

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND  
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF  
CAMERON COUNTY, TEXAS HELD MAY 6, 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, May 6, 2020 at 5:30 p.m.** The following individuals were present and absent:

**PRESENT:** John Reed, Chairman  
Ralph Cowen  
John Wood (via teleconference)  
Esteban Guerra

**ABSENT:** Sergio Tito Lopez

**ALSO PRESENT:** Eduardo A. Campirano, Port Director and CEO  
Daniel Rentfro Jr., District Counsel

**STAFF MEMBERS:** Donna Eymard  
Ariel Chavez  
Janie Velasquez  
Chief Carlos Garcia  
Alex Villarreal

**OTHERS PRESENT:** Rev. Andreas Lewis  
Noel Bernal  
Ramiro Gonzalez  
Abel Gonzalez  
Roel Juarez  
Cesar Ramirez  
Jorge de la Colina

**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**

No person registered to address the Board.

**3. Receive Director's Report**

**a. Receive Port Monthly Operations Summary Report**

The reports were presented to the Board. Brief 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 April 22, 2020.
- b. Approval to authorize payments over \$25,000.00:
  1. Hanson Engineering, the amount of \$25,620.00, for Professional services in connection with the Fishing Harbor Wastewater Sewer Plant; and
  2. Vulcan Materials Company, the amount of \$32,478.72, for Crushed Limestone for Patio 22 and for repairs to Patio 15.

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

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

Mrs. Eymard addressed the Board regarding the following items:

#### 1. Brownsville Shrimp Unloading Dock, LLC (New Lease)

Brownsville Shrimp Unloading Dock, LLC. has been established since 2015. They are a shipping and receiving company for shrimp. The purpose of their business is to provide shrimp boat unloading. The company has applied to lease the site formerly leased by Chavez Shrimp under BND Contract #4091. The staff recommends that the Board approve and sign the new lease to Brownsville Shrimp Unloading Dock, LLC. Commissioner Wood moved to approve, Commissioner Guerra seconded, and the motion carried unanimously.

### 6. Consideration and Action authorizing the Port of Brownsville's participation in the City of Brownsville's project to close the Digital Divide.

Mr. Campirano introduced Noel Bernal and Ramiro Gonzalez from the City of Brownsville. Mr. Ramiro Gonzalez addressed the Board requesting authorization for the Port of Brownsville's participation in the City of Brownsville's project to close the "Digital Divide." The City of Brownsville is bringing together various community stakeholders to create the Broadband Strategic Infrastructure Plan. The city is requesting the Port's participation in this effort. Commissioner Guerra moved to authorize the Port of Brownsville's participation in the project, Commissioner Cowen seconded, and the motion passed unanimously.

### 7. Consideration and Action to authorize staff to submit a Maritime Administration Port Infrastructure Development Grant to assist West Plains to make improvements to the grain elevator facilities.

Mr. Campirano addressed the Board requesting authorization for staff to submit a Maritime Administration Port Infrastructure Development Grant to assist West Plains to make improvements to the grain elevator facilities. West Plains has approached the Port of Brownsville for assistance in the submission of a Port Infrastructure Development Grant. The grant would be submitted by the Port of Brownsville, but West Plains will assume full responsibility for all financial obligations should we be successful in securing a grant. West Plains has hired a professional grant writer to assist the Port Staff in the preparation and submission of the grant. The total amount of the Project Improvements is approximately \$21.4 million of which 80% could be awarded under the grant.

The balance of the project costs would be borne by West Plains. The grant application must be submitted by May 18<sup>th</sup>. Commissioner Cowen moved to authorize the submission of a grant application to the MARAD Administration Port Infrastructure Development Grant Program, Commissioner Guerra seconded, and the motion passed unanimously.

**8. Consideration and Action on bids received for the Oil Dock #3 Crane Supports project, and to authorize BND Staff to issue the Notice of Award to successful bidder.**

Mr. Chavez addressed the Board requesting the award on bids received for the Oil Dock #3 Crane Supports project, and to authorize BND Staff to issue the Notice of Award to the successful bidder. On March 18, 2020 BND Commissioners authorized Staff to solicit bids on construction and materials for the Oil Dock #3 Crane Supports project, comprised of removing and replacing the supports for the dock's hydraulic crane and adding pilings to stabilize the dock. The Invitation to Bid was published in the Brownsville Herald on April 6 and 13, 2020, and known marine contractors were invited by email. A Mandatory Pre-Bid Meeting was held by teleconference on April 13, 2020, with six potential bidders attending by phone. On April 24, 2020 bids were received from Russell Marine, LLC for \$320,000.00, R.M. Walsdorf for \$781,481.00 and A&I Custom Manufacturing for \$757,000.00. After reviewing the bids, it appeared that all bidding requirements had been met by all bidders. Commissioner Cowen moved to award the contract for the Oil Dock #3 Crane Supports project to the lowest bidder Russell Marine, LLC in the amount of \$320,000.00 and to authorize BND Staff to issue the Notice of Award, Commissioner Guerra seconded, and the motion passed unanimously.

**9. Consideration and Action on bids received for the 2020 BND Improvements project, and to authorize BND Staff to issue the Notice of Award to the successful bidder.**

Mr. Chavez addressed the Board requesting the award on bids received for the 2020 BND Improvements project, and to authorize BND Staff to issue the Notice of Award to the successful bidder. On March 4, 2020 BND Commissioners authorized Staff to solicit bids on construction and materials for the 2020 BND Road Improvements project, comprised of 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 at the BND Shop Yard and the BND Shop Office Parking Lot. The Invitation to Bid was published in the Brownsville Herald on March 6 and 13, 2020, and known paving contractors were invited by email. On April 8, 2020 bids were received from R.M. Walsdorf for \$1,626,771.00, G&T Paving for \$1,938,957.25 and Foremost Paving for \$2,007,978.00. After the bid opening, Walsdorf noticed errors in its bid and requested that BND staff allow them to correct the errors, which would increase their bid by \$64,894.00 to \$1,691,665.00. Walsdorf stated that if correction of the error was not allowed, it would request to withdraw their bid with no prejudice or penalty. After reviewing the request, BND Staff determined that a change in bid unit price after bid opening cannot be allowed. Commissioner Cowen moved to allow R.M. Walsdorf, Inc. to withdraw their bid, and award the contract for the 2020 BND Road Improvements project to second lowest bidder G&T Paving, LLC in the amount of \$1,938,957.25 and to authorize BND Staff to issue the Notice of Award, Commissioner Guerra seconded, and the motion passed unanimously.

**10. Consideration and Action to authorize the Port Director and C.E.O. to accept proposal from consultant CH2M Hill Engineers, Inc. to provide Design Engineering Services for the Concrete Cap on the Oil Dock #5 Bulkhead Repairs project.**

Mr. Chavez addressed the Board requesting authorization for the Port Director and C.E.O. to accept the proposal from consultant CH2M Hill Engineers, Inc. to provide Design Engineering Services for the Concrete Cap on the Oil Dock #5 Bulkhead Repairs project. 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 to stabilize the leaning bulkhead on the West side of Oil Dock #5. After discovery of significant Sheet Piles deterioration and rusting, on Feb. 19, 2020 BND Commissioners approved Change Order No.1 for \$3,500.00 to perform Ultrasonic Testing measurements of the metal in the Sheet Piles. On April 22, 2020 BND Commissioners approved Change Order No. 2 for \$21,150.00 to add to the scope of work pressure washing and coal tar epoxy coating to the Sheet piles above the water line. Project consulting engineer CH2M also recommended installing a concrete cap above the water line to extend the life of the bulkhead. BND Staff requested a proposal from CH2M to design the concrete cap for consideration of inclusion in the current contract with Walsdorf or for a near-future project. CH2M submitted a design proposal for \$35,000, but upon review of the components and of the required design effort by BND Engineering Staff and after a couple of iterations, CH2M reduced the estimated fee to \$15,215.00. Commissioner Guerra moved to accept the proposal from CH2M HILL Engineers, Inc. for Design Engineering Services on the Concrete Cap for the Oil Dock #5 Bulkhead Repair project for an estimated fee of \$15,215.00, which will not be exceeded without BND Commissioners' authorization, Commissioner Cowen seconded, and the motion passed unanimously.

**11. Consideration and Action to adopt the Department of the Army License to operate and maintain Oil Dock #6 in and upon lands of the United States, in United States Army Corps of Engineers (USACE) Easement Tract No. 10, and to authorize the Port Director and the Deputy Port Director to execute said license.**

Mr. Campirano addressed the Board requesting the approval of the Department of the Army License to operate and maintain Oil Dock #6 in an upon lands of the United States, in United States Army Corps of Engineers (USACE) Easement Tract No. 10, and to authorize the Port Director and the Deputy Port Director to execute said license. After completion of the construction of the Oil Dock #6, on April 28, 2020 BND Staff received notification from the Real Estate Division of the Galveston District (SWG) of the United States Army Corps of Engineers (USACE) that they had terminated the construction permit for the said Oil Dock #6 project, and were replacing it with a new Department of the Army License to operate and maintain Oil Dock #6. The new license requires signatures of Port Director and C.E.O Mr. Eduardo A. Campirano and of Deputy Port Director Ms. Donna Eymard for execution. BND Staff is, therefore, requesting authorization from BND Commissioners for these signatures. Commissioner Cowen moved to authorize Port Director and C.E.O. Mr. Eduardo A. Campirano and Deputy Port Director Ms. Donna Eymard to execute the Department of the Army License to operate and maintain Oil Dock #6 within United States Army Corps of Engineers (USACE) Easement Tract No. 10, Commissioner Guerra seconded, and the motion passed unanimously.

**12. 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 6:10. Mr. Campirano stated that there was no need to adjourn into executive session.

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


There was none.

**14. Adjournment.**

On motion by Commissioner Guerra, seconded by Commissioner Cowen, and unanimously carried, the meeting was adjourned at 6:10 p.m.

ATTEST

  
Secretary

  
John Reed  
Chairman of the Board