

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD FEBRUARY 02, 2022, 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, February 02, 2022, at 5:30 p.m.** The following individuals were present and absent:

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

ABSENT: None

ALSO PRESENT: Eduardo A. Campirano, Port Director and CEO
Daniel Rentfro Jr., District Counsel
William J. Irwin, Associate District Counsel

STAFF MEMBERS: Melinda Rodriguez
Arturo Gomez
Ariel Chavez
Chief Carlos Garcia
Tony Rodriguez
Margie Recio
Janie Velasquez
Memo Rico
Jorge Montero
Karina Franco
Jose Herrera

OTHERS PRESENT: Rev. Andreas Lewis
Jorge de la Colina

1. Meeting Called To Order

The Chairman was not present at the start of the meeting. The Vice-Chairman called the meeting to order at 5:40 p.m. Reverend Lewis offered a prayer. The Vice-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

The reports were in the agenda book. There were no questions voiced regarding 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 January 19, 2022.
- b. Approval to authorize payments over \$25,000.00:
 1. HDR Engineering, the amount of \$129,954.91, for Cargo Dock 3 Phase 1 Design; and
 2. R.M. Walsdorf, Inc., the amount of \$602,348.40, for Oil Dock #6 Bulkhead.

Commissioner Guerra asked if the sum payable to R.M. Walsdorf would be reimbursed to the Port. Mr. Campirano confirmed that it would be reimbursed.

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

5. Consideration and Action to modify and extend consulting agreement services with Mario Martinez.

Mr. Campirano addressed the Board requesting approval on the modification and extension of consulting agreement services with Mario Martinez. The Port of Brownsville engaged the services of Mario Martinez as a Legislative Consultant in Austin, TX. Mr. Martinez's contract expired on December 31, 2021, and the Port wishes to extend his contract for an additional two (2) years effective January 1, 2022. The proposed contract modifications affect the term of the agreement. The agreement has a thirty (30) day cancellation agreement. Commissioner Wood moved to approve the modification and extension of consulting service agreement with Mario Martinez, Commissioner Reed seconded, and the motion passed unanimously.

6. Consideration and Action to execute an Agreement on Settlement & Release of Liability on Cargo Dock 3 Entrance Gate damage repairs by Mobile Mini Tank-Pump Solutions.

Ms. Recio addressed the Board requesting authorization to execute an Agreement on Settlement & Release of Liability on Cargo Dock 3 Entrance Gate damage repairs by Mobile Mini Tank-Pump Solutions. On August 23, 2021, the Harbormaster's Office notified BND Staff that a truck belonging to Mobile Mini Tank-Pump Solutions caused damage to the entrance gate of Cargo Dock 3. After claims were filed by BND Staff on the damage, Mobile Mini agreed for the District to perform the repairs, which were successfully completed by the Maintenance Department on September 15, 2021. Mobile Mini requested that the BND execute the Agreement on Settlement & Release of Liability which has been reviewed by the District's Legal Counsel. Commissioner Reed moved to execute the Agreement on Settlement & Release of Liability on Cargo Dock 3 Entrance Gate damage repairs by Mobile Mini Tank-Pump Solutions, Commissioner Guerra seconded, and the motion passed unanimously.

7. Consideration and Action to authorize BND Staff to issue purchase order for the South Yard Track Expansion – Ostos Road Rail Crossing Sewer Materials project to the lowest responsive bidder.

Mr. Chavez addressed the Board requesting authorization for BND Staff to issue purchase order for the South Yard Track Expansion – Ostos Road Rail Crossing Sewer Materials project to the lowest responsive bidder. As authorized by BND Commissioners on January 19, 2022, Staff has

published the Invitation to Bid on the South Yard Track Expansion - Ostos Road Pavement project on January 24 and 31, 2022. The Track Expansion will require installation of a new railroad crossing of Ostos Road between Dock 11 Road and Dock 13 Road. The new rail crossing will be installed above an existing gravity sanitary sewer line, which will require replacement and casing to protect it from the rail crossing impact loads. In order to save lead time on the procurement of the required materials, BND Staff has issued a request for bids to pipe and materials suppliers for pricing to furnish these materials, which will be installed by the successful bidder of the project. Staff has notified known suppliers by email and by phone to invite them to bid. Staff opened bids on these materials on January 31st, 2022. Two bids were received: from AguaWorks Pipe and Supply in the amount of \$42,972.74, and a second from Core & Main in the amount of \$46,808.38. Mr. Chavez recommended that the Board accept the low quote of AguaWorks Pipe & Supply in the amount of \$42,972.74. Commissioner Reed moved to authorize BND Staff to issue a Purchase Order for the Ostos Road Rail Crossing Sewer Materials as required for the South Yard Track Expansion project to the lowest responsive bidder, and to place the order for said materials, Commissioner Guerra seconded, and the motion passed unanimously.

- 8. 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).**

The Vice-Chairman then announced that the time was 5:50 p.m. Commissioner Guerra moved to adjourn into executive session, Commissioner Wood seconded, and the motion carried unanimously.

The Chairman arrived at the meeting during executive session.

The Chairman then announced that the time was 6:35 p.m., and that the Board had reconvened in open session.

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

There was none.

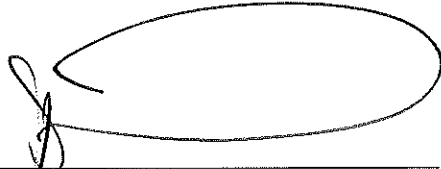
- 10. Adjournment.**

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

ATTEST



Esteban Guerra, Secretary



Sergio Tito Lopez
Chairman of the Board

BROWNSVILLE NAVIGATION DISTRICT MINUTES

February 02, 2022

Page 3 of 3