

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 OF 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, June 26, 2019** in the Board Room located at 1000 Foust Road, Brownsville, Cameron County, Texas. The Board of Commissioners will convene in a **Regular Board Meeting at 5:30 p.m.**

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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
 - a. Monthly Operations Summary 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 of and ACTION on the following Consent Agenda Items:

a) Approval of the Minutes of the Regular Board Meeting of June 5, 2019. 8

b) Approval of payments over \$25,000.00. (LH) 16

	Vendor	Purpose	Amount	
1	Vulcan Materials	Crushed limestone for Patio 22 project	\$192,319.06	17
2	L&G Concrete Construction	Public Vessel Assembly & Erection Pad	\$626,343.80	37

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PRESENTATION

5. Presentation and report on progress of preliminary architectural and engineering services and preliminary cost estimates for the Port of Brownsville Training Center facility. (AC) 39

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ACTION ITEMS

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

1	Rio Grande Council, Boy Scouts of America Laguna Station (New Lease)	40
2	The Lamar Companies (New Lease)	45
3	CRV Terminals, LLC (New Lease)	49
4	R.M. Walsdorf, Inc. (Release of Lease)	54
5	R.M. Walsdorf, Inc. (Authority to Negotiate)	59
6	Bluewing One, LLC (Lessor's Agreement - Subordination)	64

7. Consideration of and ACTION to adjust the meeting schedule for July 2019 Board meetings. (EAC) 66

8. Consideration of and Action to authorize participation with Cameron County in the submission of a CEPRA Grant for Engineering, Planning, Design and Permitting for bank stabilization of property located in Isla Blanca Park on South Padre Island. (DE) 67
9. Consideration of and Action to acknowledge receipt of the independent audits of the financial statements of the District for Fiscal Year Ended December 31, 2018 and of the Retirement Plan for Employees of the Brownsville Navigation District for Fiscal Years Ended December 31, 2018 and 2017. (LH) 69

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BIDS/AGREEMENTS/PURCHASES

10. Consideration of and ACTION to reject bid received for the purchase of a Pedestal-Mounted Hydraulic Marine Crane. (OG) 70
11. Consideration of and ACTION on request to authorize Staff to advertise for bids on Disposal of Oily Water from the Fishing Harbor Sewer Treatment Plant, and to open bids thereof. (OG) 71
12. Consideration of and ACTION on request to authorize Staff to proceed with the construction of the proposed Ostos Road Truck Staging Area. (AC) 72
13. Consideration of and ACTION on Change Order No. 2 to the contract with G&T Paving, LLC on the 2018 BND Spot Repairs and Asphalt Surfacing project adjusting the asphalt quantities to conform to actual, to accept work performed by the contractor, and to authorize payment of \$24,272.97, including additional work and retainage. (AC) 76
14. Consideration of and ACTION to accept work performed by contractor on track Railroad Construction, LLC on the Old SH 48 Railroad Crossings Installation project and authorize payment of \$68,649.22 less \$360.00 for ballast provision, subject to assessment of liquidated damages. (AC) 81

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EXECUTIVE SESSION:

15. 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 (i) Trinity Scrap Processors, Inc. and Intercoastal Salvage, Inc. v. Brownsville Navigation District of Cameron County, Texas, (ii) Brownsville Navigation District of Cameron County, Texas vs. Terex MHPS Corp., Konecranes, Inc., Cummins, Inc., Diepa Drahtseilwerk Dietz GMBH & Co. KG, and (iii) Marine Metal, Inc. and Bro-Tex

International Metals, LLC vs. 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).


16. Possible ACTION on matters or items discussed in Executive Session.

17. 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 June 26, 2019 Agenda of items to be considered by the Brownsville Navigation District Commission was posted on the Bulletin Area at the BND Building on June 21, 2019 . I further certify that the Agenda was posted on the BND's website and can be downloaded by accessing: www.portofbrownsville.com .



Donna Eymard, Deputy Port Director
Brownsville Navigation District