

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD JAUARY 20, 2021 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, January 20, 2021 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
Jose Herrera
Lorena Hernandez
Karina Franco
Jaime Martinez
Chief Carlos Garcia
Tony Rodriguez
Margie Recio
Janie Velasquez
Memo Rico
Jorge Montero
Blanca Melguizo
Oscar Garcia

OTHERS PRESENT: Rev. Andreas Lewis
Bill Berg
Jorge de la Colina
Hunter Stanco
Lizandro Garcia

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

a. Receive Port Monthly Operations Summary Report

Ms. Hernandez made the report to the Board. Discussion followed.

Mr. Tyndal addressed the Board regarding the 2020 Marcom Award for Print Media in the Industry and Trade category presented to the Port of Brownsville for its outstanding annual port directory.

CONSENT AGENDA

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

- a. Approval of the Minutes of the Regular Board Meeting of January 6, 2021.
- b. Approval to authorize payments over \$25,000.00:
 1. Foremost Paving, Inc., the amount of \$835,914.55, for BND South Port Connector Project; and
 2. Vulcan Materials Company, the amount of \$48,732.17, for Crushed Limestone for Patio 22.

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

5. Presentation of District Funds Investments Report for the Period October 1, 2020 through December 31, 2020.

Ms. Hernandez presented the District's fourth quarter investments report for the Period of October 1, 2020 through December 31, 2020.

6. Presentation on the District's Pension Plan Amendments and 457 Voluntary Deferred Compensation Program.

Mr. Campirano introduced Hunter Stanco who spoke about the District's Pension Plan Amendments and 457 Voluntary Deferred Compensation Program. Discussion followed.

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

Mr. Tyndal addressed the Board regarding the following item:

1. Lone Star National Bank (New Lease)

Lone Star National Bank has been in business since 1983 with branches throughout the Rio Grande Valley. The bank is interested in a 2.4 acres site off FM 511 in proximity to the intersection of Foust Road for the purpose of building and operating a banking center featuring a lobby bank, an ATM and customer drive through conveniences. Commissioner Guerra asked when Lone Star Bank intends to commence construction and Mr. Tyndal noted that the Bank has received its TxDOT permits, and is ready to apply for a building permit and to commence construction shortly

thereafter. Commissioner Guerra moved to approve and sign the new lease to Lone Star National Bank, Commissioner Cowen seconded, and the motion passed unanimously

8. Consideration and Action on request to authorize staff to advertise for bids for the purchase of a track loader with four attachments, a vibratory compactor, a front-end loader, and to open bids thereof.

Mr. Garcia addressed the Board requesting authorization for staff to advertise for bids for the purchase of a track loader with four attachments, a vibratory compactor, a front-end loader, and to open bids once received. The request for a new track loader with four attachments will be used for the repairs inside Port warehouses and throughout the Port areas. The request for a new vibratory compactor will assist with the expansion of and maintenance to the patios. The request for a new front-end loader will be for a replacement. The BND currently has one front-end loader which is becoming unreliable. Staff does plan to trade in this equipment. Commissioner Cowen moved to authorize BND Staff to advertise for bids for a track loader with four attachments, a vibratory compactor, a front-end loader, and to open bids once received, Commissioner Wood seconded, and the motion passed unanimously.

9. Consideration and Action to select an independent CPA firm for the District's Fiscal Years 2020 – 2022 external audit services.

Ms. Hernandez addressed the Board requesting the selection of an independent CPA firm for the District's Fiscal Year 2020- 2022 external audit services. Staff was authorized to solicit proposals for the District's audit services of its financial statements and required Single Audits ending FY 12/31/2020, 12/31/2021, and 12/31/2022. The procurement process followed Section 2254.003 for professional services and was posted on the District's website along with an advertisement published on the local newspaper. Staff also contacted 15+ local, regional and national audit firms and received 5 audit proposals by the RFP deadline. A Selection Committee composed of 2 Finance staff members and the Deputy Port Director ranked the 5 audit proposals based on the RFP's weighted evaluation criteria and is recommending selecting Carr, Riggs & Ingram, LLC (*formerly Long Chilton*). CRI's qualifications best fit the needs of the District and its proposal ranked highest in industry knowledge and experience auditing Ports. CRI is a regional CPA firm with over 1,900 professionals in 65+ offices located in 10 states, and currently ranks among the U.S. top 25 public accounting firms. CRI's proposed team for the Port's audit engagements will be staff primarily from the McAllen and Brownsville offices. Commissioner Cowen moved to select Carr, Riggs & Ingram for the District's external audit services for the next three audit years, Fiscal Years 2020, 2021 and 2022, Commissioner Guerra seconded, and the motion passed unanimously.

10. Consideration and Action to accept work performed by contractor RM Walsdorf, Inc. on the Oil Dock #6 North Pipe Bridge project, and authorizing final payment of \$65,345.10, which includes all completed work and release of \$34,392.15 in retained funds.

Mr. Chavez addressed the Board requesting the acceptance of work performed by contractor RM Walsdorf, Inc. on the Oil Dock #6 North Pipe Bridge project, and authorizing final payment of \$65,345.10, which includes all completed work and release of \$34,392.15 in retained funds. On June 3, 2020 BND Commissioners awarded the contract on the Oil Dock #6 North Pipe Bridge project to RM Walsdorf, Inc. (Walsdorf) in the amount of \$343,921.50. The project was comprised of installation of an addition to the existing pipe bridge across the Oil Dock Road that would allow pipelines to span across the railroad tracks North of Oil Dock #6. No Change Orders were required

for this project. On December 4, 2020 a substantial completion inspection was conducted by BND Engineering staff and construction phase engineering consultant HDR and a short punch-list was developed, and on January 12, 2021 the Final Inspection was conducted to confirm that the contractor had addressed all punch-list items. On January 14, 2021, HDR issued the Acceptance of Construction letter and the project was deemed complete. Walsdorf has submitted Pay Requests #2 and #3 (Final) as well as the Affidavit of All Bills Paid. Having met all these requirements, BND Staff is prepared to recommend acceptance of this project by BND Commissioners. Commissioner Cowen moved to accept the work performed by RM Walsdorf, Inc. for the Oil Dock #6 North Pipe Bridge project and authorize Final Payment of \$65,345.10, which includes all completed work and the release of \$34,392.15 in retainage, Commissioner Wood seconded, and the motion passed unanimously.

- 11. 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).**

There was none.

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

There was none.

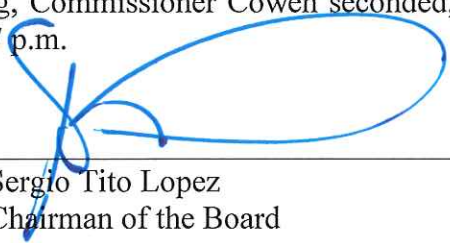
- 13. Adjournment.**

Commissioner Guerra moved to adjourn the meeting, Commissioner Cowen seconded, and the meeting was adjourned by unanimous consent at 6:07 p.m.

ATTEST



Esteban Guerra
Secretary of the Board



Sergio Tito Lopez
Chairman of the Board