

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD FEBRUARY 19, 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 19, 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
Brenda Mckendrick	Lieutenant Mario Esquivel
Ariel Chavez	Michael Davis
Steve Tyndal	Manuel Martinez
Lorena Hernandez	Janie Velasquez
Karina Franco	Jorge Montero
Jaime Martinez	Jose Herrera
Margie Recio	

OTHERS PRESENT:

Mike Krieber	David Garcia
Jorge de la Colina	Roberto Ruiz
Bill Berg	Nancy Gaytan
Joseph Linck	
Randy Delay	

1. Meeting Called to Order

The Chairman called the meeting to order at 5:30 p.m. Mr. Chavez offered a prayer. The Chairman then led those present in the Pledge of Allegiance to the United States and Texas flags.

2. Public Audience

Bill Berg addressed the Board regarding the Port election.

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 February 5, 2020.

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

- Republic Services

6. Consideration and Action on an application for a renewal of the Stevedore and Freight Handler's License submitted by Dix Shipping Company, Inc.

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

7. Consideration and Action to adopt a Resolution certifying that Investment Policy C501(Local) and Investment Strategy C501(Exhibit A) have been reviewed and have been adopted by the Board.

Ms. Hernandez addressed the Board requesting the adoption of a Resolution certifying that Investment Policy C501(Local) and Investment Strategy C501(Exhibit A) have been reviewed and have been adopted by the Board. The Texas Public Funds Investment Act requires the Board to review both the District's Investment Policy and Investment Strategy annually, and to adopt a Resolution certifying this review and adopted changes. The proposed Investment Policy and Investment Strategy with recommended changes are attached. The recommended changes include minor corrections, updates in the maximum portfolio rates and adding amendments passed by the HB No. 2706 that are applicable to the District such as Section 2256.0208 that defines bond proceeds and pledge revenues. Commissioner Wood moved to adopt the Resolution certifying that Investment Policy C501(Local) and Investment Strategy C501(Exhibit A) have been reviewed and that the Board adopts them as presented, Commissioner Guerra seconded, and the motion passed unanimously.

8. Consideration and Action on approval of task order under the professional services agreement with Roberto J. Ruiz Architect, Inc. to provide architectural services for the new anchor monument, vessel information wall and related site work.

Mrs. Eymard addressed the Board requesting the approval of task order under the professional services with Robert J. Ruiz Architect, Inc. The Board approved a professional service agreement with Roberto J. Ruiz Architect, Inc. to provide architectural services on several projects in the Port. Staff is now ready to begin work on the new anchor monument, vessel information wall and the related site work and are requesting the Board's approval of this task order. Commissioner Lopez moved to approve the task order, Commissioner Cowen seconded, and the motion passed unanimously.

9. Consideration and Action to adopt a Resolution granting certain tax exemptions to eligible historic sites listed in the 2020 Historic Preservation Plan.

Mr. Campirano asked that this item be tabled. Commissioner Lopez so moved, Commissioner Guerra seconded, and the motion carried unanimously.

10. Consideration and Action to authorize staff to advertise and solicit for Bids for the District's property and liability insurance program.

Mrs. Recio addressed the Board requesting authorization for staff to advertise for and solicit Bids for the District's property and liability insurance program. Staff has been working with the District's Insurance consultant, Cindi Heffernan of McGriff, Seibels & Williams, Inc in putting together the bid packet for the District's Property and Liability insurance program. These bids are usually solicited by direct contact from the District's consultant to the market and will be advertised in the local newspaper as well. The District's current coverages are due to expire on May 31st. Commissioner Cowen moved to authorize staff to advertise and solicit for bids for the District's property and liability insurance program, Commissioner Lopez seconded, and the motion passed unanimously.

11. Consideration and Action on Change Order #10 to the Oil Dock No. 6 Construction, Oil Dock No. 3 Fender System Replacement & Facility Enhancements, & Maintenance Dredging contract, deleting unused bid items, adding settlement of all claims, and extending the contract time; accepting work performed by Triton Marine Construction Corp., and authorizing Final Payment of \$1,891,163.45, which includes all completed work, settlement and release of retainage.

Mr. Chavez addressed the Board requesting approval of Change Order #10 to the Oil Dock No. 6 Construction, Oil Dock No. 3 Fender System Replacement & Facility Enhancements, & Maintenance Dredging contract. On Dec. 21, 2016, BND Commissioners awarded the Oil Dock No. 6 Construction, Oil Dock No. 3 Fender System Replacement & Facility Enhancements, and Maintenance Dredging contract to Triton Marine Construction Corp. (Triton) for \$23,649,529.40. As of this date, BND Commissioners have approved Change Orders No. 1 through No. 9 in the amount of \$4,256,307.10, for a current contract price of \$27,905,836.50. The value of Triton's completed work is \$27,383,866.37, which left \$521,970.13 in unused contract bid items. Per contract, the district is also retaining \$1,369,193.32, 5% of the completed work amount. Triton has agreed to accept the remaining unused \$521,970.13 as settlement for any and all claims, which will leave the current contract amount unchanged. Consultant HDR Engineering, Inc. states substantial completion of all work required on this contract was achieved on November 7, 2019. As part of the settlement, the contract time would be extended by two hundred ninety-five (295) days to November 7, 2019. Change Order #10 adjusts bid items and contract time. Commissioner Guerra moved to approve Change Order #10 the Oil Dock No. 6 Construction, Oil Dock No. 3 Fender System Replacement & Facility Enhancements, and Maintenance Dredging contract modifying the bid items and changing the contract time; to accept the work performed by contractor Triton Marine Construction Corp.; and to authorize final payment of \$1,891,163.45, which includes all completed work and the retained amount of \$1,369,193.32, plus the remaining contract balance of \$521,970.13, subject to receipt of the signed Waiver and Release on Final Payment document from the contractor. Commissioner Cowen seconded, and the motion passed unanimously.

12. Consideration and Action on Change Order No. 1 to the Oil Dock #5 Bulkhead Repairs project, for the purpose of extending the contract time and adding ultrasonic testing of the sheet piles.

Mr. Chavez addressed the Board requesting approval on Change Order No. 1 to the Oil Dock #5 Bulkhead Repairs project, for the purpose of extending the contract time and adding ultrasonic testing of the sheet piles. On September 4, 2019 BND Commissioners awarded the contract on the Oil Dock #5 Bulkhead Repairs project to lowest responsive bidder R.M. Walsdorf, Inc. (Walsdorf) in the amount of \$353,150.00 for the Alternate Bid of Helical Anchors to stabilize the leaning bulkhead between Oil Docks #2 and #5. Also, on September 4, 2019 BND Commissioners accepted a proposal from consultant CH2M HILL Engineers Inc. (CH2M) to perform Construction Phase Engineering Services for this project. During the construction phase, Walsdorf submitted several required documents for CH2M review, and some of these required several iterations prior to final approval by CH2M. Once all documents were approved, upon cutting out one of the holes on the bulkhead for the anchor rods, it was discovered that there were areas of the Sheet Pile with significant deterioration. CH2M and BND Staff feel that the deterioration needs to be evaluated and requested a price from Walsdorf to perform Ultrasonic Testing (UT) to determine the extent of the corrosion, define the remaining thickness and see if additional reinforcement is needed. Walsdorf proposes to perform the UT measurements for a lump sum of \$3,500.00. Walsdorf is also requesting 30 days due to various delays, and 15 days for the UT measurements. CH2M and BND Staff concur with the thirty (30) days but propose only ten (10) extra days for the UT measurements, which will include excavation and backfill at the bulkhead sheet piling. Change Order #1 would change the contract price and time accordingly. Commissioner Lopez moved to approve Change Order No. 1 to the contract with R.M. Walsdorf, Inc. for the Oil Dock #5 Bulkhead Repairs project, increasing the contract price by \$3,500.00 to \$356,650.00 and extending the contract time by forty (40) calendar days to April 3, 2020, Commissioner Cowen seconded, and the motion passed unanimously.

13. Consideration and Action to accept work performed by contractor G&T Paving, LLC on the BND Ostos Road Truck Staging Entrance Driveway project, authorizing Final Payment of \$219,404.80, which includes all completed work and release of retained funds.

Mr. Chavez addressed the Board requesting the acceptance of work performed by contractor G&T Paving, LLC on the BND Ostos Road Truck Staging Entrance Driveway project and authorizing Final Payment of \$219,480.80. On November 6, 2019 the Board awarded the contract for the BND Ostos Road Truck Parking Facility project to lowest responsive bidder G&T Paving, LLC (G&T) in the amount of \$285,125.00. On January 22, 2020, BND Commissioners approved Change Order #1 adding \$8,211.20 to the contract price, yielding a new contract price of \$293,336.20, and extending the contract time by ten (10) calendar days. On February 5, 2020 G&T poured the last segment of concrete, and on February 12, 2020 staff received concrete testing reports indicating that the specified compressive strength had been achieved or exceeded. A Final Walk-Through inspection of the project by BND Engineering staff confirmed that all work items had been completed. G&T has submitted their Final Pay Request as well as the All Bills Paid Affidavit. Having met all these requirements, BND Staff is ready to recommend acceptance of this project by BND Commissioners. Commissioner Cowen moved to accept the work performed by contractor G&T Paving, LLC on the BND Ostos Road Truck Staging Entrance Driveway project,

and authorize final payment of \$219,404.80, which includes all completed work and all retained funds, Commissioner Wood seconded, and the motion passed unanimously.

- 14. 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 Board did not adjourn into executive session.

- 15. Possible action on matters or items discussed in Executive Session.**

There was none.

- 16. Adjournment.**

The meeting was adjourned by unanimous consent at 5:50 p.m.

ATTEST

Secretary



John Reed
Chairman of the Board