

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND  
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF  
CAMERON COUNTY, TEXAS HELD NOVEMBER 6, 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, November 6, 2018 at 5:30 p.m.** The following individuals were present and absent:

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

**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  
Steve Tyndal  
Bea Rosenbaum  
Ariel Chavez  
Lorena Hernandez  
Manuel Martinez  
Jaime Martinez  
Chief Carlos Garcia  
Lieutenant Mario Esquivel  
Michael Davis  
Tony Rodriguez  
Debby Duke  
Jorge Montero  
Jose Herrera  
Oscar Garcia  
Memo Rico  
Margie Recio  
Karina Franco  
Maggie Doxsee

**OTHERS PRESENT:** Mike Krieber  
Scott Donoho  
Nancy and Jorge Gaytan  
Wade Gates  
Michael Hutshneker  
Jorge de la Colina  
David Eymard

## **1. Meeting Called To Order**

The Chairman called the meeting to order at 5:35 p.m. Mr. Chavez 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.

The Commissioner thanked the staff for their hard work in preparing for the dedication of the new administrative building.

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

The Board received the reports.

Ms. Hernandez introduced Karina Franco, who has joined the District's Finance Department as an assistant director of accounting. Ms. Franco addressed the Board and thanked the Port for the opportunity.

## **CONSENT AGENDA**

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

- a. Approval of the Minutes of the Regular Board Meeting of October 17, 2018.
- b. Approval to authorize payments over \$25,000.00:
  1. HDR, the amount of \$115,286.26, for Construction Admin. and Observation Services for Oil Docks 3 & 6 and maintenance dredging, Construction observation services for Valley Crossing Pipeline, Dike 5B relocation project, and the BIH project;
  2. Russell Marine LLC, the amount of \$185,043.60, for BND Bulk Cargo Dock Improvements;
  3. Triton Marine Construction, the amount of \$315,231.83, for Oil Dock 6, Oil Dock 3 fender system replacement, Oil Dock 3 facility enhancements, and maintenance dredging; and
  4. Environmental Evolutions, the amount of \$112,647.60, Ballast pit 2 transportation and disposal sludge and pick up of oily water.
- c. Approval of the following leases:
  1. Ocelot Energy Management, LLC (New lease)
  2. Raul L. Garcia, d/b/a Garcia Bookkeeping (New lease)
  3. Arguindegui Oil Co. II, Ltd (New lease)
  4. Falco, Inc. (Release of Lease)
  5. George Carlos Gavito (New lease)
  6. JTM II, Ltd (Amendment)
  7. Texas Shrimp Association (Bill of Sale)

5. **Consideration and Action to approve payment of the District's pro-rata portion of the Cameron Appraisal District (CAD) budget for fiscal year 2019. The District's pro-rata portion is .74615 percent of the total CAD budget or \$38,615.00.**
6. **Consideration and Action on an application for a renewal of the Harbor Tug Operator's License from Signet Maritime Corporation.**

Chairman Reed asked Mr. Campirano what portion of the amount in Item 4b1 was reimbursable to the BND. Mr. Campirano noted that the amounts attributed to the Valley Crossing Pipeline and BIH projects would be reimbursed to the BND.

Commissioner Cowen noted that he would be abstaining from the vote on Item 4c6.

Commissioner Cowen moved to approve all consent agenda items except for Item 4c6, Commissioner Guerra seconded, and the motion passed unanimously.

Commissioner Wood moved to approve Item 4c6, Commissioner Guerra seconded, and the motion passed by a vote of 3-0. Commissioner Cowen abstained.

7. **Results of Port of Brownsville Key Audience Survey by PSB, a division of Burson-Marsteller.**

Mr. Tyndal introduced Michael Hutshneker, Senior Director of PSB, who spoke about the results of Port of Brownsville Key Audience Survey. Discussion followed.

Commissioner Lopez then took his seat at the Board table.

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

Mrs. Rosenbaum addressed the Board regarding the following items:

1. **Cameron County Sheriff's Office (Authority to negotiate)**

The Cameron County Sheriff's Office's lease, under BND Contract 3981, expired on October 14, 2018, and they have requested a new lease. The purpose is for law enforcement firearms training. Commissioner Cowen moved to authorize the Staff to negotiate a new lease with the Cameron County Sheriff's Office, Commissioner Guerra seconded, and the motion passed unanimously.

2. **Roberto Soto, d/b/a R. Soto Transport Truck/Jesus Molina, d/b/a Molina Trucking, (Authority to negotiate)**

Roberto Soto, d/b/a R. Soto Transport Truck, under BND Contract 3928, is selling his improvements to Jesus Molina, d/b/a Molina Trucking and has requested that he be released of his lease, subject to the Board approving of a new lease to Jesus Molina d/b/a Molina Trucking. Commissioner Guerra moved to authorize the Staff to negotiate a new lease with Jesus Molina and to prepare a release of lease to Mr. Soto, Commissioner Cowen seconded, and the motion passed unanimously.

3. **Andalusian Energy, LLC (Authority to negotiate)**

The Chairman noted that Commissioner Lopez would be abstaining from this item. Andalusian Energy, LLC is requesting an option to lease on approximately 4 acres for the purpose of receiving via pipeline natural gas and developing a terminal for the purpose of compressing natural gas in containers for import and export of third party containerized cargo. Commissioner Guerra moved

to authorize the Staff to negotiate an option with Andalusian Energy, LLC, Commissioner Wood seconded, and the motion passed by a vote of 4-0. Commissioner Lopez abstained.

**9. Consideration and Action on canceling the second regularly scheduled Board meeting of November.**

Mr. Campirano addressed the Board requesting the cancellation of the second regularly scheduled Board meeting of November. The second regular board meeting in November is scheduled for November 21st, the day before Thanksgiving. Commissioner Wood moved to cancel the second Board meeting in November, Commissioner Cowen seconded, and the motion passed unanimously.

**10. Consideration and Action to authorize the Port Director & CEO to enter an agreement with The Texas Ports Association for an Economic Impact Study to be conducted by Martin Associates.**

Mr. Campirano addressed the Board requesting authorization to enter an agreement with The Texas Ports Association for an Economic Impact Study to be conducted by Martin Associates. The Texas Ports Association has requested a proposal from Martin Associates to conduct an Economic Impact Study for its members. The study would provide the Port of Brownsville a report delineating the economic impacts of its marine terminal and cargo activities. The Port of Brownsville participated in a similar effort in 2012 and 2015. The estimated cost will be \$25,000 to \$28,500, depending on how many other ports participate and share in the costs. Discussion followed. Commissioner Cowen moved to participate in the economic impact proposal for the Texas Ports Association, Commissioner Lopez seconded, and the motion passed unanimously.

**11. Consideration and Action to enter into a Professional Management Contract with the Lower Rio Grande Valley Economic Development District (LRGVEDD) for the EDA Project Number 08-01-05260 Public Vessel Assembly and Erection Pad.**

Mr. Campirano addressed the Board requesting authorization to enter into a Professional Management Contract with the Lower Rio Grande Valley Economic Development District (LRGVEDD) for the EDA Project Number 08-01-05260 Public Vessel Assembly and Erection Pad. The Port of Brownsville submitted an EDA application in August 2018 with the U.S. Department of Commerce Economic Development Administration (EDA) for a Public Vessel Assembly and Erection Pad to be located at the facilities of Keppel Amfels. In September 2018, EDA approved the application and awarded the Port of Brownsville \$1,800,000 for this improvement project. The LRGVEDD will provide project management, reporting, and support services in connection with the oversight of this EDA project. Mr. Campirano noted that legal counsel had reviewed the contract and that the finance department would monitor performance of the contract. Commissioner Cowen moved to approve the Professional Management Contract with LRGVEDD, Commissioner Wood seconded, and the motion passed unanimously.

**12. Consideration and Action on bids received for the Old S.H. 48 Railroad Crossings Installation project within the BND Port Road Improvements – Phase II project.**

Mr. Chavez addressed the Board requesting the approval or rejection of bids received for the Old S.H. 48 Railroad Crossings Installation project within the BND Port Road Improvements – Phase II project. As authorized by BND Commissioners on June 11, 2018, and in cooperation with the Brownsville-Rio Grande Railway (BRG), BND Engineering Staff prepared Bid documents and published an invitation to bid on the Installation of three Railroad Crossings on Old State Highway

48, which are within Phase II of the BND Port Road Improvements project. As previously expressed, the replacement of rail and planks on these crossings is not part of the scope of work on the roads project. BND Staff worked with BRG staff on ordering the materials needed and also to prepare specifications and bid documents for the installation of these crossings. The invitation to bid was published on the crossings installation on September 17 and 24, 2018 and opened bids on October 16, 2018. Two bids were received. OnTrack Railroad Construction, LLC was the apparent low bidder at \$78,355.00. In coordination with BRG staff, BND Staff has evaluated the bids and deemed the low bidder to be responsive. Commissioner Lopez moved to award the contract for the Old S.H. 48 Railroad Crossings Installation project to lowest responsive bidder OnTrack Railroad Construction, LLC for the bid amount of \$78,355.00, and authorize BND Staff to issue the Notice of Award, Commissioner Cowen seconded, and the motion passed unanimously.

**13. 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 6:19 p.m. and that there were items for discussion in executive session. Commissioner Guerra moved to adjourn into executive session, Commissioner Cowen seconded, and the motion passed unanimously.

The Chairman then announced that the time was 6:55 p.m. and that the Board had reconvened in open session.


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

There was none.

**15. Adjournment.**

Commissioner Cowen moved to adjourn the meeting, Commissioner Lopez seconded, and the meeting was adjourned by unanimous consent at 6:56 p.m.

ATTEST  
  
Secretary

  
John Reed  
Chairman of the Board