

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD FEBRUARY 17, 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 on **Wednesday, February 17, 2021 at 5:30 p.m.** The following individuals were present and absent:

PRESENT: Ralph Cowen, Vice Chairman
John Wood
Esteban Guerra

ABSENT: Sergio Tito Lopez
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
Janie Velasquez
Ariel Chavez
Steve Tyndal
Lorena Hernandez
Blanca Melguizo
Jaime Martinez
Chief Carlos Garcia
Jorge Montero

OTHERS PRESENT: Rev. Andreas Lewis
Jorge de la Colina

1. Meeting Called To Order

The Vice Chairman called the meeting to order at 5:33 p.m. Reverend Lewis offered a prayer. The Vice 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.

CONSENT AGENDA

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

- a. Approval of the Minutes of the Regular Board Meeting of February 03, 2021.
- b. Approval to authorize payments over \$25,000.00:
 1. A&I Custom Manufacturing, LLC., the amount of \$87,480.00, for Bulk Cargo Dock Platforms

5. Consideration and Action on the Steamship Agent Licenses Renewal Application submitted by Moran Shipping Agencies, Inc.

6. Consideration and Action on Solid Waste Collection and Disposal License Renewal Application for:

- Republic Services
- Brownsville GMS, LTD.

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

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

Mr. Campirano addressed the Board regarding the following items:

1. Seahorse Transportation, Inc. / Office of Nicole Eymard, P.C. (Sublease)

Seahorse Transportation, Inc. is requesting the authorization to sublease to the Office of Nicole Eymard, PC., who will be using the site for the limited purposes of office space for an attorney. A copy of the sublease agreement has been provided. Commissioner Guerra moved to consent to the sublease agreement between Seahorse Transportation, Inc. and Office of Nicole Eymard, P.C., Commissioner Wood seconded, and the motion passed unanimously.

2. Two Fishing Friends, Inc. (New Lease)

Two Fishing Friends, Inc. is a current lessee under BND Contract #3807 which has no more available options to renew. They are requesting a new lease for the purpose of shrimp business, unloading and boat repairs. The lease is to take effect January 20, 2021. Commissioner Wood moved to approve the new lease with Two Fishing Friends, Inc., Commissioner Guerra seconded, and the motion passed unanimously.

Mr. Campirano then noted that it was Mr. Tyndal's last meeting before his retirement at the end of the month. Mr. Campirano and Commissioners Cowen, Guerra, and Wood each expressed their thanks and congratulations to Mr. Tyndal for his service to the Port.

8. Consideration and Action on Resolution certifying review and adoption of the District's Investment Policy C501(Local) and Investment Strategy C501 (Exhibit A).

Ms. Hernandez addressed the Board requesting approval on Resolution certifying review and adoption of the District's Investment Policy C501(Local) and Investment Strategy C501(Exhibit A). Chapter 2256 of the Texas Government Code (the "Public Funds Investment Act") requires the Board to review the District's Investment Policy and Investment Strategy annually, and to

adopt a Resolution certifying this review and adopted changes, if any. Commissioner Guerra moved to approve the Resolution certifying review and adoption of the District's Investment Policy C501(Local) and Investment Strategy C501(Exhibit A) as presented with no revisions, Commissioner Wood seconded, and the motion passed unanimously.

9. Consideration and Action to extend the agreement for Security Services at the Fishing Harbor between the District and American Surveillance Company, Inc. for one year.

Ms. Hernandez addressed the Board requesting an extension to the agreement for Security Services at the Fishing Harbor between the District and American Surveillance Company, Inc. for one year. The District contracts for Security Services at the Fishing Harbor with American Surveillance Co. Inc. The original contract executed on March 1, 2017, for a period of three years, included an option for three additional one-year terms provided no increase in rates. American Surveillance has submitted a letter to confirm the same rates will apply for another year. This will be the 2nd of three one-year extensions allowed. Commissioner Cowen asked if the fishing harbor tenant committee had approved of this, and Mr. Campirano noted that they had approved. Commissioner Guerra moved to authorize the extension of this agreement for one year, March 1, 2021 through February 28, 2022, Commissioner Cowen seconded, and the motion passed unanimously.

10. Consideration and Action to declare Units 677, 679, 680, 683 and 695 as surplus to the District's needs and to authorize the Staff to offer the vehicles as a trade-in.

Ms. Recio addressed the Board requesting authorization to declare Units 677, 679, 680, 683 and 695 as surplus to the District's needs and to authorize the Staff to offer the vehicles as a trade-in. The Staff is in process of preparing to advertise for bids for the purchase of seven pickups. At this time, the Maintenance department reviewed their vehicle fleet, and determined that Unit 677, 679, 680 and 695 should be retired from service. Unit 677 is a 2012 Ford F150 4x4 and has 150,307 miles on it, however, the unit has a lot of mechanical issues aside from major rust issues. Unit 679 is a 2012 Ford F250 4x4 and has 78013 miles on it, this unit has transmission and rust issues. Unit 680 is a 2012 Ford 4x4 and has 97673 miles on it, this unit has mechanical and transmission issues. Unit 695 is a 2012 Ford F250 4x4 and has 35679 miles on it, this unit has major rust issues. Unit 683 from the Mobile Harbor Crane division has also been determined to be retired from service. Unit 683 is a 2012 Ford F150 4x2 and has 36885.7 miles on it. This unit has several mechanical issues and has been sent to the Maintenance department multiple of times for service. Commissioner Wood asked questions about the maintenance of Port vehicles. Mr. Garcia addressed the Board and discussion followed regarding steps to be taken to ensure that Port vehicles are well maintained. Commissioner Wood moved to declare Units 677, 679, 680, 683 and 695 as surplus to the District's needs and to authorize the Staff to offer the units as trade-ins, Commissioner Guerra seconded, and the motion passed unanimously.

11. Consideration and Action authorizing Staff to advertise for bids for the purchase of seven pickups.

Ms. Recio addressed the Board requesting the authorization for Staff to advertise for bids for the purchase of seven pickups. The Capital Budget for 2021 includes funding for the purchase of a number of new vehicles. The Harbor Master Office (HMO) has requested the purchase of three new pickups. Vehicle one will be assigned to the Mobile Harbor Crane Operations division to replace Unit 683, which will be offered as a trade-in. Vehicle two is to replace HMO's Unit 672, which will be transferred to the Engineering department and vehicle three will be an additional

unit to their departmental fleet. The HMO is requesting two 4x2 ½ ton crew cabs and one 4x4 ½ ton crew cab. Facilities Maintenance has requested the purchase of four new pickups. The department will offer Units 677, 679, 680 and 695 as trade-ins for the purchase. These will be two 4x4 ½ ton crew cabs and two 4x4 ¾ ton crew cabs. The request will be for 2021 vehicles. Commissioner Guerra moved to authorize the Staff to advertise for bids for the purchase of seven pickups, Commissioner Wood seconded, and the motion passed unanimously.

12. Consideration and Action on request to authorize staff to advertise for bids for the purchase of self-propelled barge and to open bids thereof.

Mr. Garcia addressed the Board requesting to authorize staff to advertise for bids for the purchase of self-propelled barge and to open bids thereof. In the 2021 Operating and Capital Budget the Maintenance Department initiated a new employee structure plan which resulted in the creation of a crew that would solely be addressing dock repairs and maintenance issues. The District has invested millions of dollars in the District's docks, so it is essential that we have a designated crew to address all dock needs. BND Staff is requesting to advertise for bids for the purchase of a self-propelled barge to facilitate this work plan. This new unit will allow the dock crew to re-deck dock platforms, repair damaged concrete sections, install fenders, repair service water lines, install protective barriers, replace broken cross-timbers, etc. The use of this unit will also allow the dock crew to reach areas that are traditionally difficult to navigate. This unit will be equipped with a generator and a 1-ton capacity crane which will allow the dock crew to work efficiently. Commissioner Cowen suggested that staff should look at how much the Port might save through the use of this barge and how much it might cost to purchase it. Commissioner Wood moved to table this item, Commissioner Guerra seconded, and the motion passed unanimously.

13. Consideration and Action to award the Oil Dock No. 6 West Pipe Bridge project based on bids received, and to authorize BND Staff to issue the Notice of Award to the successful bidder.

Mr. Chavez addressed the Board requesting to award the Oil Dock No. 6 West Pipe Bridge project based on bids received, and to authorize BND Staff to issue the Notice of Award to the successful bidder. BND Staff has been working with BND lessee Energy Transfers on a pipeline connection to the Oil Dock #6. The connection requires an additional Pipe Bridge that would also accommodate another lessee currently developing a Tank Farm in the BND secure perimeter. Due to their tight timeline, Energy Transfers decided to engage the consulting engineer to design the pipe bridge, and Energy Transfers' consultant JTam Engineering proceeded to complete drawings and specifications. On January 6, 2021 BND Commissioners authorized BND Staff to publish an Invitation to Bid on the Oil Dock #6 West Pipe Bridge, and to open bids once received. BND Staff finalized the Bid Document package with a Base Bid for the pipe bridge structure and an Alternate #1 Bid for demolition of an existing smaller structure. BND Staff published the Invitation to Bid on January 19 and 26, 2021, posted the project's Bid Document and Drawings on the Port website, and invited known structural contractors by email. BND Staff hosted the Virtual Pre-Bid Meeting by WebEx on January 26, 2021 with ten (10) potential bidders attending. On February 5, 2021, bids were received and opened, with RenoWorks, LLC submitting the lowest Base Bid of \$279,736.00 and an Alternate Bid of \$42,900.00 for a lowest total bid of \$322,636.00. After review, all bids were deemed to be responsive. Commissioner Guerra asked Mr. Chavez what the time to complete the project. Mr. Chavez noted that it would take approximately 111 days to complete the project which would meet Sunoco's needs. Commissioner Guerra moved to award the contract for the Oil Dock #6 West Pipe Bridge project to lowest responsive bidder RenoWorks,

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LLC in the amount of \$322,636.00 including Alternate Bid #1 and authorize BND Staff to issue the Notice of Award, Commissioner Wood seconded, and the motion passed unanimously.

14. 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 Vice Chairman then announced that the time was 6:22 p.m. and that there were items for discussion in executive session. Commissioner Guerra moved that the Board adjourn into executive session, Commissioner Wood seconded, and the motion carried unanimously.

The Chairman then announced that the time was 6:56 p.m., and that the Board had reconvened in open session.

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

Commissioner Guerra moved to authorize Mr. Campirano to engage Shey-Harding for purposes of recruitment for various positions at the Port for a fee not to exceed \$50,000.00, Commissioner Wood seconded, and the motion passed unanimously.

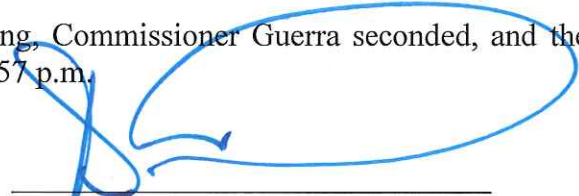
16. Adjournment.

Commissioner Wood moved to adjourn the meeting, Commissioner Guerra seconded, and the meeting was adjourned by unanimous consent at 6:57 p.m.

ATTEST



Secretary



Sergio Tito Lopez
Chairman of the Board