to achieve more measurable and meaningful results. Negotiations are ongoing to extend the agreement, subject to the Commission's wishes. The Board asked Mr. Tyndal to notify them regarding future visits from reporters. Chairman Reed asked if there was a motion to enter into negotiations to refine the scope of work and extend the contract. The item died for lack of a motion.

**7. Consideration and possible Action on adjusting meeting schedule for July 2018 Board meetings.**

Mrs. Eymard addressed the Board requesting the adjustment of the Regular meetings scheduled for July 2018. Commissioner Guerra moved to schedule the July meetings for July 11<sup>th</sup> at 5:30 p.m. and July 25, 2018 at 5:30 p.m., Commissioner Cowen seconded, and the motion passed unanimously.

**8. Consideration and Action on amending the Port of Brownsville Tariff No. 6 Cover Page.**

Mrs. Duke addressed the Board requesting an amendment to the Port of Brownsville Tariff No. 6 Cover Page. With the election of new officers for the Board of Commissioners, Port staff needs to update that information on the cover page of the Tariff. Commissioner Cowen suggested that the Port's logo be added to the cover page. In addition, the note regarding the filing of the Tariff is no longer required, so it is being removed. Commissioner Cowen moved to adopt the revised Cover Page for Tariff No. 6, Commissioner Lopez seconded, and the motion passed unanimously.

**9. Consideration and Action on bids received for the BND Bulk Cargo Dock Improvements project.**

Mr. Chavez addressed the Board requesting that this Item be tabled. Commissioner Lopez moved to table this Item, Commissioner Guerra seconded, and the motion passed unanimously.

**10. Consideration and Action on Change Order No. 1 to Phase I of the Foust Road Truck Parking Facility project, for the purpose of upgrading an existing sanitary sewer manhole and replacing asphaltic pavement with concrete pavement.**

Mr. Chavez addressed the Board requesting approval of Change Order No. 1 to Phase I of the Foust Road Truck Parking Facility project, for the purposes of upgrading an existing sanitary sewer manhole and replacing asphaltic pavement with concrete pavement. During the construction process on this project, it was discovered that an existing sanitary sewer manhole adjacent to the proposed entrance to the Truck Parking area is old and should be upgraded. G&T proposes to upgrade the manhole for \$6,500.00. Additionally, it was determined that the three storm sewer inlets within the asphaltic pavement surface could be strengthened by providing an adjacent 3 ft. wide concrete pad, which replaces some asphalt pavement for concrete pavement, and the District has made an adjustment at the entrance which replaces some concrete pavement with asphalt pavement, for which the contract provided unit prices. Change Order No.1 would adjust the contract price to add the manhole upgrade and account for the pavement replacements. Contractor is also requesting an additional 14 days due to coordination with AT&T for the relocation of an existing communications line and coordination with BPUB on provision for the perimeter lighting conduit. Commissioner Cowen moved to approve Change Order No. 1 to the contract with G&T Paving, L.L.C. on Phase I of the Foust Road Truck Parking Improvements project, increasing the contract price by \$7,777.71, for a new contract price of \$670,737.66, and extending the contract time by 14 days to July 23, 2018, Commissioner Guerra seconded, and the motion passed unanimously.

**11. Consideration and Action on Change Order No. 7 to the Oil Dock No. 6 Construction, Oil Dock No. 3 Fender System Replacement & Facility Enhancements, & Maintenance Dredging project, for the purposes of adjusting storm drainage system due to pipe encountered, and to replace lighting lamps with LED luminaires.**

Mr. Chavez addressed the Board requesting approval on Change Order No. 7 to the Oil Dock No. 6 Construction, Oil Dock No. 3 Fender System Replacement & Facility Enhancements, & Maintenance Dredging project, for the purposes of adjusting storm drainage system due to a pipe that has been encountered, and to replace lighting lamps with LED luminaires. During storm drainage installation, an existing pipe was discovered that must be accounted for, and a portion removed. Additionally, the halogen light fixtures originally specified are no longer available, and are proposed to be replaced with LED luminaires. Triton proposes to make the adjustment to the storm sewer system for a lump sum price of \$6,928.15, and to replace the luminaires for a lump sum price of \$11,581.22. Change Order No.7 would adjust the contract price to include these costs, for a new contract amount of \$27,695,574.34. The work will have no impact on the contract completion date. After discussion, Commissioner Guerra moved to approve Change Order No. 7 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 \$18,509.37, for a new contract price of \$27,695,574.34, with no adjustment to the contract time, Commissioner Cowen 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 6:16 p.m. and that the Board would adjourn into executive session. Commissioner Lopez moved to adjourn into executive session, Commissioner Cowen seconded, and the motion passed unanimously.

The Chairman then announced that the time was 6:58 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 Lopez moved to adjourn the meeting, Commissioner Cowen seconded, and the meeting was adjourned by unanimous consent at 6:59 p.m.

ATTEST

  
Secretary

  
John Reed  
Chairman of the Board