

**MINUTES OF PILOT BOARD MEETING AND REGULAR MEETING OF THE  
BOARD OF NAVIGATION AND CANAL COMMISSIONERS OF THE  
BROWNSVILLE NAVIGATION DISTRICT OF CAMERON COUNTY, TEXAS HELD  
MAY 05, 2021 AT 5:30 P.M.**

The Board of Navigation and Canal Commissioners of the Brownsville Navigation District of Cameron County, Texas, held a pilot board meeting and a regular meeting on **Wednesday, May 05, 2021 at 5:30 p.m.** The following individuals were present and absent:

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

**ABSENT:** Ralph Cowen

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

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

**OTHERS PRESENT:** Rev. Andreas Lewis  
Captain Chris Urbanovsky  
Jorge de la Colina  
Susan Golla  
Johnny Fontenot

## PILOT BOARD MEETING

The Chairman called the pilot board meeting to order at 5:35 p.m.

### **1. Consideration and ACTION on re-commission of Captain Chris Urbanovsky**

Captain Urbanovsky addressed the Board and thanked them for the opportunity to continue to serve the Port. Commissioner Wood moved to re-commission Captain Chris Urbanovsky as a pilot serving the Brownsville Navigation District, Commissioner Guerra seconded, and the motion passed unanimously.

Commissioner Reed then moved to adjourn the pilot board meeting, Commissioner Wood seconded, and the motion passed unanimously at 5:39 p.m.

## REGULAR MEETING

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

The Chairman called the regular meeting to order at 5:39 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**

Commissioner Reed asked Mr. Chavez for an update on the status of the pipe bridge project. Mr. Chavez addressed the Board. Commissioner Reed asked Mr. Chavez to include the date the Board approved the request for qualifications relative to the projects described in his regular reports.

## **CONSENT AGENDA**

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

- a. Approval of the Minutes of the Regular Board Meeting of April 21, 2021.
- b. Approval to authorize payments over \$25,000.00:
  1. A&I Custom Manufacturing LLC, the amount of \$126,090.00, for Bulk Cargo Dock Platforms;
  2. Renoworks, LLC, the amount of \$48,303.00, for Oil Dock #6 West Pipe Bridge.

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

**5. Consideration and Action on the Steamship Agent License Renewal Application submitted by Gulf Harbor Shipping, LLC.**

Commissioner Wood moved to approve the renewal application submitted by Gulf Harbor Shipping, LLC for a term of three years, Commissioner Reed seconded, and the motion passed unanimously.

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

Ms. Gonzalez addressed the Board regarding the following items:

**1. CVC Construction Inc. dba Welding Works International (Authority to negotiate)**

CVC Construction, Inc. dba Welding Works International is a current lessee under BND #3965 and staff requested Authority to Negotiate an amendment to their lease for additional land space adjacent to their current site. The physical addresses for both properties are 2750 Everglades and 3090 Everglades (BND Building on this site). The current purpose clause is welding and fabrication. If approved, they want to add the following to the purpose clause: Welding School and Offices. Commissioner Reed moved to grant staff authority to negotiate an amendment to the lease with CVC Construction, Inc. dba Welding Works International, Commissioner Guerra seconded, and the motion passed unanimously.

**2. Forza Steel, SA De CV (Authority to negotiate)**

Forza Steel, SA de CV has requested an option for 3 months with one renewal option for 2 months for the property at 40881 S.H. 48. The prospect will perform their due diligence during this option period. The purpose clause would be Steel Manufacturing and Supply. Commissioner Reed moved to grant staff authority to negotiate an option to lease with Forza Steel, SA de CV, Commissioner Wood seconded, and the motion passed unanimously.

**3. International Shipbreaking Limited, LLC (Authority to negotiate)**

International Shipbreaking Limited, LLC is a current lessee under BND# 3969 and has requested a new lease on 16.69 acres at the turning basin adjacent to their current site. The purpose clause is Ship Recycling. If approved, lessee will also need access to rail and waterfront. This acreage is directly west of their current site. Commissioner Guerra moved to grant staff authority to negotiate a new lease with International Shipbreaking Limited, LLC, Commissioner Wood seconded, and the motion passed unanimously.

**4. Ocean Port Maintenance, Inc. (Authority to Negotiate)**

Ocean Port Maintenance, Inc. is a current lessee under BND Contract # 3831 which has exercised their available options to renew. They are requesting a new lease for the purpose of operating shrimp boats. The lease is to take effect June 1, 2021. Commissioner Reed moved to grant staff authority to negotiate a new lease with Ocean Port Maintenance, Inc., Commissioner Guerra seconded, and the motion passed unanimously.

**5. Brownsville Gulfside Warehouse, Inc. (Amendment to Lease)**

Brownsville Gulfside Warehouse, Inc. has requested an amendment to their lease for additional land space of 5.51 acres adjacent to their current location at 3500 L. Ostos Rd. under BND #2571. The purpose clause is material handling and warehousing. Commissioner Reed moved to approve the amendment to the lease for additional land space of 5.51 acres for Brownsville Gulfside

Warehouse, Inc., Commissioner Wood seconded, and the motion passed unanimously.

**6. Gulf Stream Marine, Inc. (New Lease)**

Gulf Stream Marine, Inc.'s Lease expired on 1/26/2021 with no renewal options. The property is located on the waterfront and could be used for more beneficial purposes. Therefore, the Port granted Authority to Negotiate a 6-month lease with Gulf Stream Marine, Inc. at the current site with one renewal option for up to 6-months to allow them time to clean the site. A site inspection will be performed prior to the renewal option period. The lease is to take effect 1-26-2021. Discussion followed Commissioner Guerra moved to approve the New Lease for 6 months with one renewal option for 6 months with Gulf Stream Marine, Inc., Commissioner Reed seconded, and the motion passed unanimously.

**7. Transporte Internacional Lopez Ochoa, SA. de CV. (New Lease)**

Chairman Lopez noted that he would be abstaining on this item.

Transporte Internacional Lopez Ochoa, SA de CV has requested a new lease for the purpose of truck parking. The current BND Contract #3822 will expire June 12, 2021. The lease being requested is for a 5-year term with one renewal option for 5 years. The purpose clause is a truck yard. Discussion followed regarding landscaping at the site. Commissioner Wood moved to approve a New Lease for Transporte Internacional Lopez Ochoa, SA. de CV., Commissioner Guerra seconded, and the motion passed by a vote of 3-0, with Chairman Lopez abstaining.

**7. Discussion and possible Action on the District's insurance policies for Port Property and Excess Port Property, Liability, Crime Liability, Fiduciary Liability, and Cyber, including authority to bind coverages and to authorize the payment of the invoices once received.**

Mrs. Recio addressed the Board requesting approval on the District's insurance policies for Port Property and Excess Port Property, Liability, Crime Liability, Fiduciary Liability, and Cyber, including authority to bind coverages and to authorize the payment of the invoices once received. Staff was granted authority to advertise for bids on the District's Insurance program at the March 17<sup>th</sup> Board meeting. Susan Golla of McGriff, Siebel & Williams, Inc., the District's insurance consultant, contacted the insurance companies in the market directly for the best possible pricing and coverage for the District. The District also advertised in the local newspaper as well as the District's website. Staff received a few inquiries from local Insurance Agencies but only one Insurance Agent provided a quote. The submittals were opened on April 21<sup>st</sup> and have been reviewed by the District's Consultant and they have prepared their recommendation for the Boards review and consideration. Susan Golla also addressed the Board. After discussion, Commissioner Reed moved to authorize the binding of coverages proposed by McGriff, Siebels & Williams, Inc. for the total premium of \$892,475 plus the required taxes and stamping fees and to authorize the payment of the invoices once received, Commissioner Guerra seconded, and the motion passed unanimously.

**8. Consideration and Action on Sealed Quotes received for the Oil Dock #3 Piles & Beams Repairs project, and to authorize BND Staff to issue a Purchase Order and payment.**

Mr. Chavez addressed the Board requesting authorization to award bid on Sealed Quotes received for the Oil Dock #3 Piles & Beams project, and to authorize BND Staff to issue a Purchase Order

and payment. After notice from users of settlement in the ramp at Oil Dock #3, BND Engineering and Maintenance personnel inspected the problem and observed that the beam support was broken and some of the piles had deteriorated and were no longer offering positive support at that location. It was determined that repairs were required. BND Staff discussed the possible methods to effect repairs and after incorporating consultation with area contractors, a scope of work was developed and known contractors were invited to submit a sealed quote for this work. The Sealed Quote Opening was held on April 22, 2021 with two contractors submitting quotes. The lowest sealed quote was received from R. M. Walsdorf, Inc in the amount of \$47,400.00. After discussion, Commissioner Guerra moved to award the contract for the Oil Dock #3 Piles & Beams Repairs project to the lowest responsive bidder R.M. Walsdorf, Inc. in the amount of \$47,400.00 and authorize BND Staff to issue a Purchase Order and issue payment upon completion and inspection of the work, Commissioner Wood seconded, and the motion passed unanimously.

**9. Consideration and Action to authorize Port Director and CEO to enter into a Master Service Agreement with consultant AECOM Technical Services, Inc., for professional engineering services.**

Mr. Chavez addressed the Board requesting authorization for the Port Director and CEO to enter into a Master Service Agreement with consultant AECOM Technical Services, Inc., for professional engineering services. BND Staff has been working with OmniTRAX/BRG (OmniTRAX) staff and with BND Lessee Gulf Stream Marine (GSM) staff on the expansion and development of the South Rail Yard. OmniTRAX has entered onto a Master Services Agreement with consultant AECOM Technical Services, Inc. (AECOM) for the design of the expansion and related improvements, which include widening of entrance driveways, drainage analysis and design, integration of future equipment and enhanced operations for GSM and other issues. Since some of the improvements are the responsibility of the BND, and since all of the improvements will be in BND property, it is BND Staff's position that the District needs to be a party in the Agreement with the consultant and the resulting Task Orders in order for the BND to be a beneficiary of the insurance coverages and warranties that apply. In order to achieve this, BND staff proposes to enter into a Master Services Agreement (MSA) with AECOM, which will govern the performance of professional services on this and possibly other projects. The MSA has been reviewed by BND Legal Counsel and pertinent issues have been cleared. Approval of this MSA will allow BND staff to engage AECOM for required services, upon individual and separate approval of each Task Order by BND Commissioners. This MSA will remain in force for two (2) years after approval. Commissioner Reed moved to authorize the Port Director and Port Staff to enter into a Master Services Agreement with consultant AECOM Technical Services, Inc. for a period of two (2) years, to May 4, 2023, subject to final review and confirmation by BND Staff and concurrence by BND Legal Counsel, Commissioner Wood seconded, and the motion passed unanimously.

**10. Consideration and Action to authorize the Port Director and CEO to execute Task Orders #1 and #2 with consultant AECOM Technical Services, Inc. for design engineering services in connection with the South Rail Yard Expansion project.**

Mr. Chavez addressed the Board requesting the authorization for the Port Director and CEO to execute Task Orders #1 and #2 with consultant AECOM Technical Services, Inc. for design engineering services in connection with the South Rail Yard Expansion project. BND Staff has been working with OmniTRAX/BRG (OmniTRAX) staff and with BND Lessee Gulf Stream Marine (GSM) staff on the South Rail Yard Expansion project. OmniTRAX has entered onto a

**BROWNSVILLE NAVIGATION DISTRICT MINUTES**

**May 05, 2021**

**Page 5 of 6**

Master Services Agreement (MSA) with consultant AECOM Technical Services, Inc. (AECOM) for the design of the expansion and related improvements, and they have also signed Task Orders #1 and #2 on the various aspects of the work. BND Staff has requested authorization from BND Commissioners to also enter into an MSA with AECOM and for BND to be a party to the said Task Orders #1 and #2. The Task Orders have been reviewed by BND Legal Counsel and by BND Staff, and pertinent revisions have been made. Commissioner Guerra moved to authorize the Port Director and CEO to execute Task Orders #1 and #2 with consultant AECOM Technical Services, Inc. for design and related engineering services in connection with the South Rail Yard Expansion project, Commissioner Reed 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).**

Chairman Reed moved to adjourn into executive session, Commissioner Wood seconded, and the motion passed unanimously. The Chairman then announced that the time was 6:15 p.m. and that the Board would adjourn into executive session.

The Chairman then announced that the time was 8:08 p.m. and that the Board had reconvened in open session.

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

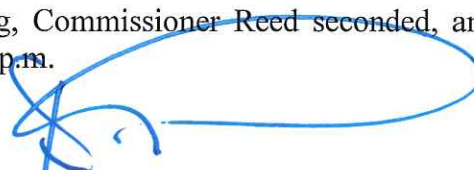
There was none.

**13. Adjournment.**

Commissioner Guerra moved to adjourn the meeting, Commissioner Reed seconded, and the meeting was adjourned by unanimous consent at 8:08 p.m.

ATTEST

  
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Secretary

  
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Sergio Tito Lopez  
Chairman of the Board