

**THE STATE OF TEXAS §
BROWNSVILLE NAVIGATION DISTRICT §
COUNTY OF CAMERON §**

John Reed, Chairman
Ralph Cowen, Secretary
Esteban Guerra, Commissioner

Sergio Tito Lopez, Vice Chairman
John Wood, Commissioner

Eduardo A. Campirano, Port Director and CEO

**NOTICE A PILOT BOARD MEETING AND A REGULAR BOARD MEETING
OF THE
BROWNSVILLE NAVIGATION DISTRICT**

Notice is hereby given that the Board of Commissioners of the Brownsville Navigation District will meet on **Wednesday, February 20, 2019** in the Board Room located at, 1000 Foust Road, Brownsville, Cameron County, Texas. The Board of Commissioners will convene in a **Pilot Board Meeting** at **5:30 p.m.** and **Regular Board Meeting** to commence immediately after the conclusion of the Pilot Board meeting.

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PILOT BOARD MEETING: 5:30 P.M.

1. Consider and re-commission Branch Pilot Captain Gene Tuttle

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REGULAR MEETING:

1. Call to Order.

INVOCATION

PLEDGE OF ALLEGIANCE

2. Public Audience.

If you wish to address the Board of Commissioners during the Public Audience portion of today's meeting about either an **item on this agenda or other issue**, please print your name and the agenda item or topic of discussion you wish to address on the Sign-In-Sheet located at the Reception Desk.

In accordance with BND Policy, only those persons who have signed up on the list shall be heard. The speaker must limit remarks to three minutes. The Board shall allot no more than 30 minutes for the Public Audience portion of the meeting. Complaints and concerns for which other channels of resolution are provided shall be directed through those channels. If the Chairman of the Board determines that a person has not attempted to resolve a matter administratively, the person shall be directed to the appropriate individual for attempted resolution before bringing the matter to the Board. A complaint against specific employees or officers of the BND shall be heard in a Closed Meeting, as authorized by the *Texas*

Government Code Title 5 – Sections 551.074(1) and (2). If your topic concerns a complaint against a specific employee or officer, please note this on the sign-in sheet. You must make your points on issues in a constructive and courteous fashion pursuant to *Robert’s Rules of Order*.

- 3. Receive Directors Reports 1
 - a. Monthly Summary Operations Report

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CONSENT AGENDA ITEMS

All Consent Agenda Items listed are considered to be routine by the BND Commission and will be approved in one motion. There will be no separate discussion of these items unless at least one BND Commissioner so requests, in which event the item will be removed from the Consent Agenda and considered separately in the Regular Agenda.

- 4. Consideration and ACTION on the following Consent Agenda Items:
 - a) Approval of the Minutes of the Regular Board Meeting of February 06, 2019. 10
 - b) Approval to authorize payments over \$25,000.00. (LH) 17

	Vendor	Purpose	Amount	
1	Menard Industries, LLC	Old HW 48 Railroad Crossing Rail and Appurtenances Materials	\$27,964.80	18
2	HDR	BIH Project Task Order #2, BIH Project, and Dike 5B Relocation Project	\$144,828.41	20
3	G&T Paving, LLC	BND Port Road Improvements- Phase II	\$199,671.57	46

- c) Approval of the following leases: (BR)

1	TransMontaigne Operating Company, L.P. (First Amendment to Sublease Agreement)	48
2	Sharyland Distribution and Transmission Services, LLC (Amended and Restated Easement and ROW Agreement)	50
3	Marine Railway, LLC (New Lease)	52

- 5. Consideration and ACTION on Solid Waste Collection and Disposal License Renewal Application for: (DLD) 54

1	Brownsville GMS, LTD	55
2	Republic Services	59

ACTION ITEMS

- 6. Consideration and ACTION on Assignments, Negotiations, Easements, Subleases, and Contracts in General: (BR)

1	Interlube Corporation, Inc. / Texas KLM, LLC, d/b/a KLM Terminal (Authority to Negotiate)	63
2	Interlube Corporation, Inc (Authority to Negotiate)	65
3	TWC The Valve Company, LLC (Authority to Negotiate)	67
4	R.M. Walsdorf, Inc. / Combustibles De Oriente, S.A. De C.V. (Authority to Negotiate)	69

- 7. Consideration of and ACTION to adopt a Resolution granting certain tax exemptions to eligible historic sites listed in the 2019 Historic Preservation Plan. (DLD) 71
- 8. Consideration of and ACTION to review the Investment Policy and Investment Strategy and to adopt a Resolution certifying that Policy C501(Local) Investment Policy and Policy C501(Exhibit A) Investment Strategy have been reviewed and have been adopted by the Board. (LH) 85

BIDS/AGREEMENTS/PURCHASES

- 9. Consideration of and ACTION on extending the Agreement for Professional Services with the LeMunyuon Group, LLC. (EAC) 178
- 10. Consideration and ACTION on applications for Depository Services, including selection of a District Depository and authorization of the Chairman and Secretary to execute a Depository Agreement. (LH) 179
- 11. Consideration and ACTION on Resolution adopting Advance Funding Agreements with the Texas Department of Transportation on the South Port Connector Road project, designating a Project Manager, and authorizing the initial \$77,055.00 payment to the State. (AC) 205
- 12. Consideration and ACTION on Amendment to BND Bulk Cargo Dock Improvements Project Change Order No. 1, for the purpose adding 5 calendar days to the contract time. (AC) 249


EXECUTIVE SESSION:

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, including but not limited to Trinity Scrap Processors, Inc. and Intercoastal Salvage, Inc. v. Brownsville Navigation District of Cameron County, Texas (§551.071); to deliberate the purchase, exchange, lease, or value of 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).
14. Possible ACTION on matters or items discussed in Executive Session.
15. Adjournment.

NOTE: The Board of Commissioners reserves the right to discuss any items in Executive Session whenever authorized under the Texas Open Meetings Act, Chapter 551, Title 5 of the *Texas Government Code*.

NOTE: The Brownsville Navigation District does not discriminate on the basis of disability in the admission of, access to, treatment of, or employment in its programs, activities, or public meetings. Any individual with a disability in need of an accommodation is encouraged to contact the Director of Human Resources by Monday, no later than 5:00 P.M., to make proper arrangements.

I certify that a copy of the February 20, 2019 Agenda of items to be considered by the Brownsville Navigation District Commission was posted on the Bulletin Area at the BND Building on February 15, 2019 . I further certify that the Agenda was posted on the BND's website and can be downloaded by accessing:



**Eduardo A. Campirano, Port Director & CEO
Brownsville Navigation District**