

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD FEBRUARY 5, 2020 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, February 5, 2020 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	Chief Carlos Garcia
Ariel Chavez	Lieutenant Mario Esquivel
Steve Tyndal	Michael Davis
Lorena Hernandez	Tony Rodriguez
Karina Franco	Margie Recio
Jaime Martinez	Janie Velasquez
Jose Herrera	Memo Rico
Oscar Garcia	Jorge Montero

OTHERS PRESENT: Rev. Andreas Lewis
Jorge de la Colina
Robert Berry
Sean Lonergan
Joseph Linck
Norma Torres
Steve Perez

1. Meeting Called to Order

The Chairman called the meeting to order at 5:30 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

Mr. Steve Perez addressed the Board regarding Brownsville “logistics clusters.”

3. Receive Director's Report

The reports were in the agenda packet. There was a general discussion regarding the reports.

CONSENT AGENDA

4. Consideration and Action on the Following Consent Agenda Items:

- a. Approval of the Minutes of the Workshop and Regular Board Meeting of January 22, 2020.
- b. Approval to authorize payments over \$25,000.00:
 1. Tyler Technologies, Inc, the amount of \$36,896.00, for 2020 Annual Fees.

5. Consideration and Action on Solid Waste Collection and Disposal License Renewal Application for:

- Brownsville, GMS, LTD.

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

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

Mr. Tyndal addressed the Board regarding the following items:

1. Sunoco, LLC (Option to Lease)

Sunoco, LLC distributes motor fuel to approximately 10,000 convenience stores, independent dealers, commercial customers and distributors located in more than 30 states as well as refined product transportation. Sunoco proposes to construct a liquid terminal for refined products at the Port of Brownsville that will move from the Liquid Cargo Dock #1 to the proposed terminal. Sunoco is asking for an Option to Lease, to become effective as of January 22, 2020 for a term of six months with one renewal option of six months. Commissioner Lopez moved to approve the Option to Lease for Sunoco, LLC, Commissioner Cowen seconded, and the motion passed unanimously.

2. Whelan Industries, Inc. (New Lease)

Whelan Industries was established in 2001. It is interested in leasing the former lease site known as Gabriela Cantu/GC Trawlers (BND Contract #4174) in the Fishing Harbor. The purpose of the lease is for a dock unloading facility for shrimp boats. The lease is for a one-year term, with four renewal options of one year. Commissioner Lopez moved to approve the new lease for Whelan Industries, Commissioner Cowen seconded, and the motion passed unanimously.

7. Consideration and Action on a Contract for Election Services with the Cameron County Election Administration for the May 2, 2020 General Election.

Mrs. Recio addressed the Board requesting approval of a Contract for Election Services with the Cameron Election Administration for the May 2, 2020 General Election. . The District's pro-rata share for this election is projected to be \$83,820.00, assuming that TSC and Los Fresnos ISD hold an election. This is an estimated cost, based on estimates of voter activity derived from previous elections. Circumstances may cause the actual costs to increase. Discussion followed regarding adding Cameron Park and Rancho Viejo as additional early voting sites. Commissioner Guerra

moved to approve the Contract for Election Services with the Cameron County Elections Administrator in the estimated amount of \$83,820.00, with a request to add the additional sites, Commissioner Lopez seconded, and the motion passed unanimously.

8. Consideration and Action on an Order and Notice of an election to be held on May 2, 2020 for the purpose of electing three Navigation and Canal Commissioners.

Mrs. Recio addressed the Board requesting the adoption of an Order and Notice of an election to be held on May 2, 2020 for the purpose of electing three Navigation and Canal Commissioners. These are the official documents that call the election and provide the required public notice of the election. Commissioner Cowen moved to adopt the Order of Election and Notice of General Election for an election to be held on May 2, 2020 for the purpose of electing three Navigation and Canal Commissioners, with the addition of early voting sites in Cameron Park and in Rancho Viejo, Commissioner Guerra seconded, and the motion passed unanimously.

9. Consideration and Action on selection of a firm to engage in negotiations regarding the Request for Qualifications for Land Appraisal Services.

The Chairman asked that the item be tabled until after executive session.

10. Consideration and Action to award a purchase agreement with the lowest responsible bidder for the purchase of crushed limestone.

Mr. Garcia addressed the Board requesting the award of a purchase agreement with the lowest responsible bidder for the purchase of crushed limestone. The District requested bids for crushed limestone with a bid opening date of January 28, 2020. The District received one bid, from Vulcan Materials. Commissioner Lopez moved to award the purchase agreement to Vulcan Materials for the contract period of January 1, 2020 through December 31, 2020, Commissioner Wood seconded, and the motion passed unanimously.

11. Consideration and Action to authorize Staff to advertise for bids for two dump trucks, a backhoe, and a skid steer with four attachments.

Mr. Garcia addressed the Board requesting authorization for the Staff to advertise for bids for two dump trucks, a backhoe, and a skid steer with four attachments. BND Staff is seeking authorization to advertise for bids for two dump trucks, a backhoe, and a skid steer with four attachments and to open bids once received. The request for the dump trucks will allow Staff to replace the existing (2) 2008 Freightliner (10-12yd.) dump trucks with new (16-18 yd.) trucks. The 2008 models will be offered as trade-ins. The new backhoe will replace the 2006 Caterpillar Unit, which will be offered as a trade-in. The request for a new skid steer will allow Staff to expedite Port projects more efficiently. The four attachments will aid in concrete breaking, erecting fences, and overall Port maintenance projects. This unit is a lot smaller than the heavy equipment so it will be used in areas with harder access. Commissioner Lopez moved to authorize the Staff to advertise for bids for two dump trucks, a backhoe, and a skid steer with four attachments and to open bids once received, Commissioner Wood seconded, and the motion passed unanimously.

12. Consideration and Action to authorize Staff to advertise for bids to replace the roof at the Harbor Master's Office.

Mr. Garcia addressed the Board requesting authorization for Staff to advertise for bids to replace the roof at the Harbor Master's Office. BND Staff is seeking authorization to advertise for bids to replace the roof at the Harbor Master's Office, and to open bids once received. Commissioner

Cowen moved to authorize BND Staff to advertise for bids to replace the roof at the Harbor Master's Office and to open bids once received, Commissioner Lopez seconded, and the motion passed unanimously.

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; 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).

The Chairman then announced that the time was 5:57 p.m. On motion by Commissioner Lopez, seconded by Commissioner Guerra, and unanimously carried, the Board adjourned into executive session.

The Chairman then announced that the time was 7:30 p.m., and that the Board had reconvened in open session.

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


Mr. Campirano addressed the Board requesting authorization for the selection of a firm to engage in negotiations regarding the Request for Qualification for Land Appraisal Services. On January 22, 2020, a public workshop was held to hear presentations from three qualified respondents offering Statements of Qualifications for Land Valuation Services. The BND Commission, at its discretion, may engage in negotiations with the appraisal firm whose SOQ best address the needs of the contemplated project. Negotiations may include such things as project timeline, fees and scope of services, among other things. The purpose of the land valuation service is to establish a basis for land rents, insurance coverages and accounting and budget forecasting, and to conform provisions of the Leasing Policy. Commissioner Guerra moved to select and engage in negotiations with Jones Lang LaSalle, Commissioner Wood seconded, and the motion passed unanimously.

15. Adjournment.

The meeting was adjourned by unanimous consent at 7:35 p.m.

ATTEST

Secretary



John Reed
Chairman of the Board