

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**

THIS MEETING WILL BE CONDUCTED AS A VIDEOCONFERENCE MEETING DUE TO THE COVID-19 HEALTH EMERGENCY AS AUTHORIZED BY CHAPTER 551 OF THE TEXAS GOVERNMENT CODE AND EMERGENCY ORDERS OF THE GOVERNOR

Notice is hereby given that the Board of Commissioners of the Brownsville Navigation District will meet on **Wednesday, September 9, 2020** by video/teleconference initiated from the Board Room located at 1000 Foust Road, Brownsville, Cameron County, Texas. The Board of Commissioners will convene in a **Regular Board Meeting at 5:30p.m.:**

Pursuant to the action of the Governor of the State of Texas to allow virtual and telephonic meetings, the Board of Commissioners will conduct its meeting virtually. A recording of the meeting will be made available to the public as will written minutes after approval by the Board of Commissioners. The meeting may be accessed as provided below:

Meeting link:

<https://portofbrownsville.webex.com/portofbrownsville/j.php?MTID=mb7f6be8962256c851c0426fa68b59f7f> (Attendee access code 375 159 38)

OR

Join by phone

+1-408-418-9388 United States Toll

Attendee access code 375 159 38

All participants who wish to comment publicly should follow the instructions provided under the Public Audience section of the below agenda. Virtual participants will be muted upon entry and should stay muted unless called upon to speak.

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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 submit your request to speak no later than an hour before the meeting electronically to Janie Velasquez at jvelasquez@portofbrownsville.com (Request shall include: name and the agenda item or topic of discussion you wish to address).

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. 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

- a. Receive Directors Report 1
- b. Port Monthly Operations Summary Report 56

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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 and ACTION on the following Consent Agenda Items.

- a. Approval of the Minutes of the Regular Board Meeting of August 12, 2020. 64
- b. Approval of payments over \$25,000. (LH) 74

	Vendor	Purpose	Amount	
1	Foremost Paving Inc.	BND South Port Connector Project	\$1,532,238.40	75
2	G&T Paving, LLC	BND Road Improvements	\$393,239.70	77
3	Hanson Professional Services Inc.	Fishing Harbor Wastewater Treatment Plant	\$31,890.00	82

4	HDR Engineering Inc.	BIH Project Task Order #3	\$268,844.70	83
5	HiRail Crossings Inc.	2020 BND Railroad Crossing Materials	\$76,647.00	85
6	Menard Industries, LLC	2020 BND Railroad Crossing Materials	\$119,011.40	86
7	RenoWorks, LLC	Turning Basin Wastewater Treatment Plant Clarifier Rehabilitation	\$77,509.80	87

5. Consideration and ACTION on Leases, Assignments, Negotiations, Easements, Subleases, and Contracts in General: (ST)

1	Gus Martin (Authority to Negotiate)	89
2	Bryant Industrial Services, LLC. (Authority to Negotiate)	92
3	Magic Valley Concrete, LLC. (Authority to Negotiate)	95
4	Texlube Trading, LLC. (Authority to Negotiate)	98

6. Consideration and ACTION to authorize the District's Depository, Lone Star National Bank, to modify the Pledge Agreement for pledged collateral of the District's deposits. (LH) 101
7. Consideration and ACTION to request proposals for medical, dental, vision, short term and long-term disability insurance benefits for all BND employees. (JM) 108
8. Consideration and ACTION on the Grantee/Operators agreement, under the new ASF "Usage Driven Site Agreement" between the Brownsville Navigation District Foreign Trade Zone No. 62 and Port Isabel Logistical Offshore Terminal, Inc. (TR) 109
9. Consideration and ACTION to authorize Port Staff to Advertise for Bids on the Administration Building Emergency Generator Installation project, and to open bids thereof. (AC) 123

PRESENTATION

10. Presentation by Roberto Ruiz, Architect on the design for the Anchor Park Project. (DE) 125

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ACTION ITEMS

11. Consideration and ACTION on Leases, Assignments, Negotiations, Easements, Subleases, and Contracts in General: (ST)

1	Brownsville Acquisition, Inc. c/o Callidus Capital Corporation (Authority to Negotiate)	126
2	Lighthouse Docks, Inc. (New Lease)	130
3	Special Crane Services, LLC. (New Lease)	133

4	OLG Petroleum, LLC. (Bill of Sale)	136
5	Border Financial Services d/b/a A-MEX/Jesus Alanis d/b/a ARJ Project Solutions, LLC. (Consent to Sublease)	139
6	Mesquite Farm, LLC. (Lease Amendment)	142
7	Andalusian Energy, LLC. (2 nd Amendment to Option to Lease)	146
8	Lone Star National Bancshares Texas, Inc. (Authority to Negotiate)	149

12. Consideration and ACTION on Third Amended Order for an election to be held on November 3, 2020 for the purpose of electing three Navigation and Canal Commissioners to add two additional Early Voting Locations.
(Consideración y acción sobre tercera Enmienda de Orden de elección que se llevará acabo el 3 de noviembre de 2020 con el propósito de elegir tres Comisionados de Navegación y Canal para añadir dos ubicaciones de casillas para votación previa) (MR) 150
13. Consideration and ACTION to approve the purchase order to Texas Municipal League Intergovernmental Risk Pool for the 2020/2021 renewal policies for Workers Compensation Coverage, Business Automobile Liability, and Automobile Physical Damage and to authorize payment of the premium when invoiced in the amount of \$132,117.00. (MR) 155
14. Consideration and ACTION to approve an adjustment to the BND Wage & Salary Chart for all salary positions. (JM) 156
15. Consideration and ACTION to vote on a Resolution to adopt a 2020 property tax rate for the Brownsville Navigation District at \$.029778 per \$100 valuation. This rate is comprised of a debt rate of \$.004864 per \$100 valuation and a maintenance and operations rate of \$.024914 per \$100 valuation. (LH) 157
16. Consideration and ACTION to approve amendments to the District's Fiscal 2020 Operating and Capital Budgets by increasing operating revenues by \$2,253,067 to \$32,600,351 and increasing operating expenditures by \$387,147 to \$15,784,600 and increasing Capital Expenditures by \$4,338,846. (LH) 160

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BIDS/AGREEMENTS/PURCHASES

17. Consideration and ACTION approving a Letter of Intent between the Brownsville Navigation District and The Plank Companies, Inc. in association with Texas Economic and Infrastructure Development Group, LLC for preparation of technical and feasibility assessment of potential development of District's Lands. (EAC) 175
18. Consideration and ACTION approving a License Agreement between U.S. Customs and Border Protection and the Brownsville Navigation District to enter District Property for access to boat ramp. (EAC) 176
19. Consideration and ACTION on bids received for pickup trucks. (MR) 190

20. Consideration and ACTION on Change Order No. 3 to the Oil Dock #5 Bulkhead Repairs project, for the purpose of adjusting the contract time; accepting work performed by RM Walsdorf, Inc., and authorizing release of the \$37,780.00 retainage. (AC) 193
21. Consideration and ACTION to enter into an Earthen Material Sale Agreement with contractor Foremost Paving, Inc. for Fill Dirt from Dredged Material Placement Areas #7 and #8 to be used as embankment in the South Port Connector Road project. (AC) 196


EXECUTIVE SESSION

22. 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 (§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).
23. Possible ACTION on matters or items discussed in Executive Session.
24. 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 September 9, 2020 Agenda of items to be considered by the Brownsville Navigation District Commission was posted on the Bulletin Area at the BND Building on September 4, 2020. 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**