

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND  
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF  
CAMERON COUNTY, TEXAS HELD FEBRUARY 6, 2019 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 6, 2019 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  
Lorena Hernandez  
Ariel Chavez  
Oscar Garcia  
Jose Herrera  
Manuel Martinez  
Jaime Martinez  
Jorge Montero  
Chief Carlos Garcia  
Lieutenant Mario Esquivel  
Michael Davis  
Debby Duke  
Margie Recio

**OTHERS PRESENT:** Rev. Andreas Lewis  
Eddie Padron  
Jorge de la Colina  
Scott Donnaho  
Representatives of Keppel AmFELS

**1. Meeting Called To Order**

The Chairman called the meeting to order at 5:32 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 reports were in the agenda packet. Discussion followed.

Chairman Reed asked for an update on the recent meeting with terminal operators at the Port. Chief Garcia and Mrs. Eymard addressed the Board.

## **CONSENT AGENDA**

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

- a. Approval of the Minutes of the Regular Board Meeting of January 16, 2019.
- b. Approval to authorize payments over \$25,000.00:
  1. EDG, Inc, the amount of \$59,531.73, for construction support services Bulk Cargo Dock Rehabilitation Service;
  2. HDR, the amount of \$251,320.84, for Construction Observation services for Valley Crossing Pipeline Project, BIH Project, and BIH Project Task Order #2;
  3. Triton Marine Construction, the amount of \$213,848.07, for Oil Dock 6 Construction, Oil Dock No. 3 Fender System Replacement & Facility Enhancements & Maintenance Dredging;
  4. L&G Concrete Construction, Inc., the amount of \$568,800.00, for Public Vessel Assembly & Erection Pad; and
  5. Russell Marine LLC, the amount of \$878,514.30, for BND Bulk Cargo Dock.

Mrs. Duke noted a correction in the minutes to show that Commissioner Lopez voted nay on Item 16 and that the Item was passed by a vote of 4-1. Commissioner Cowen moved to approve Items 4a and 4b1-5 with the correction noted by Mrs. Duke, Commissioner Wood seconded, and the motion passed unanimously.

- c. Approval of the following leases:
  1. Cameron County Sheriff's Office (New lease)
  2. Labor and Prosper, Inc (New lease)
  3. Venmar Shrimp, Inc. (Release of lease)

Commissioner Guerra moved to approve Items 4c1-3, Commissioner Cowen seconded, and the motion passed unanimously.

### **5. Consideration and Action on an application for a renewal of the Stevedore and Freight Handler's License submitted by Gulf Stream Marine, Inc.**

Commissioner Reed announced that he wished to abstain from Agenda Item 5.

Commissioner Lopez moved to approve Item 5, Commissioner Cowen seconded, and the motion passed by a vote of 4-0. Chairman Reed abstained.

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

Mrs. Rosenbaum addressed the Board regarding the following items:

1. Sea Breeze Marine, Inc. (**Authority to negotiate**)

The lease with Sea Breeze Marine, Inc. under BND Contract 3663 expired on January 31, 2019, and Sea Breeze Marine, Inc. has requested a new lease. The purpose of the lease is for a shrimp boat dock. Commissioner Cowen moved to authorize Staff to negotiate a new lease with Sea Breeze Marine, Inc., Commissioner Guerra seconded, and the motion passed unanimously.

**7. Consideration of and Action on new lease to Rio Grande LNG, LLC for 983.97 acres of land, more or less, situated in the Rafael Garcia, Cameron County Texas, T. Kinder, Isabel Y Garcia, R.R. Stoley and Brownsville Navigation District Surveys, Abstracts 1, 264, 270, 272, 273, 274 & 275, Cameron County, Texas.**

Mr. Campirano requested that this Item be tabled.

Commissioner Lopez moved to table the Item, Commissioner Wood seconded, and the motion passed unanimously.

**8. Consideration and Action to authorize the Port Director and CEO to enter into an Interagency Support Agreement with the United States Department of the Army for USACE's Galveston District's 100% design review Project Delivery Team meetings & support, Agency Technical Review of the draft 204(f) report, Agency review of the Final 204(f) report coordination/approval, and Economic Update on the Brazos Harbor Channel Improvement project, and to authorize payment of the requested \$195,000.00 contribution.**

Mr. Chavez addressed the Board requesting authorization for the Port Director and CEO to enter into an Interagency Support Agreement with the United States Department of the Army for USACE's Galveston District's 100% design review Project Delivery Team meetings & support, Agency Technical Review of the draft 204(f) report, Agency review of the Final 204(f) report coordination/approval, and Economic Update on the Brazos Harbor Channel Improvement project, and to authorize payment of the requested \$195,000.00 contribution. The Galveston District (SWG) of the United States Army Corps of Engineers (USACE) is requesting that the Brownsville Navigation District adopt an Interagency Support Agreement (ISA) with the United States Department of the Army (DA) for the Galveston District (SWG) of the USACE to provide support on the permitting for, and to perform an Update on the Economics analysis on, the deepening of the Brazos Island Harbor Ship Channel. The tasks would include Project Delivery Team (PDT) meetings and technical support for the 100% design review by the District, Agency Technical Review (ATR) of the draft 204(f) report, Agency review of the Final 204(D) report coordination towards approval, and the aforementioned Economic Update. USACE is requesting funding of \$130,000.00 for the PDT/ATR reviews and \$65,000.00 for the Economic Update. This Interagency Support Agreement will result in the District being able to finalize the permits and required documents with the USACE for the Brazos Island Harbor Ship Channel Improvement project. Commissioner Cowen moved to authorize Port Director and C.E.O. Mr. Eduardo Campirano, to enter into an Interagency Support Agreement with the United States Department of the Army for PDT/ATR support on the draft 204(f) report and the Final 204(f) report approval and

Economic Update of the Brazos Island Harbor Channel Improvement project, and to authorize issuance of payment of the \$195,000.00 requested contribution for the performance of the tasks by USACE, Commissioner Guerra seconded, and the motion passed unanimously.

**9. Consideration and Action to select a consulting engineer to perform Engineering Design Services for the Oil Docks #2 and #5 Bulkhead Repair project.**

Mr. Campirano and Mr. Chavez addressed the Board requesting that the Board select a consulting engineer to perform Engineering Design Services for the Oil Docks #2 and #5 Bulkhead Repair project. BND Engineering staff contacted several engineering consultants to solicit Statements of Qualifications for design engineering services on the Oil Docks #2 and #5 Bulkhead Repair project. The repairs are required due to apparent shifting of the bulkhead, which has resulted in severe cracking of the asphalt pavement on the surface. Three firms submitted Statements of Qualifications: CH2M HILL Engineers, Inc., HDR Engineering, Inc., and Perez Consulting Engineers. The review and evaluation committee was comprised of Jose Herrera, Mike Davis, Manuel Martinez and Ariel Chavez, II. After committee members reviewed the Statements of Qualifications, a consensus was achieved and the firms were ranked as follows: (1) CH2M HILL Engineers, Inc.; (2) HDR Engineering, Inc.; and (3) Perez Consulting Engineers. Commissioner Wood moved to authorize the Port Director to negotiate a contract with CH2M HILL Engineers, Inc., Commissioner Guerra seconded, and the motion passed unanimously.

**10. Consideration and Action on Change Order No. 1 to the BND Port Road Improvements-Phase II project, for the purpose of increasing Spot Repair area, increasing Concrete Pavement areas at Foust Road and at Old S.H. 48, and adding milling on the overlay areas.**

Mr. Chavez addressed the Board requesting the approval of Change Order No. 1 to the BND Port Road Improvements-Phase II project for the purpose of increasing the Spot Repair area, increasing Concrete Pavement areas at Foust Road and at Old S.H. 48 and adding milling on the overlay areas. On October 17, 2018, BND Commissioners awarded the BND Port Road Improvements - Phase II project to G&T Paving, LLC. in the amount of \$1,896,154.51. Since the survey upon which the construction drawings were based was over three years old, additional areas have developed that require spot repairs. Also, recommendations have been made, and have received the concurrence of the project engineer, that the concrete pavement areas be increased, that milling of the pavement overlay on Milo Road and Old SH 48 be added to the work, and that the thickness of the overlay on those two roads be increased as allowed. This Change Order No.1 will increase the contract price by \$466,165.21 (24.58%) to \$2,362,319.72 to cover the described additions. G&T requests an addition of twenty (20) working days to the contract time, which will change the current contract completion date from July 3, 2019 to July 31, 2019. Commissioner Cowen moved to approve Change Order No. 1 to the contract with G&T Paving, LLC for the BND Port Road Improvements – Phase II, increasing the contract price of \$1,896,154.51 by \$466,165.21 to \$2,362,319.72, and to extend the contract time by twenty (20) working days to July 31, 2019, Commissioner Wood seconded, and the motion passed unanimously.

**11. Consideration and Action on Change Order No. 1 to the Public Vessel Assembly and Erection Pad project, for the purpose of adding repairs to the damaged existing concrete beams.**

Mr. Chavez addressed the Board requesting approval on Change Order No. 1 to the Public Vessel Assembly and Erection Pad project, for the purpose of adding repairs to the damaged existing concrete beams. On December 5, 2018 BND Commissioners awarded the contract on the Keppel AmFELS (AmFELS) Public Vessel Assembly and Erection Pad project to L&G Construction (L&G) in the amount of \$4,486,850.00. Due to concerns over budget limitations, repairs to some of the beams in the launching pad were not included in the project. However, with EDA encouragement and concurrence, the staff requested and received a proposal from L&G for repairing the beams. With all the component items, the total amount required to address beam repairs will be \$510,500.00. This Change Order No. 1 will increase the contract price by that amount, to \$4,997,350.00 to cover the cost of the beam repairs. L&G is requesting an additional forty-five (45) calendar days to the contract time to perform this extra work, which will change the current contract completion date from April 2, 2019 to May 17, 2019. Commissioner Lopez moved to approve Change Order No. 1 to the contract with L&G Construction for the Public Vessel Assembly and Erection Pad, increasing the contract price of \$4,486,850.00 by \$510,500.00 to \$4,997,350.00, and to extend the contract time by fifteen (15) calendar days to April 17, 2019, Commissioner Cowen seconded, and the motion passed unanimously.

**12. Consideration and Action on Change Order No. 1 to the BND Bulk Cargo Dock Improvements project, for the purpose adding underwater pile survey and extending jacket length for 6 existing piles.**

Mr. Chavez addressed the Board requesting the approval on Change Order No. 1 to the BND Bulk Cargo Dock Improvements project, for the purpose of adding underwater pile survey and extending jacket length for 6 existing piles. On October 8, 2018 BND Commissioners awarded the contract for the BND Bulk Cargo Dock Improvements project to Russell Marine, L.L.C. (Russell) for the Option #1 bid amount of \$5,126,417.00. During preparations for the pile jacket reinforcement installation an underwater dive inspection was performed on the underside columns to determine if additional repairs were needed. Russell directed their diving contractor to perform the survey and it was discovered that six (6) of the thirty seven (37) piles would require additional pile jacket length. Russell proposed to perform the survey for \$5,750.00 and to add the additional pile jacket lengths for \$23,145.73, for a total increase of \$28,895.73, bringing the contract price to \$5,155,312.73. The additional work was performed under Work Change Directives issued by the project engineer and the District staff and will have no impact on the contract time. Commissioner Guerra moved to approve Change Order No. 1 to the contract with Russell Marine LLC for the BND Bulk Cargo Dock Improvements project, increasing the contract price of \$5,126,417.00 by \$28,895.73 to \$5,155,312.73, with no impact to the contract time, Commissioner Lopez 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).

There was none.

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

There was none.

**15. Adjournment.**

Chairman Reed commented on the success of the recent Coast Guard event and recognized Commissioner Cowen's efforts in promoting the event.

Commissioner Wood asked that future agendas be distributed electronically to save paper.

Commissioner Cowen moved to adjourn the meeting, Commissioner Guerra seconded, and the meeting was adjourned by unanimous consent at 6:19 p.m.

**ATTEST**



Secretary



John Reed  
Chairman of the Board