

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD AUGUST 18, 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, August 18, 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: Arturo Gomez
Melinda Rodriguez
Ariel Chavez
Jose Herrera
Lorena Hernandez
Karina Franco
Michael Davis
Tony Rodriguez
Julio Romo
Margie Recio
Janie Velasquez
Jorge Montero
Martha Gonzalez

OTHERS PRESENT: Rev. Andreas Lewis
Michael Gruener
Dustin Collins
Brent Moore
Jorge de la Colina

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.

Chairman Lopez complimented Memo Rico on his work at the recent business conference "Expo Logistica y Manejo de Materiales" in Monterrey.

CONSENT AGENDA

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

- a. Approval of the Minutes of the Special Board Meeting of July 29, 2021 and the Regular Board Meeting of August 04, 2021.
- b. Approval to authorize payments over \$25,000.00:
 1. Foremost Paving, Inc., the amount of \$1,233,466.32, for BND South Port Connector; and
 2. Vulcan Materials Company, the amount of \$37,227.09, for Crushed Limestone for Port Maintenance.

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

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

Ms. Gonzalez addressed the Board regarding the following items:

1. D & A Seafoods, LLC (Release of Lease)

D&A Seafoods, LLC. is a current lessee under BND #4503 with two sites: 3345 Dry Dock Rd. & 2875 Angler's Place Rd. They seek to be released of their lease due to their fishery endorsement not being approved by the U.S. Coast Guard and Homeland Security. The lease went into effect 1-6-2021. US Coast Guard informed lessee on 2-1-2021 that the vessel they purchased was forfeited to the US Government as reflected on Final Order of Forfeiture. Lessee has provided additional information including info evidenced on a retracted sale. Commissioner Reed moved to approve the Release of Lease on D&A Seafoods, Inc., Commissioner Wood seconded, and the motion passed unanimously.

2. Yolanda Linarte dba Marine Industrial Safety Assn. (Authority to negotiate)

Yolanda Linarte dba Marine Industrial Safety Assn, current lessee under BND #3912, seeks Authority to Negotiate a New Lease for a term of 5 years with one renewal option for 5 years. Lessee is located at 1120 Everglades Rd. at the Fishing Harbor. The purpose of the lease is Marine Safety Consulting & H2b permits. Commissioner Reed moved to approve Authority to Negotiate a new lease with Yolanda Linarte d/b/a Marine Industrial Safety Assn., Commissioner Guerra seconded, and the motion passed unanimously.

6. Consideration and Action to vote on a Resolution to adopt a 2021 property tax rate for the Brownsville Navigation District at a rate not to exceed \$.029955 per \$100 valuation. This rate is comprised of a debt rate of \$.003645 per \$100 valuation and a maintenance and operations rate of \$.026310 per \$100 valuation.

Mr. Campirano informed the Board that the item would need to be tabled, because of the County Tax Offices' late issuance of taxpayer notices. Commissioner Wood moved to table the item, Commissioner Cowen seconded, and the motion passed unanimously.

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7. Consideration and Action to authorize the staff to advertise for proposals for Insurance Consultant.

Ms. Recio addressed the Board requesting authorization to the staff to advertise for proposals for Insurance Consultant. The District has used an insurance consultant for a number of years, and it is appropriate at this time to advertise this service out again. The District benefits from using an Insurance consultant in obtaining the best insurance coverage available for the lowest premiums. In the changing insurance market, it is valuable to have a professional guiding the District. Commissioner Reed moved to authorize Staff to advertise for proposals for Insurance Consultant, Commissioner Wood seconded, and the motion passed unanimously.

8. Consideration and Action to award bid and authorize payment for the purchase of a Four-Wheel Street Sweeper.

Mr. Herrera addressed the Board requesting to award bid and authorize payment for the purchase of a Four-Wheel Street Sweeper. The District requested sealed bids for the purchase of a four-wheel street sweeper on July 26, 2021, with a bid opening date of August 9, 2021. The equipment will be utilized to sweep Port roads and docks. Three vendors submitted bids: - Nueces Power Equipment from San Benito, TX submitted a bid with two options, one in the amount of \$70,674.45 with three years warranty and the alternate bid which includes additional features in the amount of \$74,324.10 with three years warranty; B.C. Equipment Sales from La Feria, TX in the amount of \$73,864.00 with five years warranty; Romeo Equipment from Mercedes, TX in the amount of \$77,359.00 with three years warranty. Mr. Herrera recommended that the Board award the bid to B.C. Equipment as the lowest and best bid. Commissioner Guerra moved to award the bid and authorize payment to B.C. Equipment Sales, Commissioner Cowen seconded, and the motion passed unanimously.

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

Mr. Herrera addressed the Board requesting to award bid and authorize payment for the purchase of a Vibratory Soil Compactor. The District requested sealed bids for the purchase of a vibratory soil compactor on July 27, 2021, with a bid opening date of August 11, 2021. The request for a vibratory soil compactor will assist with the expansion and maintenance to the patios as well as other Port projects. Two vendors submitted bids: Doggett Heavy Machinery from San Juan, TX in the amount of \$154,933.89 and B.C. Equipment Sales from La Feria, TX in the amount of \$146,358.79. Mr. Herrera recommended that the Board award the bid to B.C. Equipment Sales and authorize payment. Commissioner Reed so moved, Commissioner Wood seconded, and the motion passed unanimously.

10. Consideration and Action on Proposal by HDR Engineering, Inc. on professional engineering services for the Cargo Dock #3 Reconstruction project, and to authorize the Port Director & CEO to execute a Task Order in conformance with the proposal.

Mr. Guerra moved that the item be tabled until after executive session. Mr. Reed seconded, and the motion carried unanimously.

11. Consideration and Action to authorize the Port Director and CEO to execute Task Order #1 with consultant AECOM Technical Services, Inc. for engineering services to analyze the Ostos Road Drainage System and design required improvements.

Mr. Chavez addressed the Board requesting authorization for the Port Director and CEO to execute Task Order #1 with consultant AECOM Technical Services, Inc. for engineering services to analyze the Ostos Road Drainage System and design required improvements. BND Staff has been

working with OmniTRAX/BRG (OmniTRAX) staff and with BND Lessee Gulf Stream Marine (GSM) staff on the Pesqueria/Patio 22 and South Rail Yard Expansion project. On May 5, 2021 BND Commissioners authorized the Port Director and CEO to enter into a Master Services Agreement (MSA) with consultant AECOM Technical Services, Inc. (AECOM) for work in the Port. An important element of these improvements is storm drainage. With that focus, BND staff has solicited a proposal to analyze the storm drainage patterns in Ostos Road including the impact the Pesqueria enhancements have in the area, and also design any required improvements to insure proper and positive storm water run-off and eliminate or minimize flooding. AECOM has submitted a proposal that includes (1) Hydrologic and Hydraulic Analysis, comprised of (a) Preliminary Design and Modeling and (b) Detailed Design Check; and (2) Drainage Design, comprised of (a) Conceptual Design [Two (2) Options], (b) 30% Preliminary Design, (c) 90% Detailed Design, (d) 100% Issued for Bid, (e) 100% Issued for Construction. AECOM proposes to perform this work for a not-to-exceed fee of \$116,578.00. Commissioner Reed moved to authorize the Port Director and CEO to execute Task Order #1 with consultant AECOM Technical Services, Inc. for engineering services to analyze the Ostos Road Drainage System and design the required drainage improvements for a fee not to exceed \$116,578.00, Commissioner Cowen seconded, and the motion passed unanimously.

12. Consideration and Action to accept proposal from EDG, Inc. for Construction Phase Engineering Services on the Oil Dock #6 Bulkhead Repairs project.

Mr. Chavez addressed the Board requesting the acceptance of proposal from EDG, Inc. for Construction Phase Engineering Services on the Oil Dock #6 Bulkhead Repairs project. On August 4, 2021 BND Commissioners awarded the contract on the Oil Dock #6 Bulkhead Repairs project to R.M. Walsdorf, Inc. (Walsdorf) in the amount of \$1,490,228.00 based on plans and specifications prepared by HDR Engineering, Inc. (HDR). On that same date, BND Commissioners approved a Forbearance and Conditional Release Agreement with HDR which included reimbursement of costs to BND by HDR. BND Staff, after having engaged consulting engineers EDG, Inc. (EDG) to perform value engineering and analysis of the HDR repairs design, solicited a proposal from EDG for Construction Phase Services for this project. EDG's proposal includes (1) a Base Services option for an estimated fee of \$52,700.00 to include review of submittals, attendance to pre-construction and progress meetings and an estimated ten (10) inspection visits on site (two-day trip), and (2) a Resident Inspection Services option. BND Staff reviewed the proposal, the proposed Scope of Work options, and the proposed fee options, and recommends that the District engage HDR for the Base Services option for a not-to-exceed fee of \$52,700.00. Commissioner Reed moved to authorize the Port Director to accept the proposal from EDG, Inc. for Construction Phase Services for the Oil Dock #6 Bulkhead Repairs project for a Base Services fee of \$52,700.00, which will not be exceeded without prior authorization from BND Commissioners, 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, including the annual

evaluation of the Port Director / Chief Executive Officer (§551.074); and to conduct deliberations regarding economic development negotiations (§551.087).

Commissioner Guerra moved to adjourn into executive session, Commissioner Reed seconded, and motion carried unanimously. The Chairman then announced that the time was 6:00 p.m., and that the Board would adjourn into executive session.

The Chairman then announced the Board had reconvened in open session at 7:29 p.m. Commissioner Guerra did not return to open session.

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

There was none.

The Chairman recalled Item 10.

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. On July 21, 2021, BND Staff presented HDR's Report to BND Commissioners with the recommendation to demolish the existing dock and rebuild it as a dock on steel pilings with precast concrete beams and deck, and BND Commissioners authorized the Port Director to solicit a proposal from HDR for engineering design services. HDR submitted a proposal that includes (1) Project Management and Controls, (2) Geotechnical and Site Investigation, (3) Master Plan of Cargo Dock 3 Development, (4) Permitting and Regulatory, (5) Demolition Package, (6) Pile Procurement Package and (7) Dock Package. Because item (2) is a critical path work item, it is important for that work to start as soon as practical after Notice to Proceed. Item (3) includes a master plan of Phases 1 and 2 of the possible 700 ft. long dock. Items (4) through (7) apply primarily to Phase 1. This proposal does not include final design of Phase 2, which comprises the expansion of the dock to approximately 700 ft. Commissioner Reed moved to accept the proposal from HDR Engineering, Inc. for design phase engineering services for the Cargo Dock #3 Rehabilitation/Reconstruction project but only with regard to proposed Task Orders 1, 2, and 3, Commissioner Wood seconded, and the motion passed unanimously.


15. Adjournment.

The meeting was adjourned by unanimous consent at 7:31 p.m.

ATTEST



Secretary



Sergio Tito Lopez
Chairman of the Board
