

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND  
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF  
CAMERON COUNTY, TEXAS HELD MARCH 3, 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 on **Wednesday, March 3, 2021 at 5:30 p.m.** The following individuals were present and absent:

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

**ABSENT:** None

**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  
Lorena Hernandez  
Karina Franco  
Jaime Martinez  
Chief Carlos Garcia  
Michael Davis  
Tony Rodriguez  
Margie Recio  
Janie Velasquez  
Memo Rico  
Jorge Montero  
Martha Gonzalez  
Blanca Melguizo  
Jose Herrera

**OTHERS PRESENT:** Rev. Andreas Lewis  
Jorge de la Colina  
Ken Schaefer  
Juan Velez  
Miriam Suarez  
Miguel Foreno

## **1. Meeting Called To Order**

The Chairman noted that the Port was experiencing technical difficulties and that the start of the meeting was delayed.

The Chairman called the meeting to order at 6:06 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 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 February 17, 2021.
- b. Approval to authorize payments over \$25,000.00:
  1. Vulcan Materials Company, the amount of \$29,245.00, for Crushed Limestone for Patio 22.

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

## **5. Consideration and Action to adopt a Resolution granting certain tax exemptions to eligible historic sites listed in the 2021 Historic Preservation Plan.**

Mrs. Recio introduced Mr. Juan Velez, of the City of Brownsville, to address the Board regarding the Historic Preservation Plan. Commissioner Guerra moved to approve the resolution, Commissioner Cowen seconded, and the motion passed unanimously.

## **6. Consideration and Action on Assignments, Negotiations, Easements, Subleases, and Contracts in General.**

Mr. Campirano introduced Martha Gonzalez, the Port's new Manager of Real Estate Services.

Ms. Gonzalez addressed the Board regarding the following items:

### **1. Gulf Stream Marine, Inc. (Authority to negotiate)**

Gulf Stream Marine, Inc's lease expired on 1/26/2021 with no renewal options. This property is located on the waterfront and could be used for more beneficial purposes. Therefore, the port has chosen not to extend the lease to Gulf Stream Marine, Inc. This six-month period will allow them time to clean the site and relocate their storage yard to another location. Commissioner Guerra moved to approve the Authority to Negotiate with Gulf Stream Marine, Inc., Commissioner Cowen seconded, and the motion passed unanimously.

2. T.D. American Limestone Products, LLC (**Authority to negotiate**)

T.D. American Limestone Products, LLC. is a current lessee with BND #4117. They are requesting a new lease for the purpose of aggregate sales consisting of sand and gravel. The lease is to take effect April 8, 2021. Commissioner Wood moved to approve the Authority to Negotiate with T.D. American Limestone Products, LLC. for a new lease, Commissioner Guerra seconded, and the motion passed unanimously.

3. Andalusian Energy, LLC (**Amendment to Lease**)

Commissioner Guerra moved to table this item, Commissioner Cowen seconded, and the motion passed unanimously.

4. DSV Air & Sea, Inc. (**Authority to negotiate**)

DSV Air & Sea, Inc. is requesting authority to negotiate for a new lease. The purpose of storage of windmill blades. The lease is to take effect March 18, 2021. Commissioner Reed moved to approve the Authority to Negotiate with DSV Air & Sea, Inc., Commissioner Cowen seconded, and the motion passed unanimously.

**7. Consideration and Action to award bid and authorize payment of the 2021 Klein Servers and Main Office Server Project.**

Mr. Martinez addressed the Board requesting authorization to award bid and payment of the 2021 Klein Servers and Main Office Server Project. On February 3, 2021, the BND Board of Commissioners approved the advertisement for bids for two servers that will house our Klein software which is used to track vessel arrivals and billing along with a third server for the main office that controls the DNS servers, BND data drives, accounting drives, active directory, port phone system and time clock. All three servers will come with the current version of windows. The current servers are operating with Windows 2008 which is no longer being supported by Microsoft. The bid announcement was advertised on the Port of Brownsville Website and it was also advertised in the Brownsville Herald. The IT Department also contacted five vendors and informed them of our bid announcement. Bids were opened by the Finance Department on February 23, 2021 at 10:30 a.m. Commissioner Cowen moved to award bid and authorize payment to Juniper Global Technologies for the three servers and their installation in order to operate with the most up to date version of Windows. Commissioner Guerra seconded, and the motion passed unanimously.

**8. Consideration and Action to award bid and authorize payment of the Transceiver Module Replacement Project.**

Mr. Martinez addressed the Board requesting authorization to award bid and payment of the Transceiver Module Replacement Project. The transceiver modules that are currently in place are in need of replacement for all data switches along the southside of the Port, beginning from the Harbor Master's Office all through the CBP Tower. New transceiver modules will allow the flow of higher amounts of data to process through the data switches without stalling or possibly burning out the switch itself. The majority of this equipment has been in place for more than eleven years and is in need for upgrade not only due to life of product but because of the higher amounts of data that we need in order to operate Port communications and security camera data. The Port needs to replace a total of 80 transceivers in order to upgrade data capacity and flow. On February 3, 2021, the BND Board of Commissioners approved staff to advertise for bids of the replacement of these

transceiver modules. The bid announcement was advertised on the Port of Brownsville Website and it was also advertised in the Brownsville Herald. The IT Department also contacted five vendors and informed them of our bid announcement. Bids were opened by the Finance Department on February 23, 2021 at 10:30 a.m. Commissioner Guerra moved to award bid and authorize payment to Juniper Global Technologies for the 80 Transceivers in order to complete the Transceiver Module Replacement Project, which will take between three to six weeks, Commissioner Wood seconded, and the motion passed unanimously.

**9. Consideration and Action to authorize Port Staff to solicit Statements of Qualifications for Professional Engineering Services pursuant to the Design of the Oil Dock No. 6 East Side Pipe Bridge and related work.**

Mr. Chavez addressed the Board requesting authorization for Port Staff to solicit Statements of Qualifications for Professional Engineering Services pursuant to the Design of the Oil Dock No. 6 East Side Pipe Bridge and related work. BND Staff had been working with several BND lessees to connect to the new Oil Dock No.6. One of those users is TransMontaigne Operating Company, L.P. (TM), who plans to connect their proposed 10", 12" and 16" product pipelines from their tank farm. Staff is also working with other lessees on the West side, and that area is getting full. Installing a Pipe Bridge on the East side of the said Oil Dock No.6 would allow other users, including TransMontaigne, to connect to the East side of the dock. Funding for the proposed Pipe Bridge has been included in the BND 2021 Budget for Capital Projects. The first step would be to engage a consulting engineer. To that end, BND Staff is requesting authorization from BND Commissioners to invite interested firms to submit Statements of Qualifications (SOQs) for this project. If authorized, a Request for Qualifications notice will be published in the local newspaper. Staff will also post the invitation on Port's website and invite known consultants by phone or email. A committee comprised of several BND Directors will evaluate the submittals, rank the consultants and present a recommendation to BND Commissioners based on the ranking of the firms. BND Staff is in the process of developing the Scope of Work which would be used to request the SOQs. Discussion followed regarding the cost of the project and whether existing designs for the Port's pipe bridges could be used in connection with this project. Commissioner Guerra moved to authorize BND Staff to publish notice in the local newspaper soliciting Statements of Qualifications for Professional Engineering Services for the design of the Oil Dock No. 6 East Side Pipe Bridge and related services, to evaluate them, and to present them in the near future to BND Commissioners with a selection recommendation, Commissioner Cowen seconded, and the motion passed unanimously.

**10. Consideration and Action on Change Order No. 1 to the 2020 BND Water Lines Replacement project addressing crossings modifications and extending the contract time by 15 calendar days.**

Mr. Chavez addressed the Board requesting the approval on Change Order No. 1 to the 2020 BND Water Lines Replacement project addressing crossings modifications and extending the contract time by 15 calendar days. After BND Engineering staff completed in-house surveys of Foust Road, Old State Highway No. 48 and Chemical Road to replace old water distribution pipes, on June 17, 2020 BND Commissioners authorized BND Staff publish an invitation to bid on the 2020 BND Water Lines Replacement project. On August 12, 2020 BND Commissioners awarded the contract to lowest responsive bidder Pederson Construction (Pederson) in the amount of \$1,255,690.00. The project included several roadway crossings that were bid as Bore and Jack. However, on two of those crossings, namely, Old SH 48 East of Anchor Road and Callaway Drive at Chemical

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Road, obstructions were encountered under the roadway that required open trenching and pavement repair. Upon request by BND Staff, contractor Pederson submitted a price of \$29,141.80 for the additional work required to install those crossings. This amount represents an increase of 2.32% in the original contract price. Pederson also requests an extension of 15 days to the contract time for this work. Commissioner Reed moved to approve Change Order No. 1 to the contract with Pederson Construction on the 2020 BND Water Lines Replacement and increase the contract price by \$29,141.80 for a new contract price of \$1,284,831.80 and extend the contract time by 15 calendar days, Commissioner Cowen seconded, and the motion passed unanimously.

**11. Consideration and Action on Change Order No. 1 to the Bulk Cargo Dock Platforms project, adding repairs to the dock concrete curb, and extending the contract time by 42 calendar days.**

Mr. Chavez addressed the Board requesting approval on Change Order No. 1 to the Bulk Cargo Dock Platforms project, adding repairs to the dock concrete curb, and extending the contract time by 42 calendar days. After working with consultant EDG, Inc., Consulting Engineers (EDG), BND Engineering Staff prepared bid documents and obtained authorization on August 12, 2020 from BND Commissioners to invite bids on this project. Bids were opened on September 17, 2020 and on October 7, 2020 BND Commissioners awarded the contract for the Bulk Cargo Dock Platforms project to lowest responsive bidder A&I Custom Manufacturing, LLC (A&I) in the amount of \$384,518.00. BND Staff has determined that the best course of action is to replace the existing deteriorated curb along the front of the dock and requested for A&I to provide a price for said replacement. A&I proposes to repair approximately 355 linear feet of curb for \$83,500.00, which represents an increase of 21.72% to the original contract price. BND Staff considers this to be a reasonable price and recommends that BND Commissioners approve this Change Order No.1 to the contract with A&I to add this work. A&I further requests 6 weeks, or 42 calendar days, of additional contract time for this work. Commissioner Reed moved to approve Change Order No. 1 to the contract with A&I Custom Manufacturing, LLC on the Bulk Cargo Dock Platforms project and increase the contract price by \$83,500.00 to \$468,018.00 and extend the contract time by 42 calendar days, Commissioner Cowen 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).**

Commissioner Guerra moved to adjourn into executive session, Commissioner Cowen seconded, and the motion passed unanimously. The Chairman then announced that the time was 6:43 p.m., and that the Board would adjourn into executive session.

The Chairman then announced that the time was 8:30 p.m., and that the Board had reconvened in open session.

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

There was none.

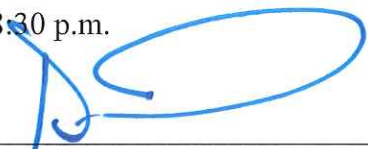
**14. Adjournment.**

The meeting was adjourned by unanimous consent at 8:30 p.m.

ATTEST



\_\_\_\_\_  
Secretary

  
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Sergio Tito Lopez  
Chairman of the Board