

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, **December 4, 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: 5:30 p.m.

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. Receive Directors 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 November 20, 2019 57
- b. Approval of payments over \$25,000.00. (LH) 63

	Vendor	Purpose	Amount	
1	HDR Engineering Inc.	BIH Project Task Order #1, 2 #3 and Dike 5B Relocation Project	\$73,513.66	64
2	Rudd and Wisdom Inc.	Actuarial Services	\$32,290.50	74
3	Vulcan Materials Company	Crushed limestone for the Ostos Road Truck Staging Facility	\$117,056.76	76

- 5. Consideration of and ACTION on amending Tariff Number 6, Item 040 - Gulf Seaports Marine Terminal Conference to update the membership list and the address of the Conference Chairman. (DD) 89
- 6. Consideration of and ACTION on amending Tariff Number 6, Item 150 – Sale of Materials and Services to insert the phrase “and services”. (DD) 94
- 7. Consideration of and ACTION on amending Tariff Number 6, Item 175 – Maintenance of Leased Premises to correct the references to Brownville and Rio Grande International Railway. (DD) 97
- 8. Consideration of and ACTION on amending Tariff Number 6, Item 180 – Abandoned Vessels to update the reference to the Director of Real Estate Services. (DD) 100
- 9. Consideration of and ACTION on amending Tariff Number 6, Item 245 – Railcar Spotting Order to correct the references to Brownsville and Rio Grande International Railway. (DD) 103
- 10. Consideration of and ACTION on amending Tariff Number 6, Item 280 – Provisions Governing the Use of the Port of Brownsville Mobile Harbor Crane to reflect that there are now multiple mobile harbor cranes, to reference Dock 16 as a location for the cranes, to correct the reference to the Director overseeing the Stevedore and Freight Handlers License and to correct the reference to the Tariff Item for the Stevedore and Freight Handlers License. (DD) 105

11. Consideration of and ACTION on amending Tariff Number 6, Item 285 – Cargo Transfer Charge to remove the word “Charge” from the title. (DD) 110
12. Consideration of and ACTION on amending Tariff Number 6, Item 310 – Priority of Channel Transit to clarify the priority of scrap rigs and scrap barges. (DD) 112
13. Consideration of and ACTION on amending Tariff Number 6, Item 320 – Speed Limit to correct the reference to the applicable CFR section. (DD) 114
14. Consideration of and ACTION on amending Tariff Number 6, Item 326 – Pilot Dispatching Rules to reflect the increase in the number of pilots from 2 to 4. (DD) 116
15. Consideration of and ACTION on amending Tariff Number 6, Item 365 – Bunkering and Ship Stores to correctly refer to ship stores and bunkers in the item. (DD) 118
16. Consideration of and ACTION on amending Tariff Number 6, Item 401 – Harbor Tug Operators License to correctly identify the Director overseeing the license, to correct the link to the on-line application, and to update the reference to the required ISO/ANSI/ASQ certification. (DD) 120
17. Consideration of and ACTION on amending Tariff Number 6, Item 411 – Steamship Agents License to correctly identify the Director overseeing the license and to correct the link to the on-line application. (DD) 129
18. Consideration of and ACTION on amending Tariff Number 6, Item 421 – Stevedore and Freight Handlers License to correctly identify the Director overseeing the license, to correct the link to the on-line application, and to update the reference to the required ISO/ANSI/ASQ certification. (DD) 137
19. Consideration of and ACTION on amending Tariff Number 6, Item 431 – Solid Waste Collection and Disposal License to correctly identify the Director overseeing the license. (DD) 145
20. Consideration of and ACTION amending Tariff Number 6, Item 455 – Line Handling Permit to correctly identify the Director overseeing the permit. (DD) 150
21. Consideration of and ACTION on amending Leasing Policy C306 – Lease Guidelines Term of Lease to correctly reflect that the maximum term of a lease that has not been offered for competitive bidding is fifty years. (DD) 153

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DISCUSSION ITEM

22. Discussion of proposed Fiscal Year 2020 Operating and Capital Budgets. (LH) 155

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ACTION ITEMS

23. Consideration of and ACTION on Leases, Assignments, Negotiations, Easements, Subleases, and Contracts in General: (BM)

1	Cumberworth Investments, Inc. / Camin Cargo Control, Inc. (Authority to Negotiate)	170
2	T W LaQuay Marine, LLC (Temporary Lease)	173
3	Texas KLM, LLC, d/b/a KLM Terminal (Amendment)	176
4	TransMontaigne Operating Company L.P. (Amendment)	179
5	Texas KLM, LLC, d/b/a KLM Terminal (License Agreement)	183

24. Consideration of and ACTION on amending Tariff No. 6 – Item 075 – Indemnification Clause to clarify the District’s policy. (DD) 186

25. Consideration of and ACTION on amending Tariff No. 6 – Item 280 – Provisions Governing the Use of the Port of Brownsville Mobile Harbor Crane – Responsibility for Damages to clarify the District’s policy. (DD) 189

26. Consideration of and ACTION on amending Tariff No. 6 – by adopting a new Item 284 – Non-Waterborne Cargo and amending Item 050 – Definitions by adding a new definition “Non-Waterborne Cargo” and amending the definition “Wharfage” to clarify the District’s policy on non-waterborne cargo. (DD) 191

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BIDS/AGREEMENTS/PURCHASES

27. Consideration of and ACTION on request to authorize staff to advertise and solicit for bids on the purchase of a new fifty-five-ton double drop deck trailer, and to open bids thereof. (OG) 193

28. Consideration of and ACTION on request to authorize Staff to advertise and solicit for bids on the purchase of a used truck to haul heavy equipment. (OG) 194

29. Consideration of and ACTION ON modification and extension of Employment Agreement with Port Director / Chief Executive Officer Eduardo A. Campirano. (JR) 195

EXECUTIVE SESSION:

30. 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 (§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).
31. Possible ACTION on matters or items discussed in Executive Session.
32. 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 December 04, 2019 Agenda of items to be considered by the Brownsville Navigation District Commission was posted on the Bulletin Area at the BND Building on November 27, 2019. I further certify that the Agenda was posted on the BND's website and can be downloaded by accessing: www.portofbrownsville.com.



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