

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD SEPTEMBER 18, 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, September 18, 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
Ariel Chavez
Manuel Martinez
Steve Tyndal
Tony Rodriguez
Lorena Hernandez
Jaime Martinez
Carlos Martinez
Chief Carlos Garcia
Lieutenant Mario Esquivel
Tony Rodriguez
Debby Duke
Margie Recio
Memo Rico
Jose Herrera
Jorge Montero

OTHERS PRESENT: Rev. Andreas Lewis
Norma Torres
Representatives of Sunoco, L.P.
Wanda Reyes
Jorge de la Colina

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

a. Receive Port Monthly Operations Summary Report

Ms. Hernandez made the report to the Board. 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 August 21, 2019.
- b. Approval to authorize payments over \$25,000.00:
 1. Vulcan Materials Company, the amount of \$63,566.23, for crushed limestone for Patio 22.

Commissioner Wood moved to approve all consent agenda items, Commissioner Lopez seconded, and the motion passed unanimously.

5. Consideration and Action on Leases, Assignments, Negotiations, Easements, Subleases, and Contracts in General.

Mr. Tyndal addressed the Board regarding the following items:

1. Sunoco, LP (Authority to negotiate)

Sunoco, LP has requested to lease approximately 20 acres to build a liquid terminal with rail access and access to the liquid cargo docks and will need an easement to connect via pipeline to the NuStar Junction Terminal. The refined products that they will receive will be for their local gas stations and potential exports to Mexico via rail. Discussion followed. Commissioner Lopez moved to authorize the Staff to negotiate with Sunoco, LP for a new lease and pipeline easement, Commissioner Guerra seconded, and the motion passed unanimously.

2. Central Ready Mix Concrete Co., Inc. (Authority to negotiate)

Central Ready Mix Concrete Co., Inc. has requested to lease 3.15 acres of the site formerly leased by ESCO Marine, Inc. on Yard Road and FM 511 for the purpose of building a ready-mix concrete plant. Commissioner Lopez moved to authorize the Staff to negotiate with Central Ready Mix Concrete Co., Inc. for a new lease, Commissioner Wood seconded, and the motion passed unanimously.

3. Texlube Trading, LLC. (Authority to negotiate)

Texlube Trading, LLC has requested to lease approximately 30 acres for the purpose of transloading liquid products from rail to truck. Discussion followed, particularly regarding the presence of the District's ground water storage tank near the proposed site. Commissioner Lopez also asked staff to explore how Texlube plans to conduct their transloading operations.

Commissioner Lopez moved to authorize the Staff to negotiate with Texlube Trading, LLC for a new lease, Commissioner Wood seconded, and the motion passed unanimously.

4. United States of America, Department of Homeland Security, United States Coast Guard (**Authority to negotiate**)

This new lease with the United States Coast Guard is for the Government's Aids to Navigation "Range Lights" throughout the channel. This lease to be effective as of October 1, 2019 through September 30, 2020. Subject to the continued need for these aids to navigation, this Lease may, at the option of the Government, be renewed annually through September 30, 2024. Commissioner Guerra moved to approve and sign the lease with the United States Government, Commissioner Cowen seconded, and the motion passed unanimously.

5. The Port Occupational & Medical Clinic, LLC (**New Lease**)

The Port Occupational & Medical Clinic, LLC is requesting to lease the site on SH 48 where the A&T Port Mart used to operate for a medical facility. Commissioner Wood moved to approve and sign the new lease to The Port Occupational & Medical Clinic, LLC., Commissioner Cowen seconded, and the motion passed unanimously.

6. **Consideration of and Action to approve the purchase order for the 2019/2020 contribution to the Texas Municipal League Intergovernmental Risk Pool as the District's contribution premium for Workers Compensation Coverage, Business Auto Liability, Automobile Physical Damage and Crime Policies and to authorize payment of the premium when invoiced in the amount of \$177,445.00.**

Mrs. Duke addressed the Board requesting approval of the purchase order for the 2019/2020 contribution to the Texas Municipal League Intergovernmental Risk Pool as the District's contribution premium for Workers Compensation Coverage, Business Auto Liability, Automobile Physical Damage and Crime Policies and to authorize payment of the premium when invoiced in the amount of \$177,445.00. Staff has received the renewal premium from TML for the October 1st renewal date for those coverages that the District carries through membership in TML. This renewal is for the Worker's Compensation Insurance, the Business Auto Liability Coverage, the Automobile Comprehensive/Collision Coverage and the Crime Policies (Public Employee Dishonesty, Computer Fraud, Forgery and Alteration and Theft, Disappearance and Destruction). A worksheet showing the changes in these policies was provided. Commissioner Cowen moved to approve the purchase order to Texas Municipal League in the amount of \$177,445.00 for the District's contribution to Texas Municipal League for Worker's Compensation Insurance, Business Auto Liability Coverage, Automobile Comprehensive/Collision Coverage and the Crime Policies, and to authorize the payment of the invoice for these policies when received so that the two percent discount would be secured, Commissioner Guerra seconded, and the motion passed unanimously.

7. **Consideration of and Action to authorize the Port Director to accept proposal from TRC Environmental Corp. for professional services to assist BND Staff in renewing the Texas Commission on Environmental Quality (TCEQ) permits for the BND's Wastewater Treatment Plants.**

Mr. Chavez addressed the Board requesting authorization for the Port Director to accept the proposal from TRC Environmental Corp. for professional services to assist BND Staff in renewing the Texas Commission on Environmental professional services to assist BND Staff in renewing

the Texas Commission on Environmental Quality (TCEQ) permits for the BND's Wastewater Treatment Plants. The BND has permits from the Texas Commission on Environmental Quality (TCEQ) for the operation of three (3) Wastewater Treatment Plants: Turning Basin (TB), North Side at AmFELS, and Fishing Harbor. All three permits will expire on July 1st, 2020, and Staff has received notice for permit renewal for all three from TCEQ. The last time the BND renewed the permits Staff engaged the services of TRC Environmental Corp. (TRC) to assist in securing those renewals. Port Staff has requested and received a new proposal from TRC for these renewals, and they have proposed to perform this work on a time and materials basis for an estimated fee of \$30,000.00, which will not be exceeded unless authorized by BND Commissioners. Commissioner Cowen moved to accept the proposal from TRC Environmental Corp. to renew Wastewater Treatment Plants Permits with the Texas Commission on Environmental Quality for the proposed fee of \$30,000.00, which will not be exceeded without prior approval from BND Commissioners, Commissioner Lopez seconded, and the motion passed unanimously.

8. Consideration of and Action to authorize the Port Director to issue payment of \$198,000.00 to the Texas Department of Transportation for Construction Engineering Direct State Costs related to the South Port Connector Road project, as required in the Advance Funding Agreement.

Mr. Chavez addressed the Board requesting authorization for the Port Director to issue payment of \$198,000.00 to the Texas Department of Transportation for Construction Engineering Direct State Costs related to the South Port Connector Road Project, as required in the Advance Funding Agreement. The Port Director and BND Engineering Staff have been working for over three years with the Texas Department of Transportation (TxDOT), the Cameron County Regional Mobility Authority (CCRMA) and CCRMA's consultant, S & B Infrastructure, Inc. (S&BI), on the South Port Connector Road project, which will connect the Port's R. L. Ostos Road to Texas State Highway No. 4 (SH 4, or Boca Chica Boulevard). The \$16,500,000 Category 7 (Surface Transportation Block Grant) and Category 10 (Coordinated Border Infrastructure) Advance Funding Agreement with TxDOT includes a requirement for payment of \$198,000.00 to cover the Port's share of Construction Engineering Direct State Costs prior to letting out the project for bids. The current TxDOT-approved Letting Plan has the Bid Opening for this project scheduled for October 15, 2019. Commissioner Cowen moved to authorize the payment to the Texas Department of Transportation in the amount of \$198,000.00 for the Port's share of Construction Engineering State Direct Costs associated with the South Port Connector Road project, as required by the Advance Funding Agreement with TxDOT, Commissioner Wood seconded, and the motion passed unanimously.

9. 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.

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

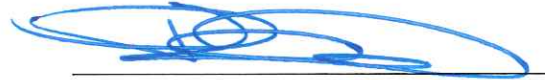
There was none.

11. Adjournment.

Commissioner Cowen moved to adjourn the meeting, Commissioner Lopez seconded, and the meeting was adjourned by unanimous consent at 6:00 p.m.

ATTEST


Secretary



John Reed
Chairman of the Board