

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND  
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF  
CAMERON COUNTY, TEXAS HELD MARCH 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, March 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  
Ariel Chavez  
Arturo Gomez  
Chief Carlos Garcia  
Michael Davis  
Tony Rodriguez  
Margie Recio  
Memo Rico  
Janie Velasquez  
Jorge Montero  
Karina Franco  
Jose Herrera  
Zeus Yanez

**OTHERS PRESENT:** Rev. Andreas Lewis  
Abel Gonzalez  
Mike Furgatch  
Nancy Gaytan  
Jorge De La Colina

**1. Meeting Called To Order**

The Chairman called the meeting to order at 5:37 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**

The reports were in the Board's agenda packet. Chairman Lopez asked Chief Garcia about discussions with the U.S. Coast Guard on screening of vehicles entering the Port. Chief Garcia addressed the Board.

### **CONSENT AGENDA**

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

- a. Approval of the Minutes of the Regular Board Meeting of February 16, 2022.
- b. Approval to authorize payments over \$25,000.00:
  1. Vulcan Materials Company, the amount of \$69,694.98, for Crushed Limestone for Port Maintenance.

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

#### **5. Consideration and Action on Resolution certifying review and adoption of the District's Investment Policy C501 (Local), Investment Strategy C501 (Exhibit A) and List of Approved Brokers/Dealers and Investment Pools C501 (Exhibit B).**

Mr. Yanez addressed the Board approval on a Resolution certifying review and adoption of the District's Investment Policy C501 (Local), Investment Strategy C501 (Exhibit A) and List of Approved Brokers/Dealers and Investment Pools C501 (Exhibit B). Chapter 2256 of the Texas Government Code (the "Public Funds Investment Act") requires the Board to review the District's Investment Policy, Investment Strategy, and List of Qualified Brokers annually, and to adopt a Resolution certifying this review and adopted changes, if any. Port Staff has reviewed the Investment Policy, Investment Strategy and List of Approved Brokers/Dealers and Investment Pools and is recommending revisions to the District's Investment Policy and the adoption of the List of Approved Brokers/Dealers and Investment Pools. Explanatory notes of the revisions made to the Investment Policy, Investment Strategy and List of Approved Brokers/Dealers and Investment Pools were included in the Revision Summary Notes document. Commissioner Reed moved to approve the Resolution certifying review and adoption of the District's Investment Policy C501(Local), Investment Strategy C501(Exhibit A), and List of Approved Brokers/Dealers and Investment Pools (Exhibit B) as presented, Commissioner Wood seconded, and the motion passed unanimously.

#### **6. Receipt of the Certification of Unopposed Candidates in regard to the election to be held on May 7, 2022, for the purpose of electing two Navigation and Canal Commissioners. *(Recibir la Certificación de Candidatos Únicos de una elección que se celebrara el 7 de mayo de 2022 para el propósito a elegir dos comisionados de navegación y del canal.)***

Mrs. Recio addressed the Board requesting acceptance of the Certification of Unopposed Candidates in regard to the election to be held on May 7, 2022, for the purpose of electing two Navigation and Canal Commissioners. The filing deadline for the May 7, 2022 Election has passed, and the two candidates who have filed for a place on the ballot for this election are unopposed. The first step in the cancellation process is for the Board to be presented with a Certification of Unopposed Candidates. This Certification has been prepared and a copy was presented with this item. Commissioner Reed moved to accept the Certification of Unopposed

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Candidates, Commissioner Cowen seconded, and the motion passed unanimously.

**7. Consideration and Action on an Order of Cancellation for the election scheduled to be held on May 7, 2022 for the purpose of electing two Navigation and Canal Commissioners. (*Examinar y tomar medidas acerca de una Order de Cancelación de una elección que, de lo contrario, se hubiera celebrado el 7 de mayo de 2022 para el propósito a elegir dos comisionados de navegación y del canal.*)**

Mrs. Recio addressed the Board requesting the adoption of an Order of Cancellation for the election scheduled to be held on May 7, 2022, for the purpose of electing two Navigation and Canal Commissioners. This is the official action that the Board needs to take in order to cancel the election. A copy of this order will be posted on Election Day in each polling place that would have been used in the election. Once the candidates have been declared to be unopposed, and the election has been canceled, the next actions in completing this election process will not occur until after election day. The current incumbents will complete their full term and then will be sworn into their next term during the same period that the District would have held the canvass. Commissioner Reed moved to adopt the Order of Cancellation in regard to the election scheduled to be held on May 7, 2022, for the purpose of electing two Navigation and Canal Commissioners, Commissioner Cowen seconded, and the motion passed unanimously.

**8. Consideration and Action to authorize Port Staff to advertise for bids for rental equipment for Patio 22 expansion and to open bids thereof.**

Mr. Herrera addressed the Board requesting authorization for Port Staff to advertise for bids for rental equipment for Patio 22 expansion and to open bids thereof. BND Staff is seeking authorization to advertise for bids for rental equipment and to open bids once received. The request for this rental equipment is to be utilized for the continuation of the expansion of Patio 22. The equipment is to be rented on an as needed basis will consist of two excavators, one bulldozer, one vibratory soil compactor, one water truck, and six belly dump trucks. Commissioner Reed moved to authorize BND Staff to advertise for bids for rental equipment for Patio 22 expansion and to open bids thereof, Commissioner Wood seconded, and the motion passed unanimously.

**9. Consideration and Action to authorize Port Staff to advertise for bids for the expansion of the Tool Room Warehouse and to the Facilities Maintenance Department office and to open bids thereof.**

Mr. Herrera addressed the Board requesting authorization for Port Staff to advertise for bids for the expansion of the Tool Room Warehouse and to the Facilities Maintenance Department office and to open bids thereof. Staff is requesting permission to solicit bids for the expansion to the Tool Room Warehouse and Facilities Maintenance Department office. The expansions to the tool room warehouse, would consist of the following materials: Five thousand square feet of concrete, sheet metal, structural steel, insulation, doors, restrooms, and electrical supplies. Maintenance office expansion will consist of materials for the additional seven hundred square feet of office space and facelift to the exterior of existing office building. Majority of the labor is to be completed by the Facilities Maintenance Department staff. Commissioner Guerra moved to authorize Staff to advertise for bids for the expansion of the Tool Room Warehouse and to the Facilities Maintenance Department office and to open bids thereof, Commissioner Cowen seconded, and the motion passed unanimously.

**10. Consideration and Action to enter into a purchase agreement with Geo Solutions Inc. for the purpose of geogrid reinforcement, for the duration of one year.**

Mr. Herrera addressed the Board requesting authorization to enter into a purchase agreement with Geo Solutions Inc. for the purpose of geogrid reinforcement, for the duration of one year. BND Staff is requesting authorization to enter into a purchase agreement for the duration of one year with Geo Solutions Inc. This agreement will be based on a sole source basis, due to the fact that Geo Solutions is the exclusive distributor for the manufacturer Tensar International Corp. of the product Tensar Triaxial Geogrid TX-5 reinforcement material. It has been concluded that this product suits the requirements of strengthening and stabilization of the patios and road projects. Commissioner Reed moved to authorize BND Staff to enter into this purchase agreement with Geo Solutions Inc. for the purchase of Tensar Triaxial Geogrid TX-5 reinforcement material and authorize payment of invoices when received, Commissioner Guerra seconded, and the motion passed unanimously.

**11. Consideration and Action to purchase Hoist Rope for the GHMK 6507 Model 6 crane.**

Mr. Davis addressed the Board requesting authorization to purchase Hoist Rope for the GHMK 6507 Model 6 crane. The harbormaster office is requesting permission to purchase a right-lay hoist rope cable for the GHMK 6507. The cable will complete the set and prevent any crane delays due to damaged cables. The item qualifies as a sale source under section 60.412, it is for captive replacement parts or components for equipment. Part #67530240 Hoist Rope 46x245m. Commissioner Cowen moved to authorize BND Staff to purchase the Hoist Rope for the GHMK 6507 Model 6 crane from Konecranes Inc. and authorize payment of invoice when received, Commissioner Wood seconded, and the motion passed unanimously.

**12. Consideration and Action to award the South Yard Track Expansion – Ostos Road Pavement project based on bids received, and to authorize Staff to issue the Notice of Award to the successful bidder.**

Mr. Chavez addressed the Board requesting authorization to award the South Yard Track Expansion – Ostos Road Pavement project based on bids received, and to authorize Staff to issue Notice of Award to the successful bidder. As authorized by BND Commissioners on January 19, 2022, BND Staff published the Invitation to Bid on the South Yard Track Expansion-Ostos Road Pavement project on January 24 and 31, 2022 in the local newspaper and also contacted known paving contractors by email and phone. A Mandatory Pre-Bid Meeting was held on February 1<sup>st</sup>, 2022 and the Bid Opening, which was originally scheduled for February 8, 2022 and first changed to February 9, 2022 was held on February 14, 2022. Two bids were received as follows: H2O Construction Services, Inc., with a Base Bid of \$1,068,317.00, additive #1 of \$155,050.00 and Total Bid of \$1,223,367.00; and G&T Paving, LLC with a Base Bid of \$1,698,085.09, additive #1 of \$297,550.00 and Total Bid of \$1,995,635.09. Mr. Chavez stated that he believed that G&T Paving LLC was the lowest responsible bidder, as a number of errors and omissions in the bid submitted by H2O Construction Services, LLC cast doubt on their being a responsible bidder, and recommended that the Board award the bid, for the base bid only, to G&T Paving LLC as the lowest responsive bid. Mr. Rentfro noted that, because H2O had submitted the lowest dollar bid, Port staff had notified H2O of its intent to recommend that the Board award the contract to G&T Paving as lowest responsible bidder, and further that H2O had the right to attend the meeting and present information to the Board concerning its responsibility as a bidder. The Chairman asked if anyone representing H2O was present at the meeting, and no one responded. Commissioner Cowen

moved to award the South Yard Track Expansion-Ostos Road Pavement project, for the base bid only in the amount of \$1,698,085.09, to G & T Paving. Commissioner Reed seconded, and the motion passed by a vote of 4-1 with the Chairman voting “Nay.”

**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 that the Board adjourn into executive session, Commissioner Cowen seconded, and the motion carried unanimously. The Chairman then announced that the time was 6:10 p.m., and that the Board would adjourn into executive session.

The Chairman then announced that the time was 7:56 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.

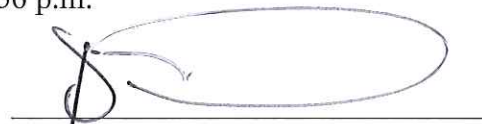
**15. Adjournment.**

Commissioner Guerra moved to adjourn the meeting, Commissioner Reed seconded, and the meeting was adjourned by unanimous consent at 7:56 p.m.

ATTEST



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Esteban Guerra, Secretary

  
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Sergio Tito Lopez  
Chairman of the Board