

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD DECEMBER 2, 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, via videoconference due to the COVID-19 health emergency, on **Wednesday, December 2, 2020 at 5:30 p.m.** The following individuals were present and absent:

PRESENT: Sergio Tito Lopez, Chairman
Ralph Cowen
Esteban Guerra
John Wood

ABSENT: John Reed

ALSO PRESENT: Eduardo A. Campirano, Port Director and CEO
Daniel Rentfro Jr., District Counsel
William J. Irwin, Associate District Counsel

STAFF MEMBERS: Donna Eymard
Ariel Chavez
Steve Tyndal
Lorena Hernandez
Karina Franco
Jaime Martinez
Michael Davis
Tony Rodriguez
Margie Recio
Janie Velasquez
Memo Rico
Jorge Montero
Lieutenant Mario Esquivel
Blanca Melguizo
Rosie Hinojosa

OTHERS PRESENT: Rev. Andreas Lewis
Jorge de la Colina
Roberto Ruiz
Royce Clutter
Federico Diaz Page
Albert Perez
Ken Schaefer
Gail Snyder
Landon Overby

1. Meeting Called To Order

The Chairman called the meeting to order at 5:34 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 Directors Report

The Board received the reports.

CONSENT AGENDA

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

- a. Approval of the Minutes of the Regular Board Meeting of November 17, 2020.
- b. Approval to authorize payments over \$25,000.00:
 1. Foremost Paving, Inc., the amount of \$1,440,263.25, for South Port Connector Road Project;
 2. GeoSolutions, Inc., the amount of \$118,330,.94, for Geogrid for Patio 22;
 3. Pederson Construction Company, Inc., the amount of \$188,959.85, for 2020 BND Waterline Replacement; and
 4. Vulcan Materials Company, the amount of \$70,282.34, for Crushed Limestone for Patio 22.

Commissioner Wood moved to approve Items 4a and 4b1-4, Commissioner Guerra seconded, and the motion passed unanimously.

5. Consideration and Action on an application for a renewal of the Line Handling Permit to:

- M&M Mooring Company d/b/a M&M Mooring & Marine Services
- Brownsville Mooring

Commissioner Cowen moved to approve the renewal of the line handling permit to M&M Mooring Company d/b/a M&M Mooring & Marine Services, Commissioner Wood seconded, and the motion passed unanimously.

Commissioner Wood moved to approve the renewal of the line handling permit to Brownsville Mooring, Commissioner Cowen seconded, the motion passed unanimously.

6. Appointment of BND Commission to Boards and Committees.

Chairman Lopez addressed the Board and made the following appointments:

Commissioner Reed and Chairman Lopez were appointed to the Audit Committee.

Commissioner Wood and Commissioner Guerra were appointed to the Policy Committee.

Chairman Lopez and Commissioner Guerra were appointed to the Security Committee.

Commissioner Cowen was appointed to the Southwest Water Authority Board.

Commissioner Cowen was appointed to the Rio Grande Valley Partnership and Border Trade Alliance Boards.

Commissioner Wood and Commissioner Reed were appointed to the Committee for the 85th Anniversary of Port of Brownsville.

Chairman Lopez was appointed as liaison for the Leasing Committee. Commissioner Reed was appointed as an alternate liaison.

7. Presentation by Roberto Ruiz, Architect on the design for the remodeling of the building located at 2001 Foust Road for U.S. Customs and Border Protection.

Mr. Campirano introduced Roberto Ruiz who spoke about the design for the remodeling of the building located at 2001 Foust Road for U.S. Customs and Border Protection. Discussion followed.

8. Discussion of proposed Fiscal Year 2021 Operating Capital Budget.

Mr. Campirano and Ms. Hernandez addressed the Board to discuss the proposed Fiscal Year 2021 Operating Capital Budget. Discussion followed. This was not an action item, but to allow for review and discussion.

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

Mrs. Eymard and Mr. Tyndal addressed the Board regarding the following items:

1. Iron Mike Marine, Inc. (Authority to negotiate)

Iron Mike Marine, Inc. is a current lessee under BND Contract #3813. This contract will expire on December 31, 2020 and is requesting a new lease. The purpose of the lease is for a barge fleeting area. Commissioner Guerra moved to approve the Authority to negotiate with Iron Mike Marine, LLC, Commissioner Cowen seconded, and the motion passed unanimously.

2. Brownsville Acquisition, Inc. c/o Callidus Capital Corporation (New Lease)

Brownsville Acquisition, Inc. c/o Callidus Capital Corporation is requesting a new lease for the purpose of Metals & plastics recycling. This is for one of the properties that Brownsville Acquisition, Inc. c/o Callidus Capital Corporation requested to keep after the Bankruptcy settlement under Texas Best Recycling BND Contract #3979. Commissioner Cowen moved to approve and sign the new lease to Brownsville Acquisitions, Inc. c/o Callidus Capital Corporation, Commissioner Guerra seconded, and the motion passed unanimously.

3. Brownville Acquisition, Inc. / Steelcoast Company, LLC. **(Consent to Sublease)**

Brownville Acquisition, Inc. is requesting the authorization to sublease to Steelcoast Company, LLC. who will be using the site for purposes of metals and plastics recycling and other material suitable for recycling as well as any activity reasonably incidental to any of the foregoing purposes. Commissioner Guerra moved to approve the sublease agreement between Brownville Acquisition, Inc. / Steelcoast Company, LLC, Commissioner Cowen seconded, and the motion passed unanimously.

10. Consideration and Action on acknowledging receipt of the revised Tariff for Signet Maritime Corporation for the Port of Brownsville and Port Isabel.

Mrs. Recio addressed the Board requesting receipt of the revised Tariff for Signet Maritime Corporation for the Port of Brownsville and Port Isabel. Signet Maritime Corporation submitted a revised Tariff for their services in the Ports of Brownsville and Port Isabel. This Tariff will implement a new surcharge fee called Azimuthing Stern Drive (ASD) Surcharge which will be billed for the use of the Signet Magic or any other ASD Tug. The ASD Surcharge will be an additional 35% of the base rate. Signet provided a copy of their revised Tariff, the ASD Surcharge was highlighted in yellow and the Tariff was attached to this item. The revised Tariff was distributed to the Port of Brownsville stakeholders and its effective date is January 1, 2021. Discussion followed regarding the rates for these services along the Gulf Coast. Ms. Snyder addressed the Board on behalf of Signet Maritime Corporation. The Board acknowledged receipt of the revised tariff for Signet Maritime Corporation.

11. Consideration and Action to approve selection and payment for the services provided by recommended medical, dental, vision, life, short-term and long-term disability insurance providers for all BND employees.

Mr. Martinez addressed the Board requesting approval on selection and payment for the services provided by recommended medical, dental, vision, life short-term and long-term disability insurance providers for all BND employees. The District's insurance benefits renewal date for medical, dental, vision, life, short-term and long-term disability insurances is January 1, 2021. Staff requested proposals on 09/18/2020 and the deadline to receive them was on 11/04/2020. Mr. Landon Overby from Bowen Miette, and Britt has reviewed the proposals and the best proposal was recommended to the board to begin coverage for the insurances mentioned for the years 2021 and have the option in 2022 and 2023 to renew if rates are feasible and recommended by the insurance consultant. Commissioner Wood moved to approve the proposals as recommended by Mr. Overby as follows: Blue Cross Blue Shield for medical insurance; Sun Life Insurance for short-term and long-term disability insurance; and Guardian Insurance for life, dental, and vision insurances, Commissioner Cowen seconded, and the motion passed unanimously.

12. Consideration and Action on bids received for pickup trucks.

Mrs. Recio addressed the Board requesting approval or rejection of bids received for pickup trucks. The District advertised for bids for four pickups and was offering three vehicles as trade-ins. A notice for bids was published in the Brownsville Herald. Also, a copy of the Request for Bids and the Bid packet along with specifications was emailed to local dealers. Bids were received from Tipton Motors, Inc. and Boggus Tipton. Tipton Motors bid four 2021 models, with 90-120 days of delivery and made offers on the three trade-ins. Boggus Tipton Motors, LLC bid four 2021 models with 65 business days of delivery and made offers on the three trade-ins. Commissioner

Cowen moved to award the bid to Boggus Tipton for the purchase of three ½ ton 4WD crew cab pickup at a total bid price of \$84,000.00 and to accept the total trade-in offers in the amount of \$25,750.00 for unit 673, 665, and 664 and to award the bid to Tipton Motors for the purchase of one ½ ton 4x2 regular cab at the bid price of \$23,888.00, Commissioner Wood seconded, and the motion passed unanimously.

13. Consideration and Action on bid received for the annual contract for Disposal of Oily Water from the Fishing Harbor Sewer Treatment Plant.

Mr. Garcia addressed the Board requesting approval or rejection of bid received for the annual contract for Disposal of Oily Water from the Fishing Harbor Sewer Treatment Plant. On September 23, 2020 BND Commissioners authorized staff to advertise for and open bids on the new annual contract for Disposal of Oily Water from the Fishing Harbor Sewer Treatment Plant. BND Staff published the Invitation to Bid in the local newspaper with a target Bid Opening date of November 20, 2020. On November 12, 2020 Staff received one bid from J.W. Rentals, Inc., d.b.a. Environmental Evolutions National, for \$0.39 per gallon of material removed. Although this was the only bid received, the bid price is the same as what the BND is currently paying this same vendor for these services. Commissioner Guerra moved to award the annual contract for Disposal of Oily Water from the Fishing Harbor Sewer Treatment Plant to J.W. Rentals, Inc., d.b.a. Environmental Evolutions National, for \$0.39 per gallon of material removed, Commissioner Wood seconded, and the motion passed unanimously.

14. Consideration and Action to authorize Staff to advertise for bids for Geogrid material, and to open bids thereof.

Mr. Garcia addressed the Board requesting authorization for the Staff to advertise for bids for Geogrid material, and to open bids thereof. The District purchases geogrid materials for the construction of patio storage areas and the maintenance of existing facilities. The purchase of this material is expected to exceed \$100,000 in 2021, therefore, requiring the staff to bid out this purchase. This material is purchased as needed and the District does not guarantee any level of purchasing in the RFP process. Commissioner Guerra moved to authorize the Staff to advertise for bids for geogrid material, and to open bids once received, Commissioner Cowen seconded, and the motion passed unanimously.

15. Consideration and Action to award bid and authorize payment for the purchase of the wash bay equipment for the BND Maintenance Dept.

Mr. Garcia addressed the Board requesting authorization to award bid and payment for the purchase of the wash bay equipment for the BND Maintenance Dept. The District requested sealed bids for the purchase of wash bay equipment with a bid opening date of November 23, 2020. The new wash bay equipment will allow Staff to keep Port fleet better maintained. RFB Packets were sent to Washing Equipment of Texas, Action Cleaning Systems, and Cougar Chemical. Only one bid was submitted, by Washing Equipment of Texas in the amount of \$40,148.00. Commissioner Cowen moved to award bid and authorize payment to the lowest responsible bidder for the purchase of the wash bay equipment for the BND Maintenance Dept., Commissioner Wood seconded, and the motion passed unanimously.

16. Consideration and Action to accept work performed by contractor Reno Works, LLC on the 2020 Turning Basin WWTP Clarifier Rehabilitation project, and authorizing Final Payment of \$18,180.05, which includes all completed work and release of retained funds.

Mr. Chavez addressed the Board requesting the acceptance of work performed by contractor Reno Works, LLC on the 2020 Turning Basin WWTP Clarifier Rehabilitation project, and authorization of Final Payment of \$18,180.05, which includes all completed work and release of retained funds. On June 3, 2020 BND Commissioners awarded the contract for the 2020 Turning Basin Wastewater Treatment Plant (WWTP) Clarifier Rehabilitation project to lowest responsive bidder RenoWorks, LLC in the amount of \$126,182.00. On October 7, 2020 BND Commissioners approved Change Order No.1 to address observed structural deficiencies in the drive cage, perform sandblasting, painting and coating of metallic surfaces, seal seepage leaks in the corners of the clarifier basin and replace the perimeter weir sealant, in the additional amount of \$35,475.00, for a new contract price of \$181,800.50. A brief punch-list was developed after a walk-thru inspection on November 6, 2020 and as of November 23, 2020 all punch-list items had been satisfactorily addressed. Commissioner Cowen moved to accept the work by contractor RenoWorks, LLC on the 2020 Turning Basin Wastewater Treatment Plant (WWTP) Clarifier Rehabilitation project and authorize Final Payment of \$18,180.05, which includes all completed work and release of the retained funds, Commissioner Guerra seconded, and the motion passed unanimously.

17. Consideration and Action to provide Port Staff with direction on the Administration Building Emergency Generator Installation project.

Mr. Chavez and Mr. Campirano addressed the Board requesting direction on the Administration Building Emergency Generator Installation project. BND Engineering and BND Maintenance staffs have been working together on the Administration Building Emergency Generator Installation project, the objective of which was to provide a permanent site in the general area near the Administration Building for the diesel-powered generator it currently has. BND Staff has engaged the services of consultant Trinity MPE Engineering and has requested information from them which was summarized and included the perceived options. Discussion followed regarding the options presented. Commissioner Wood moved to direct staff to present options for development of the generator installation project, Commissioner Cowen seconded, and the motion passed unanimously.

18. 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).

Commissioner Guerra moved to adjourn into executive session, Commissioner Wood seconded, and the motion passed unanimously. The Chairman then announced that the time was 6:58 p.m., and that the Board would adjourn into executive session.

The Chairman then announced that the time was 7:43 p.m. and that the Board had reconvened in open session.

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

There was none.

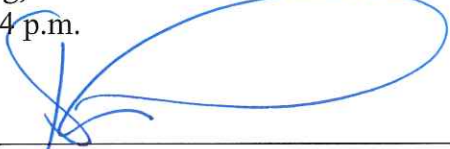
20. Adjournment.

Commissioner Wood moved to adjourn the meeting, Commissioner Guerra seconded, and the meeting was adjourned by unanimous consent at 7:44 p.m.

ATTEST



Secretary



Sergio Tito Lopez
Chairman of the Board