

**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 WORKSHOP AND 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, **August 7, 2019** in the Board Room located at 1000 Foust Road, Brownsville, Cameron County, Texas. The Board of Commissioners will convene in a **Workshop at 5:30 p.m.** and **Regular Board Meeting to commence immediately after the conclusion of the Workshop.**

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**WORKSHOP: 5:30 p.m.**

1. Presentation by Hunter Stanco from Morgan Stanley and Bill Fisher with Wilkins, Finston and Friedman Law Group regarding proposed amendment to the Retirement Plan for Employees of the Brownsville Navigation District.

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**REGULAR MEETING: to commence immediately after the conclusion of the  
Workshop**

1. Call to Order.

***INVOCATION***

***PLEDGE OF ALLEGIANCE***

2. Public Audience  
If you wish to address the Board of Commissioner 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 table in rotunda.

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. a. Administer the Oath of Office to Officer Jesse Figueroa 1
- b. Receive Director’s Reports 2
- c. Engineering project’s 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 July 24, 2019. 68
  - b. Approval of payments over \$25,000.00. (LH) 74

	<b>Vendor</b>	<b>Purpose</b>	<b>Amount</b>	
1	HDR, Inc.	Oil Docks 3 & 6 Maintenance Dredging, BIH Project- Task Order 2 and BIH Project- Task Order 3	\$168,130.79	75
2	L&G Concrete Construction, Inc.	Public Vessel Assembly & Erection Pad Project	\$212,322.60	80
3	Triton Marine Construction	Oil Dock 6 and Maintenance Dredging Project	\$729,699.38	82

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**ACTION ITEMS**

- 5. Consideration of and ACTION to acknowledge receipt of submission of Ad Valorem 84  
Property Tax calculations for the 2019 levy. (LH)
- 6. Consideration of and ACTION on a 2019 Proposed Ad Valorem Tax Rate for the 93  
Brownsville Navigation District of \$.035920 per \$100 valuation. This rate is  
comprised of a debt portion of \$.011132 per \$100 valuation and a maintenance and  
operations portion of \$.024788 per \$100 valuation. (LH)

- 7. Consideration of and ACTION to adopt Second Amendment to the Retirement Plan for Employees of the Brownsville Navigation District. (DE) 97

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**RESOLUTION**

- 8. Consideration of and ACTION to approve a Resolution to adopt the Second Amendment to the Retirement Plan, adopt confirmation of pre-tax treatment of mandatory employee contributions to the plan and change Trustees. (DE) 103

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**PRESENTATION**

- 9. Presentation on Employee Awareness Program. (EAC) 106

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**BIDS/AGREEMENTS/PURCHASES**

- 10. Consideration of and ACTION to authorize Port Director and CEO to execute a Right of Entry and License Agreement with the State of Texas General Land Office for the Bahia Grande Permanent Channel project. (DE) 107
- 11. Consideration of and ACTION to authorize Port Staff to solicit Request for Qualifications for Port of Brownsville Real Property Appraisal. (ST) 116
- 12. Consideration of and ACTION on the Grantee/Operators agreement between the Brownsville Navigation District-Foreign Trade Zone No. 62 and Gulf Facilities. (ST) 118
- 13. Consideration of and ACTION to authorize Port Director and CEO to enter into a Master Professional Services Agreement with consultant Hanson Professional Services, Inc. and approve Task Order No. 1000 for Hanson Professional Services to prepare the Engineering Design Report for the Fishing Harbor Wastewater Treatment Plant Replacement project. (AC) 130
- 14. Consideration of and ACTION to accept supplemental attachment on Task Order #1 and #2 from consultant HDR, Inc. on the Brazos Island Harbor Deepening project, consisting of increasing the amount of labor effort required for Task Order #1 and decreasing the amount of labor effort required for Task Order #2. (AC) 146

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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 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).
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 August 7, 2019 Agenda of items to be considered by the Brownsville Navigation District Commission was posted on the Bulletin Area at the BND Building on August 2, 2019. I further certify that the Agenda was posted on the BND's website and can be downloaded by accessing: [www.portofbrownsville.com](http://www.portofbrownsville.com).**



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