

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND  
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF  
CAMERON COUNTY, TEXAS HELD MARCH 4, 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, March 4, 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	Michael Davis
Brenda Mckendrick	Tony Rodriguez
Ariel Chavez	Margie Recio
Steve Tyndal	Janie Velasquez
Lorena Hernandez	Memo Rico
Karina Franco	Jorge Montero
Jaime Martinez	Manuel Martinez
Chief Carlos Garcia	Jose Herrera
Lieutenant Mario Esquivel	Oscar Garcia

**OTHERS PRESENT:** Rev. Andreas Lewis  
Mike Krieber  
Brent Moore  
Nancy Gaytan  
John Carroll  
Jorge de la Colina

**1. Meeting Called to Order**

The Chairman called the meeting to order at 5:35 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**

Mr. Tyndal and Mr. Rodriguez reported on the recent Port marketing trip to the American Metal Market Mexican Steel Forum in Monterey. Ms. Hernandez then reported that the District had received a CAFRA award for the 8<sup>th</sup> year in a row.

## **CONSENT AGENDA**

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

- a. Approval of the Minutes of the Regular Board Meeting of February 19, 2020 and Workshop Meeting of February 21, 2020.
- b. Approval to authorize payments over \$25,000.00:
  1. HDR Engineering Inc., the amount of \$19,336.00, for BIH Project Task Order #1, #3 and Dike 5B Relocation Project;
  2. JLL Valuation & Advisory Services, the amount of \$32,025.00, for Mitigation Land Study Appraisal Services; and
  3. U.S. Corp of Engineers, the amount of \$369,254.63, for 2006 Feasibility Cost Share Agreement study.

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

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

Ms. McKendrick addressed the Board regarding the following items:

#### **1. Daniel Cruz d/b/a Crutek (New Lease)**

This new lease for Crutek is to be effective March 4, 2020, for 1 year with 4 renewal options of 1 year. The purpose of the lease is to provide tech services for marine businesses. The lease is replacing BND #4015. Commissioner Lopez moved to approve the new lease to Crutek, Commissioner Cowen seconded, and the motion passed unanimously.

#### **2. Friends of Rio Grande Valley Reef, Inc. (New Lease)**

This new lease for Friends of Rio Grande Valley Reef, Inc. is to be effective January 20, 2020, for 1 year with no renewal options. The purpose of the lease is to store bricks, concrete block and rip rap for offshore deployment for artificial reef. Commissioner Guerra moved to approve the new lease to Friends of Rio Grande Valley Reef, Inc, Commissioner Lopez seconded, and the motion passed unanimously.

### **6. Consideration and Action authorizing the Port Director and CEO to execute a License Agreement with the US Army Corps of Engineers for the Brazos Island Harbor Channel Improvement Project.**

Mr. Campirano addressed the Board requesting authorization for the Port Director and CEO to execute a License Agreement with the US Army Corps of Engineers for the Brazos Island

Harbor Channel Improvements Project. The Port of Brownsville has been issued the construction permit by the US Army Corps of Engineers for the Brazos Island Harbor Channel Improvements Project. As part of the deepening of the Ship Channel, a license agreement is required for use of the Dredge Maintenance Placement Areas (DMPAs). The US Army Corps of Engineers has easements for the DMPAs and a license for the use of the DMPAs by the non-federal sponsor is required. The District has executed several of these license agreements with the US Army Corps of Engineers. Commissioner Cowen moved to authorize the Port Director & CEO to execute the License Agreement for the Brazos Island Harbor Channel Improvement Project, Commissioner Lopez seconded, and the motion passed unanimously.

**7. Consideration and Action to authorize staff to advertise for Proposals of a Lease Management Information System.**

Ms. Hernandez addressed the Board requesting authorization for staff to advertise for Proposals of a Lease Management Information System. Staff has been investigating the available software to provide a Lease Management Information System to the Real Estate and Finance departments. Currently, the District does not have a stand-alone lease management software that contains electronic workflow and billing modules; instead the approximately 223 leases are manually maintained and billed. Lessees' contact and general information is maintained in an outdated software, Sage Act, which is no longer supported by Microsoft 10 updates, is not cloud based and is also not available to multiple users. Therefore, Staff is seeking a new lease software that will enable the District to better utilize its resources by maintaining electronic workflow approvals for new lease applications, automating the billing of leases, and providing tickler systems of upcoming lease renewals and deadlines. Moving forward with a new lease management software is becoming essential to the District since lease rentals are approximately one-half of the District's annual operating revenues and these revenues are expected to increase in future years. Commissioner Guerra moved to authorize Staff to advertise for Proposals for a Lease Management Information System, Commissioner Lopez seconded, and the motion passed unanimously.

**8. Consideration and Action to award bid and authorize payment to the lowest bidder for the purchase of a new fifty-five-ton double drop deck trailer.**

Mr. Garcia addressed the Board requesting authorization for the Staff to award bid and authorize payment to the lowest bidder for the purchase of a new fifty-five-ton double drop deck trailer. The District requested sealed bids for the purchase of a new fifty-five-ton double drop deck trailer on January 27, 2020 with a bid opening date of February 11, 2020. Specifications called for a 2020 fifty-five-ton double drop deck trailer. Two vendors submitted bids, Holden Industries, Inc. in the amount of \$90,380.00 and Doggett Freightliner with two options. Option I (2020 Model) in the amount of \$91,363.00 and Option II (2019 Model) in the amount of \$84,213.00. Holden Industries, Inc. didn't submit a bid bond for consideration. Mr. Garcia recommended that the Board move to authorize the Staff to award bid and authorize payment to the lowest responsible bidder Doggett Freightliner in the amount of \$83,000.00 for the purchase of a new 2019 fifty-five-ton double drop deck trailer. In response to a question from Commissioner Guerra, Mr. Garcia stated that the \$83,000.00 was a negotiated reduction in price from the bid price of 84,213.00. Commissioner Lopez then moved to accept the staff's recommendation and award bid and authorize payment to Doggett Freightliner in the amount of \$83,000.00 for the purchase of a new

2019 fifty-five-ton double drop deck trailer, Commissioner Guerra seconded, and the motion passed unanimously.

**9. Consideration and Action to reject bid received for the purchase of a used truck to haul heavy equipment.**

Mr. Garcia addressed the Board requesting the rejection of bid received for the purchase of a used truck to haul heavy equipment. The District requested sealed bids for the purchase of a used truck for the use of hauling heavy equipment throughout the Port area on January 27, 2020 with a bid opening date of February 11, 2020. One vendor, Doggett Freightliner, submitted three bids. Option I submitted was in the amount of \$29,950.00 for a 2012 Freightliner Cascadia, Option II was in the amount of \$39,950.00 for a 2015 Freightliner Cascadia, and Option III in the amount of \$59,950.00 for a 2013 Freightliner Coronado. Bids submitted did not meet required specifications. Therefore, staff is requesting to reject these bids. Commissioner Cowen moved to reject the bid received for the purchase of a used truck for the use of hauling heavy equipment and authorize staff to continue the process to seek bids and re-advertise for such purchase, Commissioner Wood seconded, and the motion passed unanimously.

**10. Consideration and Action to accept Task order #4 for consultant Witt O'Brien's LLC, under the Professional Service Agreement #4196, to perform the additional work necessary to complete the Environmental Site assessment on Ballast Pit No. 1 to complete a Voluntary Closure Plan.**

Mr. Herrera addressed the Board requesting the acceptance of Task order #4 for consultant Witt O'Brien's LLC, under the Professional Service Agreement #4196. BND Staff has received a revised proposal from Witt O'Brien's LLC for task order #4 under Professional Service Agreement, BND Contract #4196, to perform the remaining work required to present a Voluntary Closure Plan to TCEQ with the purpose of recuperating the land referred to as Ballast Pit #1. Mr. John Carroll, representing Witt O'Brien's, also addressed the Board. After discussion, Commissioner Lopez moved to approve Task order # 4, authorizing BND Staff to proceed with engaging Witt O'Brien's for the purpose of Preparing a Voluntary Closure Plan for Ballast Pit #1, Commissioner Cowen seconded, and the motion passed unanimously.

**11. Consideration and Action to award bid and authorize payment of the 40 UPS System Replacements.**

Mr. Martinez addressed the Board requesting authorization to award bid and authorize payment for 40 UPS System Replacements. The Industrial Smart UPS Systems that are currently in place are in need of replacement for all camera towers within the Port. On January 22, 2020, the BND Board of Commissioners approved staff to advertise for bids of the replacement of up to 40 UPS Systems. The bid announcement was advertised on the Port of Brownsville Website and it was also advertised in the Brownsville Herald. The IT Department also contacted four vendors and informed them of our bid announcement and three vendors submitted a bid. Bids were opened by the Finance Department on February 25, 2020 at 1:00 p.m. Discussion followed. Commissioner Wood moved to award bid and authorize payment to Juniper Global Technologies for the 40 UPS

System Replacements for Security Cameras Project, Commissioner Lopez seconded, and the motion passed, Commissioner Guerra voting “nay.”

**12. Consideration and Action to adopt Revised Advance Funding Agreement with the Texas Department of Transportation on additional \$7,582,481 funds for the South Port Connector Road project, and authorizing signature by Chairman John Reed.**

Mr. Chavez addressed the Board requesting the adoption of a Revised Advance Funding Agreement with the Texas Department of Transportation on additional \$7,582,481 funds for the South Port Connector Road project, and authorizing signature by Chairman John Reed. BND Staff has been working for several years with the Texas Department of Transportation (TxDOT), the County of Cameron, the Cameron County Regional Mobility Authority (CCRMA) and CCRMA's consultant S & B Infrastructure, Inc. (S&BI) on the South Port Connector Road project, to connect R. L. Ostos Road in the Port to Texas State Highway No. 4. On October 25, 2019 BND Staff received and opened two bids: \$25,615,348.60 from Foremost Paving, Inc. and \$32,217,993.05 from Zachry Group. Since available Federal, State and Local funding was only \$18,032,868.00, BND Port Director and Staff worked with TxDOT and CCRMA to pursue the additional \$7,582,480.60 needed, and on January 29, 2020 the Policy Committee of the Rio Grande Valley Regional Mobility Authority unanimously approved the requested additional funding for this project. TxDOT has submitted the revised Advance Funding Agreement with the additional funding, and the Revised Advance Funding Agreement requires signature by the Board Chairman. Commissioner Lopez moved to adopt the Revised Advance Funding Agreement for the South Port Connector Road project providing an additional \$7,582,481 for full funding of the \$25,615,348.60 low bid, and authorize Mr. John Reed to sign the revised AFA as Chairman of the Board of Canal Commissioners, Commissioner Wood seconded, and the motion passed unanimously.

**13. Consideration and Action to award the Contract on the South Port Connector Road project, subject to Texas Department of Transportation concurrence.**

Mr. Chavez addressed the Board requesting the award of the Contract on the South Port Connector Road project, subject to Texas Department of Transportation concurrence. After approval from TxDOT, staff published an Invitation to Bid in the Brownsville Herald on September 27, October 4 and 11, 2019, and opened bids on October 25, 2019. The bids received were \$25,615,348.60 from Foremost Paving, Inc. and \$32,217,993.05 from Zachry Group. S&BI's Engineer's Estimate was \$18,885,107.60. BND Port Director and Staff worked with TxDOT and CCRMA to pursue additional funding, and on January 29, 2020 the Policy Committee of the Rio Grande Valley Regional Mobility Authority voted to provide the needed additional funding for this project. Commissioner Wood moved to award the contract for the South Port Connector Road project to lowest responsive bidder Foremost Paving, Inc. in the amount of \$25,615,348.60 and to authorize Port Staff to issue the Notice of Award after review, confirmation and concurrence by the Texas Department of Transportation, Commissioner Guerra seconded, and the motion passed unanimously.

**14. Consideration and Action on request to authorize staff to advertise for bids on the 2020 BND Road Improvements project, and to open bids thereof.**

Mr. Chavez addressed the Board requesting the authorization for staff to advertise for bids on the 2020 BND Road Improvements project, and to open bids thereof. BND Staff has been working on the project for the rehabilitation and/or reconstruction of Chemical Road, West Oil Dock Road, East Oil Dock Road, Anchor Road, Liquid Cargo Dock Road, and a portion of Dock

15 Road, and concrete and asphalt paving improvements at the BND Maintenance Yard and the BND Office Parking Lot. In addition, there are several Railroad Crossings for which the Brownsville & Rio Grande International Railway will be providing the labor and the BND will be providing materials. BND Engineering Staff has completed construction drawings, specifications and bid documents for this project, and is prepared to publish the Advertisement for Bids in the local newspaper over the next few weeks. BND Engineering Staff is asking for authorization to advertise to solicit bids, and to open bids on this project once received. Staff plans to publish a separate invitation for the railroad crossing materials in order to gain time on the long lead time items. Upon approval, staff will publish the Invitations to Bid in the local newspaper, place the project's Bid Document in the Port website, and invite known paving contractors and materials suppliers by email and/or by phone. Commissioner Guerra moved to authorize BND Staff to prepare the required Invitation to Bid on the 2020 BND Road Improvements project both for materials and construction, to publish them in the local newspaper as required by BND Purchasing procedures, and to open bids once they are received, Commissioner Lopez seconded, and the motion passed unanimously.

**15. Consideration and Action to accept proposal from consultant HDR Engineers, Inc. for Task Order #28, consisting of Professional Engineering Services to design additional Pipe Bridges for Oil Dock No. 6 and prepare construction drawings and specifications.**

Mr. Chavez addressed the Board requesting acceptance of proposal from HDR Engineers, Inc. for Task Order #28. 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). Subsequent to the original design at the beginning of the decade and to the final design as bid back in 2015 and 2016, additional current and future users have come forth, making it necessary for the district to add capacity to connect product pipeline to the new Dock. This requires additional product pipeline bridges to go over the railroad and the Oil Dock #6 Road. BND Staff requested a proposal from Oil Dock #6 engineering consultant HDR Engineers, Inc. (HDR) for the additional pipe bridges, and HDR submitted a proposal identified as Task Order #28 to design and prepare construction drawings and specifications only for two pipe bridges for a fee of \$35,000.00. Discussion followed. Commissioner Guerra moved to authorize the Port Director & CEO to accept the proposal for Task Order #28, consisting of Engineering Services for the Design of Oil Dock #6 Additional Pipe Bridges including preparation of construction drawings and specifications only for a fee of \$35,000.00, and execute the Task Order #28 agreement with HDR for those services, Commissioner Lopez seconded, and the motion passed unanimously.

**16. Consideration and Action on request to authorize staff to advertise for bids on the Turning Basin Sewer Plant Clarifier Repairs project, and to open bids thereof.**

Mr. Chavez addressed the Board requesting authorization for Staff to advertise for bids on the Turning Basin Sewer Plant Clarifier Repairs project, and to open bids thereof. BND Staff has determined that the Circular Clarifier in the Turning Basin Wastewater Treatment Plant is in urgent need of repair and/or replacement. The primary motor and its attached small gear box, the 42-inch main gear that operates the sludge collection system and the rake system itself need to be replaced. Due to these deficiencies the plant is non-functional, and the Texas Commission on Environmental Quality has notified staff that the district needs to effect repairs immediately. In order to address these issues, BND Staff is asking for authority to publish an advertisement in the local newspaper

to solicit bids on the Turning Basin Sewer Plant Clarifier Repairs project, and to open bids once received. Upon approval, staff will publish the Invitation to Bid, place the project's Bid Document in the Port website, and invite known contractors by email and/or by phone. Commissioner Lopez moved to authorize BND Staff to prepare the required Invitation to Bid on the Turning Basin Sewer Plant Clarifier Repairs project, to publish the ad in the local newspaper as required by BND Purchasing procedures, and to open bids once they are received, Commissioner Guerra seconded, and the motion passed unanimously.

Mr. Kriebler then addressed the Board expressing his appreciation for the opportunity to serve the Port and informed the Board that he would be retiring.

- 17. Adjourn into Executive Session, as authorized by Subchapter D of Chapter 551 of the Government Code to discuss with attorneys pending or contemplated litigation, including The City of Port Isabel, Texas, JJ Zamora, and Martin Cantu vs. Brownsville Navigation District of Cameron County, Texas, 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).**

Mr. Campirano informed the Chairman that there were no items needing discussion in Executive Session.

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


There was none.

- 19. Adjournment.**

The meeting was adjourned by unanimous consent at 6:33 p.m.

ATTEST

Secretary

  
John Reed  
Chairman of the Board