

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD JUNE 2, 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, June 2, 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
Martha Gonzalez
Lorena Hernandez
Karina Franco
Jaime Martinez
Chief Carlos Garcia
Michael Davis
Tony Rodriguez
Margie Recio
Janie Velasquez
Memo Rico
Jorge Montero
Rosie Hinojosa
Jose Herrera

OTHERS PRESENT: Rev. Andreas Lewis
Jorge de la Colina
Brent Moore
Kelly Kaatz

1. Meeting Called To Order

The Chairman called the meeting to order at 5:34 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

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No person registered to address the Board.

3. Receive Director's 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 May 19, 2021.
- b. Approval to authorize payments over \$25,000.00:
 1. Renoworks, LLC, the amount of \$129,189.60, for Oil Dock #6 West Pipe Bridge.

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

5. Presentation by BND consulting firm HDR Engineering, Inc. to report on their evaluation and analysis of the Oil Dock #6 Bulkhead Settlement, to report on their work to develop a solution, and to present their proposed solution.

Mr. Chavez introduced Brent Moore and Kelly Kaatz with HDR Engineering, Inc. who spoke about the evaluation and analysis of the Oil Dock #6 Bulkhead Settlement and reported on their proposed solution to the problem. HDR noted that the problem was an engineering issue and that HDR would be taking responsibility to fix the problem. Discussion followed.

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

Ms. Gonzalez addressed the Board regarding the following items:

Mr. Campirano asked that Items 6(1)-(2) be considered together.

1. Bluewing One, LLC. (Authority to negotiate)

Bluewing One, LLC. is a current lessee seeking an option to lease on neighboring land space of approximately 70 acres. This 70-acre tract is adjacent to and north of the current site under BND #4502. The purpose of the proposed option to lease is rail loading and storage of liquid fuels.

2. Bluewing One, LLC. (Authority to negotiate)

Bluewing One, LLC is a current lessee seeking an option to lease on neighboring land space of approximately 30 acres. This 30-acre tract is north of Highway 48, adjacent to the T.M. Crullas Facility. The purpose of the proposed option to lease is product tank storage, truck loading and staging. Commissioner Cowen moved to authorize staff to negotiate an option to lease with Bluewing One, LLC, Commissioner Wood seconded, and the motion passed unanimously.

3. Forza Steel, Inc. (Option to Lease)

Forza Steel, Inc. seeks approval for a 3-month option to lease on the property at 40881 State Hwy 48 (former U-Pull It site). In addition, the option includes 2-month extension in case of delays with their due diligence. Total acreage at the site area 22.75 acres with improvements. The purpose of the option is steel manufacturing and supply. Commissioner Reed moved to approve the Option to Lease to Forza Steel, Inc., Commissioner Wood seconded, and the motion passed unanimously.

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4. Ocean Port Maintenance, Inc. **(New Lease)**

Ocean Port Maintenance, Inc. is current lessee under BND #3831 seeks approval of a New Lease for 5 years with one option renewal for 5 years for the property at 3805 Dry Dock Ct. This property is made up of 0.459 acre and 100 linear feet of dock space at the Fishing Harbor. The purpose of the lease is shrimp boat operations. Commissioner Reed moved to approve a New Lease for Ocean Port Maintenance, Inc., Commissioner Wood seconded, and the motion passed unanimously.

5. Alejandra Shrimp Outlet, Inc. **(New Lease)**

Alejandra Shrimp Outlet, Inc. seeks approval of a new lease for a term of 5 years with one renewal option for 5 years. Alejandra Shrimp Outlet, Inc. has acquired leasehold improvements from Burnell Marine & Supply, Inc. at 2480 Fisherman's Place Rd at the Fishing Harbor. The bill of sale has been provided. The purpose of the lease is shrimp boat operations. Commissioner Guerra moved to approve a new lease with Alejandra Shrimp Outlet, Inc., Commissioner Cowen seconded, and the motion passed unanimously.

6. Burnell Marine Supply **(Release of Lease)**

This Release of Lease to Burnell Marine & Supply, Inc. is subject to Board approving of a new lease to Alejandra Shrimp Outlet, Inc. Burnell Marine & Supply BND #3828 sold their leasehold improvements to Alejandra Shrimp Outlet, Inc. who is concurrently seeking approval of a New Lease. The location of the property being released is 2480 Fisherman's Place Rd at the Fishing Harbor. The bill of sale has been provided. The new lessee will operate under the same purpose clause of shrimp boat operations. Commissioner Guerra moved to approve the Release of Lease for Burnell Marine & Supply, Inc., Commissioner Wood seconded, and the motion passed unanimously.

7. Logar Enterprises, Inc. dba Labor One Staffing – Careers of America **(New Lease)**

Logar Enterprises, Inc. dba Labor One Staffing – Careers of America seeks approval for a New Lease for 5 years with one renewal option for 5 years. The lease is for the property located at 20005 State Hwy 48 (former Pen III site). The purpose of the lease is a welding vocational trade school and shipyard staffing services. Commissioner Wood moved to approve a New Lease with Logar Enterprises, Inc. dba Labor One Staffing – Careers of America, Commissioner Guerra seconded, and the motion passed unanimously.

8. Pen III, LLC dba Shallow Water Marine **(Release of Lease)**

This Release of Lease to Pen II, LLC dba Shallow Water Marine is subject to Board approving of a new lease for Logar Enterprises, Inc. dba Labor One Staffing – Careers of America. Pen III, LLC dba Shallow Water Marine sold their leasehold improvements to Logar Enterprises, Inc. dba Labor One Staffing – Careers of America who is concurrently seeking approval of a new lease. The location of property being released is 20005 State Hwy 48. A bill of sale has been provided. Commissioner Cowen moved to approve the Release of Lease for Pen III, LLC dba Shallow Water Marine, Commissioner Wood seconded, and the motion passed unanimously.

7. Consideration and Action to approve list of proposed write-offs of uncollectible accounts.

Ms. Hernandez addressed the Board requesting approval on list of proposed write-offs of uncollectible accounts. These lessee/customer balances are for companies no longer operating in the Port and should be written-off for the District's Accounts Receivable ledger to be more

representative of current collectible balances. Approval to write-off the listed accounts does not waive the District's legal right to pursue claims against each lessee/customer. Discussion followed regarding various accounts, including collection efforts, including the Annova LNG account, the ESCO Marine, Inc. account, and the Wenn Moore account. Commissioner Wood moved to table consideration of writing off the Annova LNG account for further evaluation, Commissioner Reed seconded, and the motion passed unanimously. Commissioner Cowen moved to approve writing off the other accounts presented, Commissioner Reed seconded, and the motion passed unanimously.

8. Consideration and Action to authorize Port Staff to Advertise for Bids on the Oil Dock #6 Bulkhead Repairs project, and to Open Bids thereof.

Mr. Chavez addressed the Board requesting authorization for Port Staff to Advertise for Bids on the Oil Dock #6 Bulkhead and Repairs project, and to Open Bids thereof. BND Staff has been working with consulting firm HDR Engineering, Inc. (HDR) to implement a solution to the settlement of a portion of the Oil Dock #6 Bulkhead, and HDR has prepared construction drawings and specifications for the Oil Dock #6 Bulkhead Repairs project. The proposed calendar from Advertising to Award of the contract is as follows: Advertise for Bids: June 7 & 14; Pre-Bid Meeting: June 15; Bid Opening: June 28; Bid Review: June 29 – July 1; HDR’s Recommendation: July 1; and Award Contract: July 7 Board Meeting. On the basis of this calendar, BND Staff requested authorization to Advertise for Bids on a local newspaper for the work on this project. BND Staff will also notify known contractors by email and/or phone to invite them to bid. The Plan is to open bids on June 28, 2021 and tabulate them. HDR and staff would then review the submittals, and HDR would prepare a recommendation to the BND. BND Commissioners would review the recommendation and award the contract at the July 7, 2021 Board Meeting. Commissioner Wood moved to authorize BND Staff to publish the Invitation to Bid on the Oil Dock #6 Bulkhead Repairs project as required by BND Purchasing procedures, and to open bids once they are received, Commissioner Cowen seconded, and the motion passed unanimously.

9. Consideration and Action on selection of Professional Engineering Design Services firm for the Oil Dock #6 East Side Pipe Bridge projects, and related work.

Mr. Chavez addressed the Board requesting authorization to begin selection of Professional Engineering Design Services firm for the Oil Dock #6 East Side Pipe Bridge projects, and related work. On March 3, 2021 BND Commissioners authorized BND Staff to solicit Statements of Qualifications (SOQs) from engineering firms to provide professional engineering design services for the Oil Dock #6 East Side Pipe Bridge, to be used by TransMontaigne and other BND tenants. BND Engineering Staff developed the Scope of Work and the Request for Qualifications document (RFQ), and published a notice to qualified engineering firms in the local newspaper on April 26 and May 3rd, 2021. Staff also sent emails to firms in the list of structural engineering firms. On May 17, 2021 six (6) SOQs were received. An SOQ Evaluation Committee was formed, comprised of Director of Finance Lorena Hernandez, Harbor Master Michael Davis, Director of Maintenance Jose Herrera, Engineering Services Manager Manuel Martinez and Director of Engineering Services Ariel Chavez II, PE/RPLS. The RFQ defined the criteria for evaluations, and each committee member assigned points to each firm on each criteria category. While all the submitting firms appear to be qualified for the work, the Evaluation Committee ranked them. Discussion followed regarding the criteria used to evaluate the engineers and the commission’s desire to use local providers. Commissioner Reed made a motion for the Port Director to interview Lanier & Associates and Green Rubiano & Associates and for the Port Director to return to the Commission

with a recommendation, Commissioner Guerra seconded, and the motion passed unanimously.

10. 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.

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

There was none.

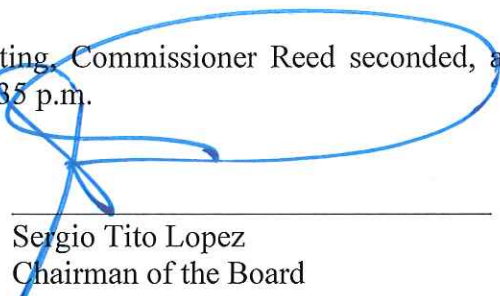
12. Adjournment.

Commissioner Guerra moved to adjourn the meeting. Commissioner Reed seconded, and the meeting was adjourned by unanimous consent at 6:35 p.m.

ATTEST



Secretary



Sergio Tito Lopez
Chairman of the Board