

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD JULY 21, 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, July 21, 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
William J. Irwin, Associate District Counsel

STAFF MEMBERS: Ariel Chavez
Jose Herrera
Lorena Hernandez
Karina Franco
Chief Carlos Garcia
Tony Rodriguez
Margie Recio
Janie Velasquez

OTHERS PRESENT: Rev. Andreas Lewis
Jorge de la Colina
Brent Moore
Kevin Garcia
JC Echeverria

1. Meeting Called To Order

The Chairman called the meeting to order at 5:30 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

Ms. Hernandez made the report to the Board. Discussion followed.

CONSENT AGENDA

BROWNSVILLE NAVIGATION DISTRICT MINUTES

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

- a. Approval of the Minutes of the Regular Board Meeting of July 07, 2021.
- b. Approval to authorize payments over \$25,000.00:
 1. Foremost Paving, Inc., the amount of \$3,063,864.58, for BND South Port Connector Project.

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

5. Presentation of District's Investment Report for the quarter ended June 30, 2021.

Ms. Hernandez presented the District's Investment Report for the quarter ended June 30, 2021.

6. Consideration and Action on request to authorize staff to advertise for bids for the purchase of a Four-Wheel Street Sweeper and to open bids thereof.

Mr. Herrera addressed the Board requesting authorization for staff to advertise for bids for the purchase of a Four-Wheel Street Sweeper and to open bids thereof. BND Staff is seeking authorization to advertise for bids for the purchase of a Four-Wheel Street Sweeper and to open bids received. This equipment will be utilized to sweep the roads and docks. The BND currently has two very unreliable sweepers that are constantly breaking down, which interferes with the maintenance staff accomplishing tasks. Staff does not plan to trade in existing equipment. Commissioner Reed moved to authorize BND Staff to advertise, and open bids for the purchase of a Four-Wheel Street Sweeper, Commissioner Wood seconded, and the motion passed unanimously.

7. Consideration and Action to accept proposal from Lanier & Associates Consulting Engineers, Inc. on Engineering Design Services for the Oil Dock #6 East Side Pipe Bridge projected in the Port of Brownsville.

Mr. Chavez addressed the Board requesting acceptance of proposal from Lanier & Associates Consulting Engineers, Inc. on Engineering Design Services for the Oil Dock #6 East Side Pipe Bridge projected in the Port of Brownsville. On July 7, 2021 BND Commissioners authorized the Port Director to solicit a proposal from Lanier & Associates Consulting Engineers, Inc. (Lanier) on Engineering Design Services, for the Oil Dock #6 East Side Pipe Bridge project. BND Engineering Staff has been working with Lanier and after a couple of iterations, Lanier submitted a revised proposal to perform the required services for a not-to-exceed fee of \$39,900. Services will include basic project management, review of BND provided geotechnical and topographic information, preparation of a draft design basis document and associated meetings, detailed design of the landside foundation supports, review of waterside support structure, detailed engineering, layout and design of new pipe bridge, site visit to evaluate constructability, 60% and 100% drawings and specifications and associated meeting(s), attend the Pre-Bid Virtual meeting and review and response to bidder' questions. All other aspects of the pre-bid and bidding phase will be handled by BND Engineering staff. Discussion followed. Commissioner Guerra moved to authorize the Port Director & CEO to accept the proposal from consultant Lanier & Associates Consulting Engineers, Inc. for engineering design services on the Oil Dock #6 East Side Pipe Bridge in the not-to-exceed amount of \$39,900.00 and authorize such engineering design work to proceed, Commissioner Cowen seconded, and the motion passed unanimously.

8. Consideration and Action on Final Report by HDR Engineering, Inc. (HDR), on the Cargo Dock #3 Rehabilitation project, and to authorize the Port Director & CEO to solicit a proposal from HDR for design services for reconstruction of the Dock.

Mr. Campirano addressed the Board requesting review of Final Report by HDR Engineering, Inc., on the Cargo Dock #3 Rehabilitation project, and authorization for the Port Director & CEO to solicit a proposal from HDR for design services for reconstruction of the Dock. On June 16, 2021 BND tenant American Cement Advisors' (ACA), consultant HDR Engineering, Inc. (HDR) and BND Staff gave a presentation to BND Commissioners on the initial elements of an HDR study of BND's Cargo Dock #3 to determine the alternatives to the rehabilitation or reconstruction of said dock. HDR has completed the Report on the condition of the existing dock and their recommendation is that the best option is to demolish the existing dock and rebuild it as a dock on steel pilings with pre-cast concrete beams and deck. Further, BND Staff believes that, while a cement bulk vessel can discharge larger LOA vessels with special unloaders, any regular breakbulk vessel will need a larger dock and apron to discharge cargo efficiently. The 500' LOA is the largest breakbulk vessel size which would properly utilize a 445' dock without potentially shifting as per the HDR recommendation for Option A. In the last two years, the Port has received 78 vessels under 500' LOA and 436 vessels above 500' LOA. The extra length to extend the dock will provide much greater value to our investment, especially considering that the Port can construct it to accommodate deeper draft vessels and not have to rebuild or redesign later when the turning basin is deepened. It also greatly enhances the use of the pyramid yard acreage which is underutilized because of the distance from a fully functional dock. ACA would also potentially benefit from the extended dock by bringing larger and deeper draft vessels. BND Staff concurs that the best option would be expand the current 445 ft. dock to about 700 ft. BND Staff is seeking direction by BND Commissioners on this action. Commissioner Wood moved to accept final report by HDR on the Cargo Dock #3 Rehabilitation project, and to authorize the Port Director & CEO to solicit a proposal from HDR for design services for reconstruction of the Dock, Commissioner Cowen seconded, and the motion passed unanimously.

9. Consideration and Action on bids received for the Oil Dock #6 Bulkhead Repairs project, and to authorize BND Staff to issue the Notice of Award to the successful bidder.

Mr. Chavez addressed the Board requesting review on bids received for the Oil Dock #6 Bulkhead Repairs project, and to authorize BND Staff to issue the Notice of Award to the successful bidder. On June 2, 2021, BND Commissioners authorized BND Staff to publish an Invitation to Bid on the Oil Dock #6 Bulkhead Repairs. HDR Engineering, Inc. (HDR) submitted drawings and specifications and Staff finalized the bid package and published the Invitation to Bid on June 7 and 14, posted the project's Bid Document and Drawings on the Port website, and invited known structural contractors by email. HDR and BND Staff hosted the Virtual Pre-Bid Meeting on June 15, 2021. On July 1, 2021, bids were received and opened with R.M. Walsdorf, Inc. submitting the lowest bid at \$1,898,898.00, which, after an adjustment of the quantities to two bid items, was revised to \$1,490,228.00. Commissioner Guerra moved to table the item, to be discussed in executive session, Commissioner Reed 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).

Commissioner Guerra moved to adjourn into executive session, Commissioner Reed seconded, and the motion passed unanimously. The Chairman then announced that the time was 6:05 p.m., and that the Board would adjourn into executive session.

The Chairman then announced that the time was 6:47 p.m., and that the Board had reconvened in open session.

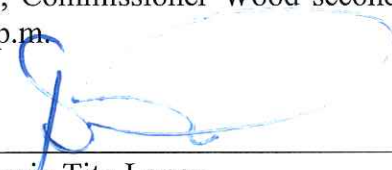
11. Possible action on matters or items discussed in Executive Session.

Item 9 was recalled. Commissioner Wood moved to table the item, Commissioner Cowen seconded, and the motion passed unanimously.

12. Adjournment.

Commissioner Guerra moved to adjourn the meeting, Commissioner Wood seconded, and the meeting was adjourned by unanimous consent at 6:48 p.m.

ATTEST



Sergio Tito Lopez
Chairman of the Board



Secretary