

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND  
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF  
CAMERON COUNTY, TEXAS HELD DECEMBER 14, 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, December 14, 2021 at 5:30 p.m.** The following individuals were present and absent:

**PRESENT:** Sergio Tito Lopez, Chairman  
Ralph Cowen  
John Wood

**ABSENT:** Esteban Guerra  
John Reed

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

**STAFF MEMBERS:** Melinda Rodriguez  
Arturo Gomez  
Jaime Martinez  
Ariel Chavez  
Manuel Martinez  
Chief Carlos Garcia  
Michael Davis  
Tony Rodriguez  
Margie Recio  
Janie Velasquez  
Memo Rico  
Karina Franco  
Jose Herrera  
Blanca Melguizo

**OTHERS PRESENT:** Rev. Andreas Lewis  
J.Durkin Ledgard  
Mark Hodgson

**1. Meeting Called To Order**

The Chairman called the meeting to order at 5:35 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**

J. Durkin Ledgard addressed the Board regarding agenda item 15.

**3. Receive Director's Report**

**a. Receive Port Monthly Operations Summary Report**

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

**CONSENT AGENDA**

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

- a. Approval of the Minutes of the Regular Board Meeting of December 01, 2021.
- b. Approval to authorize payments over \$25,000.00:
  1. Core & Main, the amount of \$327,368.80, for Patio 22 and Placement Area No. 8
  2. Saab Technologies, the amount of \$100,380.88, for Annual Software Support/Maintenance;
  3. Tyler Technologies, Inc., the amount of \$40,677.84, for 2022 annual user; subscription fees; and
  4. Foremost Paving, the amount of \$284,346.58, for BND South Port Connector.

Commissioner Wood moved to approve Items 4(a) and 4(b)(1-4), Commissioner Cowen seconded, and the motion passed unanimously.

**5. Consideration and Action on an application for a renewal of the Line Handling Permit to:**

- Brownsville Mooring, LLC

**6. Consideration and Action on an application for renewal of the Stevedore and Freight Handler's License submitted by Gulf Stream Marine, Inc.**

Commissioner Wood moved to approve Items 5 and 6, Commissioner Cowen seconded, and the motion passed unanimously.

**7. Consideration and Action to approve the District's Fiscal Year 2022 Operating and Capital Budgets.**

Ms. Franco addressed the Board requesting approval of the District's Fiscal Year 2022 Operating and Capital Budgets. A draft version of the 2022 budgets was presented for the Board's initial review on the December 1, 2021 Commission meeting. The FY 2022 budget binders have been modified to include real estate appraisal services and capital funds for development projects. Assumptions include funds for 12-month personnel and fringe benefit costs for all employees, including vacant positions and a continuation of the additional \$50,000/month DB pension employer contributions. The FY 2022 budget also reinstates staff and Commissioner's travel, business development and trainings, as well as increases for the 2022 election, maintenance materials costs, fuel costs, geotechnical surveys, and personnel requests for 2 General Laborers, 5 Skilled Craftsmen, 1 Multimedia Coordinator, 1 Accounting Specialist III, 1 Purchasing Coordinator, 1 Project Manager, 1 HR Generalist, and 1 IT Technician. The FY 2022 Capital Budget includes Port Road, dock & railroad crossing improvements, purchase of 13 vehicles (5 vehicles are carryovers from FY 2021) & heavy equipment, water line replacement program, FH Sewer Plant Replacement, CBP Building, Development Projects and IT upgrades. Mr. Campirano

also had comments. Commissioner Wood moved to approve the proposed FY 2022 Operating and Capital Budgets, Commissioner Cowen seconded, and the motion passed unanimously.

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

Ms. Rodriguez addressed the Board regarding the following items:

**1. VMK Equipment Series (Authority to Negotiate)**

VMK Equipment Series seeks a new lease for a 3.61-acre tract located on 3600 North Chemical Rd. to expire on April 18, 2023. VMK Equipment Series has purchased the assets of BND lessee TM Cruillas, LLC (Contract #3945). Commissioner Wood moved to approve the Authority to Negotiate a new lease with VMK Equipment Series, Commissioner Cowen seconded, and the motion passed unanimously.

**2. Tree Energy Solutions BV (Authority to Negotiate)**

Tree Energy Solutions BV seeks a three-year Option to Lease on 80 acres of land space. Commissioner Wood moved to approve the Authority to Negotiate an option agreement with Tree Energy Solutions BV, Commissioner Cowen seconded, and the motion passed unanimously.

**3. Shallow Stalker Boats, LLC (New Lease – sign)**

Shallow Stalker Boats, LLC. is a current lessee and is requesting a new lease to replace an existing sign (length 6 feet and width of 16 feet and 1 inch) located at the corner of HWY 48 and Anglers Place Road. The lease term would be for one year with four additional renewal options of one year each commencing on January 1, 2022. Commissioner Cowen moved to approve the new lease for Shallow Stalker Boats, LLC., Commissioner Wood seconded, and the motion passed unanimously.

**4. Mark Lee & Andres Delgadillo (New Lease – Grazing)**

Mark Lee & Andres Delgadillo seek a new lease for a 1-year term with nine renewal options of 1 year each. The lease will be effective October 10, 2021. The site is part of Share 6 & 7, San Martin Grant. Purpose of lease: Grazing Lease with a 30-day notification clause. Commissioner Wood moved to approve a New Lease with Mark Lee & Andres Delgadillo, Commissioner Cowen seconded, and the motion passed unanimously.

**5. Mark Lee & Andres Delgadillo dba Juan's Electric (New Lease)**

Mark Lee & Andres Delgadillo dba Juan's Electric seeks a New Lease for a term of 5 years with one renewal option for 5 years commencing on November 15, 2021. Lessee site is located at 2485 Fisherman's Place. Purpose clause: Electrical, refrigeration, sales & repairs. Commissioner Wood moved to approve a new lease for Mark Lee & Andres Delgadillo dba Juan's Electric, Commissioner Cowen seconded, and the motion passed unanimously.

**9. Consideration and Action on the adoption of "Order and Appointment of Agent for Election Duties for the Secretary of the Board of Commissioners' duties related to the May 7, 2022 General Election". (Examinar y tomar medidas acerca de una decisión sobre la adopción de "Orden y Nombramiento de un Agente por Funciones**

**Electorales del Secretario del Consejo de Comisionados en relación con elección General el 7 de Mayo 2022”.**

Ms. Recio addressed the Board requesting the adoption of “Order and Appointment of Agent for Election Duties for the Secretary of the Board of Commissioners’ duties related to the May 7, 2022, General Election. Under the State’s election laws, the Secretary of the Board has the duty to hold regular, daily office hours during the times that candidates may need to file election documents, specifically 50 days prior and 40 days following the election date. To administer this responsibility, as well as additional administrative duties that are assigned to the Secretary, the Election Code Section 31.123 permits the Board to appoint someone to act as an agent for the Secretary in the performance of these election duties. The Director of Administrative Services has normally been appointed the agent. Commissioner Wood moved to authorize the adoption of this Order and Appointment of Agent for Election Duties to the Director of Administrative Services, Margie Recio, Commissioner Cowen seconded, and the motion passed unanimously.

- 10. Consideration and Action on amending Tariff Number 6, Item 110 Payment of Charges and Responsibility Therefore: Extensions of Credit and Liens (Section 10).**
- 11. Consideration and Action on amending Tariff Number 6, Item 240 – Unauthorized Use of Public Space.**
- 12. Consideration and Action on amending Tariff Number 6, Item 200 – Cargo Documentation.**
- 13. Consideration and Action on amending Tariff Number 6, by adding new Item 281 – Oil/Liquid Dock Equipment Use Fee.**
- 14. Consideration and Action on amending Tariff Number 6, Item 340 – Harbor Fee.**
- 15. Consideration and Action on amending Tariff Number 6, by adding new Item 341 – Channel Closing Fee.**
- 16. Consideration and Action on amending Tariff Number 6, Item 345 – Dockage.**
- 17. Consideration and Action on amending Tariff No. 6 to amend Table of Contents Section Two and Section Three to reflect the adoption of Items 256, 281 and 341.**

Commissioner Wood moved to table items 10-17, inclusive, Commissioner Cowen seconded, and the motion carried unanimously.

- 18. Consideration and Action to amend Purchase order 76783 issued to JW Rentals dba Environmental Evolutions National for the environmental cleanup services at the former Marine Metals site and to authorize payment of invoice.**

Ms. Recio addressed the Board requesting the amendment of Purchase Order 76783 issued to JW Rentals dba Environmental Evolutions National for the environmental cleanup services at the former Marine Metals site and to authorize payment of invoice. The Board of Commissioners had previously approved the quote in the amount of \$38,472 for the removal, transportation and disposal of environmentally affected items such as various 55-gallon drums, roll off containers and storage tanks located at the former Marine Metals site. The original quote included mobilization and demobilization in the amount of \$2,800.13 but was not added into the total amount. Also, the liquids and transportation of the loads were greater than expected.

Commissioner Wood moved to amend the Purchase Order 76738 issued to JW Rentals dba Environmental Evolutions National for environmental cleanup services at the former Marine Metal site, to increase the total purchase price from \$38,472 to \$49,935 and to authorize payment of invoice, Commissioner Cowen seconded, and the motion passed unanimously.

**19. Consideration and Action to rescind bid received for the purchase of water truck and to re-advertise for such purchase and to open bids thereof.**

Mr. Herrera addressed the Board requesting authorization to reject the bid received for the purchase of water truck and to re-advertise for such purchase and to open bids thereof. BND Staff requested sealed bids for the purchase of a water truck with a bid opening date of October 27, 2021. Staff received one bid from B-C Equipment Sales, INC. from La Feria, TX for a used 2015 Ford F-750 in the amount of \$48,000.00. Upon inspection, equipment did not meet required specifications. Therefore, Staff requested to reject the bid received. Commissioner Wood moved to reject the bid received for the purchase of a water truck and authorize BND Staff to continue the process to seek bids and re-advertise for such purchase and to open bids thereof, Commissioner Cowen seconded, and the motion passed unanimously.

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

Commissioner Wood moved to table the item until the next meeting, given the absence of two commissioners. Commissioner Cowen seconded, and the motion carried unanimously.

**21. 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).**

The Chairman then announced that the time was 6:10 p.m. Commissioner Wood moved to adjourn into Executive Session, Commissioner Cowen seconded, and the motion carried unanimously.

The Chairman then announced that the time was 6:55 p.m., and that the Board had reconvened in open session.

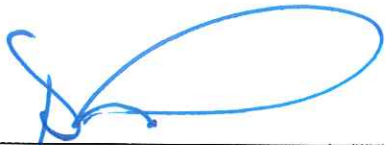
**22. Possible action on matters or items discussed in Executive Session.**

There was none.

**23. Adjournment.**

Commissioner Wood moved to adjourn the meeting, Commissioner Cowen seconded, and the meeting was adjourned by unanimous consent at 6:55 p.m.

ATTEST



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Sergio Tito Lopez  
Chairman of the Board



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Esteban Guerra, Secretary