

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD SEPTEMBER 15, 2021 AT 5:00 P.M.**

The Board of Navigation and Canal Commissioners of the Brownsville Navigation District of Cameron County, Texas, held a regular meeting on **Wednesday, September 15, 2021 at -5:00pm p.m.** The following individuals were present and absent:

PRESENT: Sergio Tito Lopez, Chairman
Ralph Cowen
Esteban Guerra
John Wood

ABSENT: John Reed

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
Jaime Martinez
Chief Carlos Garcia
Michael Davis
Tony Rodriguez
Margie Recio
Janie Velasquez

Jorge Montero
Rosie Hinojosa
Martha Gonzalez
Julio Romo

OTHERS PRESENT: Rev. Andreas Lewis
Jorge de la Colina
Susan Gola
Scott McCoy

1. Meeting Called To Order

The Chairman called the meeting to order at 5:03 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 then addressed the Board and created an advisory committee to review the proposal submitted by TEIDG to the Port and appointed Commissioner Guerra as Chairman of the committee and Commissioner Reed, Bill Irwin, Karina Franco, Jorge Montero, Arturo Gomez, and Eduardo Campirano as members.

Chairman Lopez and the rest of the Board thanked Ms. Hernandez for her service at the Port and wished her well in the future.

CONSENT AGENDA

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

- a. Approval of the Minutes of the Regular Board Meeting of September 01, 2021.
- b. Approval to authorize payments over \$25,000.00:
 1. Foremost Paving, Inc., the amount of \$1,915,271.48, for BND South Port Connector; and
 2. Vulcan Materials Company; the amount of \$40,888.73, 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 to approve amendments to the District's Fiscal 2021 Operating and Capital Budgets.

Ms. Hernandez addressed the Board requesting approval of amendment to the District's Operating and Capital Budget, Fiscal 2021. On the September 1, 2021, Staff submitted a preliminary draft of proposed budget amendments to the District's Fiscal Year 2021 Operating and Capital Budgets for discussion only. No additional changes are proposed, and Staff is recommending approval of the FY 2021 budget amendments which are based on the current year actual revenues and expenditures to date, and projected operational needs for the remainder of the fiscal year. Proposed operating revenues are expected to decrease by a net \$1,041,205 from original budget projections, mostly due to reductions in storage, wharfage and lease revenues. Proposed expenditures will also decrease by a net \$325,183, mainly from reductions in travel and professional development due to the COVID-19 pandemic restricting staff and commissioner travel for business development and trainings. Other reductions are also proposed for legal and consultant fees. The 2021 Capital Budget amendments are necessary to allocate funds for ongoing capital projects such as dock improvements, road reconstruction projects, and other necessary increases for new capital projects such as the Harbormaster's current water meter equipment purchase, IT capital improvements to security cameras and fiber optic, and electrical work at Shed 15. Commissioner Guerra moved to authorize the proposed FY 2021 Operating and Capital Budget Amendments by decreasing operating revenues by \$1,041,205 to \$31,012,813 and operating expenditures by \$325,183 to

\$17,369,353 and Capital Expenditures by \$753,338, Commissioner Wood seconded, and the motion passed unanimously. Mr. Campirano then expressed his gratitude to Ms. Hernandez for her service to the Port.

6. Consideration and Action to award contract for Insurance Consultant Services.

Ms. Recio addressed the Board requesting approval to award contract for Insurance Consultant Services. The District published request for proposals for a professional insurance consultant to assist and advise the District with marketing, handling and placement of adequate insurance coverage for its various property, marine risks and liabilities. Packets were also emailed directly to Insurance Consultant providers and responses were due on September 8, 2021. One response was received within the deadline date and time, which was from McGriff Insurance Services. A submittal from Charlesworth Consulting was also received, but it came in past the deadline date and time, therefore was not accepted, and will be returned to the firm. McGriff is the current Insurance Consultant for the District and over the years they have provided professional services in structuring the District's property insurance program and advising the District on the insurance coverage requirements for leases, agreements, and contracts with vendors and/or contractors. They have met and exceeded their level of service provided to the District and Staff feels confident in continuing the working relationship due to their knowledge, experience, and expertise within the industry. Commissioner Cowen moved to approve the Contact for Insurance Consultant Services with McGriff Insurance Services for a three-year term at an annual fee of \$39,000, Commissioner Guerra seconded, and the motion passed unanimously.

7. Consideration and Action to authorize Port Staff to advertise for bids to build and install a Portable Guardhouse for the South Port Connector Road and to open bids thereof.

Mr. Gomez addressed the Board requesting authorization for Port Staff to advertise for bids to build and install a Portable Guardhouse for the South Port Connector Road and to open bids thereof. The South Port Connector Road is tentatively scheduled for completion in late November or early December. Staff anticipates opening the South Port Connector Road as early as January of 2022. A portable guardhouse is necessary for Police or Security Officers to work from as to conduct the screenings of all persons entering the Port of Brownsville. Discussion followed regarding operations and staffing at the guardhouse. Commissioner Wood moved to authorize Port Staff to advertise for bids for this project and open the sealed bids thereof, Commissioner Guerra seconded, and the motion passed unanimously.

8. Consideration and Action to authorize the Port Director & CEO and Port Legal Counsel to execute amendment No. 1 to the U.S. Army Corps of Engineers' Temporary License for the construction of the Brazos Island Harbor Bend Easing Project on behalf of the Brownsville Navigation District.

Mr. Campirano addressed the Board requesting authorization for Port Director & CEO and Port Legal Counsel to execute amendment No. 1 to the U.S. Army Corps of Engineers' Temporary License for the construction of the Brazos Island Harbor Bend Easing Project on behalf of the Brownsville Navigation District. On July 1, 2020, the BND Commission authorized the Port Director and Legal Counsel to execute License Agreement with the U.S. Army Corps of Engineers for the construction of the Brazos Island Harbor Bend Easing Project. The License Agreement is for a term of sixteen (16) months and will expire on October 8, 2021. Amendments No. 1 extends the term of the License Agreement beginning July 8, 2020 and ending December 31, 2023.

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Commissioner Wood moved to authorize Port Director & CEO and Legal Counsel to execute amendment No. 1 with U.S. Army Corps of Engineers for the construction of the Brazos Island Harbor Bend Easing Project, Commissioner Guerra seconded, and the motion passed unanimously.

9. Consideration and Action to rescind the authorization for the purchase and payment of the Vibratory Soil Compactor.

Mr. Herrera addressed the Board requesting to rescind the authorization for the purchase and payment of the Vibratory Soil Compactor. On August 18, 2021, the commission authorized BND staff to purchase and pay for a vibratory soil compactor. After further consideration and analysis, the Director of Facilities Maintenance concluded that at present time this piece of equipment is not required. Should there be a need in the future, Staff will seek permission for purchase from the Board. Commissioner Guerra moved to rescind the authorization approved at the August 18, 2021 board meeting for the purchase and payment of the vibratory soil compactor, Commissioner Wood seconded, and the motion passed unanimously.

10. Consideration and Action to authorize Port Staff to advertise for bids on the electrical repairs at Shed 15 project, and to open bids thereof.

Mr. Herrera addressed the Board requesting authorization for Port Staff to advertise for bids on the electrical repairs at Shed 15, and to open bids thereof. BND Staff is seeking authorization to advertise for bids for the removal and replacement of electrical cables from PUB transformer to main electrical service disconnect breaker and to interior main panel board located at Shed 15. This would include all cabling, panel boards, and conductors. Commissioner Cowen moved to authorize Port Staff to advertise for bids on the electrical repairs at Shed 15 project, and to open bids thereof, Commissioner Wood seconded, and the motion passed unanimously.

11. Consideration and Action on renewal of Attorney-Client Agreement with Rentfro, Irwin, & Irwin, PLLC.

Mr. Campirano addressed the Board requesting approval on renewal of Attorney-Client Agreement with Rentfro, Irwin, & Irwin, PLLC with an increase in fees to \$21,500.00 per month, to be effective October 1, 2021. Commissioner Guerra moved to approve renewal of Attorney-Client Agreement with Rentfro, Irwin, & Irwin, PLLC, Commissioner Wood seconded, and the motion passed unanimously.

12. Consideration and Action on Change Order #1 to the contract with R.M. Walsdorf, Inc. on the Oil Dock #6 Bulkhead Repairs project, increasing the area of repairs and extending the contract time.

Mr. Chavez addressed the Board requesting the acceptance or rejection of Change Order #1 to the contract with R.M. Walsdorf, Inc. on the Oil Dock #6 Bulkhead Repairs project, increasing the area of repairs and extending the contract time. On August 4, 2021 BND Commissioners awarded the contract on the Oil Dock #6 Bulkhead Repairs project to lowest responsive bidder R.M. Walsdorf, Inc. in the amount of \$1,490,228.00. However, after preparation of the original bid documents, and during the bid and award phase, additional movement in the bulkhead was observed. This additional movement was deemed to require repairs to a larger area of the bulkhead. This Change Order #1 proposes to incorporate the additional improvements, which include (1) increasing in the planned excavation within the proposed demolition limits to elev. 2.0'; (2) replacing use of the existing sub-base material as backfill with a gravel fill from elev. 2.0' to the bottom of the crushed limestone base to provide a lighter and free-draining material behind the

bulkhead; (3) installing Drain Holes through the Stage I Bulkhead Cap to facilitate drainage of the gravel fill between elev. 2.0' and the bottom of the crushed limestone base; (4) increasing the number of waler beams and anchor rods; and related required appurtenant work. The contractor is requesting an extension of 60 calendar days to the contract time to perform the extra work. This Change Order #1, if approved, will modify the contract price and time to include these modifications. Commissioner Wood moved to approve Change Order #1 to the contract with R.M. Walsdorf, Inc. on the Oil Dock #6 Bulkhead Repairs project, increasing the contract price of \$1,490,228.00 by \$408,769.00 to \$1,898,997.00 and extending the 120 calendar days contract time by 60 calendar days to 180 calendar days, Commissioner Cowen 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 Cowen, seconded, and the motion passed unanimously. The Chairman then announced that the time was 5:57 p.m., and that the Board would adjourn into executive session.

The Chairman then announced that the time was 7:08 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.

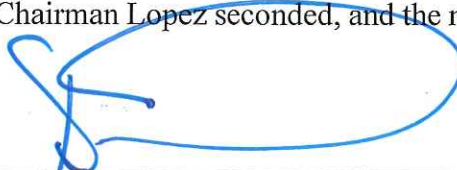
15. Adjournment.

Commissioner Guerra moved to adjourn the meeting, Chairman Lopez seconded, and the meeting was adjourned by unanimous consent at 7:08 p.m.

ATTEST



Secretary



Sergio Tito Lopez
Chairman of the Board