

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD OCTOBER 03, 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, October 03, 2018 at 5:30 p.m.** The following individuals were present and absent:

PRESENT: John Reed, Chairman
Sergio Tito Lopez
Esteban Guerra

ABSENT: Ralph Cowen
John Wood

ALSO PRESENT: Eduardo A. Campirano, Port Director and CEO
Daniel Rentfro Jr., District Counsel
William J. Irwin, Associate District Counsel

STAFF MEMBERS: Lorena Hernandez
Bea Rosenbaum
Lieutenant Mario Esquivel
Ariel Chavez
Oscar Garcia
Jaime Martinez
Chief Carlos Garcia
Michael Davis
Maggie Doxsee
Jose Herrera
Debby Duke
Margie Recio

OTHERS PRESENT: Rev. Andreas Lewis
Rick Nunez
Peter Ferraro
Jorge Gaytan
Nancy Gaytan
Scott Donnaho
Jorge de la Colina

I. Meeting Called To Order

The Chairman called the meeting to order at 5:36 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

Nancy Gaytan and Rick Nunez addressed the Board regarding lease negotiations between her companies and the BND.

3. Receive Director's Report

a. Receive Port Monthly Operations Summary Report

The Board received the reports. 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 September 19, 2018.
- b. Approval to authorize payments over \$25,000.00:
 1. Cameron County Election Department, the amount of \$89,641.39, for May 05, 2018 election services;
 2. HDR, Inc., the amount of \$149,218.84, for construction and observations services for the Valley Crossing Pipeline, Services on BIH Project, Construction administration and observation services for Oil Docks 3 & 6 Maintenance Dredging, and services on performed on the Dike 5B Relocation project;
 3. Texas Economic Development Corp., the amount of \$25,000.00, for membership dues for "Go Big in Texas" formally known as Texas ONE; and
 4. Triton Marine Construction, the amount of \$380,640.92, for Oil Dock 6, Oil Dock 3 Fender System Replacement, Oil Dock 3 Facility Enhancements, and Maintenance Dredging.

Commissioner Lopez moved to approve all 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. Raul L. Garcia, d/b/a Garcia Bookkeeping (Authority to negotiate)

The lease with Raul L. Garcia, d/b/a Garcia Bookkeeping under BND Contract 3686 expired on September 1, 2018, and the lessee has requested a new lease. Mr. Garcia provides bookkeeping and accounting services to the Fishing Harbor lessees. Commissioner Lopez moved to authorize the Staff to negotiate a new lease with Raul L. Garcia, d/b/a Garcia Bookkeeping, Commissioner Guerra seconded, and the motion passed unanimously.

2. Paul Shane d/b/a TLO Logistics / Bluewing One, LLC. (Authority to negotiate)

Paul Shane d/b/a TLO Logistics under BND Contract 4106 is negotiating the sale of its improvements to Bluewing One and has requested a release of their lease subject to the Board approving an amendment to Bluewing's lease under BND Contract 4140 to add the site covered being released by Paul Shane d/b/a TLO Logistics. Bluewing is planning to build additional tank storage on this site and will be expanding railcar and truck loading stations. Commissioner Guerra

moved to negotiate with Bluewing to amend their lease and to negotiate a release of lease to Paul Shane d/b/a TLO Logistics, Chairman Reed seconded, and the motion passed by a vote of 2-0. Commissioner Lopez abstained.

3. Shallow Stalker Boars, LLC (Subordination/Ratification)

Shallow Stalker Boats, LLC under BND Contract 4107 has requested the Board's consent to subordinate its lien in favor of Lone Star National Bank for a loan and extension of credit to support and expand operations on the leased premises at the Fishing Harbor. Due to a closing deadline, Mr. Campirano signed the subordination agreement, which was in the Port's standard form. Therefore, staff requests that the Board ratify the subordination agreement. Commissioner Lopez moved to ratify the subordination agreement, Commissioner Guerra seconded, and the motion passed unanimously.

6. Consideration and Action to declare Unit 682 as surplus to the District's needs and to authorize the Staff to offer the vehicle as a trade-in.

Mrs. Duke addressed the Board requesting declaration of Unit 682 as surplus to the District's needs and to authorize the Staff to offer the vehicle as a trade-in. This item was presented at the September 19th meeting. At that time, the Board asked that Staff investigate what rust warranty was available for this vehicle. Staff discovered that the rust warranty has expired for this vehicle. Commissioner Lopez moved to declare Unit 682 as surplus to the District's needs and to authorize the staff to trade the unit in on the purchase of new vehicles, Commissioner Guerra seconded, and the motion passed unanimously.

7. Consideration and Action to accept proposal from EDG, Inc. for Construction Manager and Construction Support Services on the BND Bulk Cargo Dock Improvements project.

Mr. Chavez addressed the Board requesting acceptance of proposal from EDG, Inc. for Construction Manager and Construction Support Services on the BND Bulk Cargo Dock Improvements project. Consulting engineers EDG, Inc. (EDG) has submitted a proposal for Construction Manager and Construction Support Services for this project. EDG's proposal includes an estimated fee of \$180,300.00 for On-Site Construction Manager Services and an estimated fee of \$100,000.00 for Construction Support services, for a total estimated professional services fee of \$280,300.00. Commissioner Lopez moved to table this item, Commissioner Guerra seconded, and the motion passed unanimously.

8. 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, including the consultation with attorneys regarding Trinity Scrap Processors d/b/a Port of Brownsville Recycling and Intercoastal Salvage, Inc.; 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 Guerra seconded, and the motion passed unanimously. The Chairman then announced that the time was 5:50 p.m.

and that the Board would adjourn into executive session.

The Chairman then announced that the time was 6:45 p.m. and that the Board had reconvened in open session.

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

The Chairman recalled Item 7.


Commissioner Lopez moved to authorize the Port Director to accept the proposal from EDG, Inc. for Construction Manager and Construction Support Services for the Bulk Cargo Dock Improvements project in the estimated amount of \$280,300.00, not to be exceeded without prior authorization from the Board, Commissioner Guerra seconded, and the motion passed unanimously.

10. Adjournment.

Commissioner Lopez moved to adjourn the meeting, Commissioner Guerra seconded, and the meeting was adjourned by unanimous consent at 6:47 p.m.

ATTEST


Secretary


John Reed
Chairman of the Board