

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD APRIL 7, 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, April 7, 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: Ariel Chavez
Jose Herrera
Martha Gonzalez
Lorena Hernandez
Karina Franco
Jaime Martinez
Lieutenant Mario Esquivel
Michael Davis
Tony Rodriguez
Margie Recio
Janie Velasquez
Jorge Montero
Blanca Melguizo

OTHERS PRESENT: Rev. Andreas Lewis
Randy Delay
Peter Tousenard
Jorge de la Colina
Remi Garza
Norma Torres
Tony Chavez

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

Commissioner Reed asked Mr. Chavez for an update on the status of various Port projects. Mr. Chavez addressed 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 March 17, 2021.
- b. Approval to authorize payments over \$25,000.00:
 1. Roberto Ruiz, the amount of \$48,735.00, for Architectural Services – Customs and Border Protection facility renovation and rehabilitation; and
 2. Vulcan Materials Company, the amount of \$29,464.33, for limestone for Patio 22.

Chairman Lopez asked Mr. Campirano to pursue assistance from the federal government for the renovation and rehabilitation of the proposed Customs and Border Protection facility.

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

5. Presentation by Omnitrax on Brownsville & Rio Grande International Railway, LLC proposal Tariff increases, and receive comments thereon from interested parties and the general public.

Mr. Campirano introduced Peter Tousevard who spoke about Brownsville & Rio Grande International Railway, LLC's proposal Tariff increase. Discussion followed regarding BRGIR's plans, investments, and staff increases, as well as whether the proposed rates would be competitive with other railroads along the Gulf Coast. Mr. Tousevard confirmed that the rates, as increased, would be competitive.

6. Consideration and Action to amend the Employee handbook to update the holiday, vacation, and sick leave policy.

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

7. Consideration and Action on final payment to Cameron County Elections Department for the November 2020 Election Services.

Port Staff has received the final invoice for the November 3, 2020 Election. The initial estimated amount was \$97,900.00 and a total deposit of \$58,740.00 was paid. The total Election cost was \$152,107.88 and the District's balance due is \$93,367.88. Mr. Remi Garza addressed the Commission regarding the many factors that impacted the election cost which resulted in a substantial increase from the estimated amount. Commissioner Guerra moved to fund the final payment from the BND Fiscal Year 2020 Operating Budget, Commissioner Cowen seconded, and

the motion passed unanimously.

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

Ms. Gonzalez addressed the Board regarding the following items:

1. Shallow Stalker Boats, LLC (Authority to negotiate)

Shallow Stalker Boats, LLC is a current lessee and is requesting Authority to Negotiate an additional location for a new 5-year lease with one option for 5 years. Property of interest is located at the fishing harbor on Angler's Place Rd (currently National Seafood, Inc. BND #4108). The purpose of the lease is boat manufacturing. Commissioner Reed moved to approve the item. Commissioner Wood then expressed concern whether the proposed lessee really needed waterfront property. Discussion followed and Commissioner Reed rescinded his motion. Commissioner Guerra then moved to table the item, Commissioner Cowen seconded, and the motion passed unanimously.

2. Friends of the Rio Grande Valley Reef, Inc. (Amendment of Lease)

Friends of the Rio Grande Valley Reef, Inc. is requesting an amendment to their current lease BND Contract #4435 for an extension beginning on January 20, 2021 and continuing January 19, 2022. After discussion, Commissioner Wood moved to approve the Amendment to Lease for Friends of the Rio Grande Valley Reef, Inc., Commissioner Cowen seconded, and the motion passed unanimously.

3. Rodco Marine Supply, Inc. (New Lease)

Rodco Marine Supply, Inc. is requesting a new lease. Their current lease BND Contract #3812 will expire on May 31, 2021. The purpose of the lease for retail sale of marine supplies. Commissioner Reed moved to approve the New Lease for Rodco Marine Supply, Inc., Commissioner Guerra seconded, and the motion passed unanimously.

9. Consideration and Action to award bid and authorize payment for the purchase of a new 2021 Front End Loader.

Mr. Herrera addressed the Board requesting authorization to award bid and authorize payment for the purchase of a new 2021 Front End Loader. The District requested sealed bids for the purchase of a new 2021 front end loader on February 10, 2021 with a bid opening date of February 24, 2021. The new 2021 front end loader will replace the 2009 Caterpillar unit, which will be accepted as a trade-in. Four vendors submitted bids. Please note, Nueces Power Equipment from San Benito, TX and B-C Equipment Sales from La Feria, TX, and Romco Equipment Co. from Mercedes, TX will be rejected due to failure of submitting a form of bid security for their bid. Doggett Heavy Machinery, LLC from San Juan, TX submitted a bid in the amount of \$120,606.62 and offered \$38,000 for value of trade-in. Doggett Heavy Machinery, LLC was the lowest bidder and met all specifications and submitted all required documents as specified in the specifications packet. Commissioner Cowen moved to award the bid and authorize payment to Doggett Heavy Machinery, LLC for the purchase of a new 2021 front end loader, Commissioner Guerra seconded, and the motion passed unanimously.

10. Consideration and Action to award bid and authorize payment for the purchase of a new Vibratory Soil Compactor.

Mr. Herrera addressed the Board requesting authorization to award bid and authorize payment for the purchase of a new Vibratory Soil Compactor. The District requested sealed bids for the purchase of a new vibratory soil compactor on February 10, 2021 with a bid opening date of February 24, 2021. The new vibratory soil compactor will allow staff to expedite Port projects more efficiently. Three vendors submitted bids. Please note, Nueces Power Equipment from San Benito, TX and B-C Equipment Sales from La Feria, TX will be rejected due to failure of submitting a form of bid security for their bid. Doggett Heavy Machinery, LLC from San Juan, TX submitted a bid in the amount of \$154,933.89 and met all equipment specifications. Discussion followed regarding whether the Board could waive the requirement of bid security. Mr. Rentfro noted that you can waive requirements unless they give another bidder a competitive advantage. After discussion, Commissioner Cowen moved to reject the bids and to issue a new request for bids for the purchase of a new vibratory soil compactor, Commissioner Wood seconded, and the motion passed unanimously.

11. Consideration and Action to award bid and authorize payment for the purchase of a new 2021 Compact Tract Loader with attachments.

Mr. Herrera addressed the Board requesting authorization to award bid and authorize payment for the purchase of a new 2021 Compact Tract Loader with attachments. The District requested sealed bids for the purchase of a new 2021 compact track loader with attachments on February 10, 2021 with a bid opening date of February 24, 2021. The new 2021 compact track loader will allow staff to expedite Port projects more efficiently. Three vendors submitted bids. Please note, Nueces Power Equipment from San Benito, TX and B-C Equipment Sales from La Feria, TX will be rejected due to failure of submitting a form of bid security for their bid. Doggett Heavy Machinery, LLC from San Juan, TX submitted a bid in the amount of \$88,844.91 and met all specifications and submitted all required documents as specified in the specifications packet. Commissioner Cowen moved to award the bid and authorize payment to Doggett Heavy Machinery, LLC for the purchase of a new 2021 compact tract loader, Commissioner Reed seconded, and the motion passed unanimously.

12. Consideration and Action on bids received for the Main Building Generator Connection project, and to authorize BND Staff to issue the Notice of Award to the successful bidder.

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

13. 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 6:44 p.m., and that the Board would adjourn into executive session.

The Chairman then announced that the time was 7:52 p.m. and that the Board had reconvened in open session.

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

There was none.

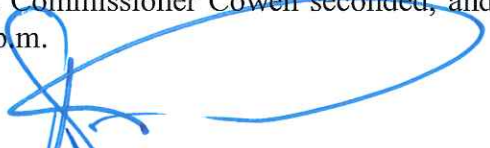
15. Adjournment.

Commissioner Guerra moved to adjourn the meeting, Commissioner Cowen seconded, and the meeting was adjourned by unanimous consent at 7:52 p.m.

ATTEST



Secretary



Sergio Tito Lopez
Chairman of the Board