

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD JUNE 1, 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, June 1, 2022 at 5:30 p.m.** The following individuals were present and absent:

PRESENT: Esteban Guerra, Chairman
Ralph Cowen
John Wood
John Reed

ABSENT: Sergio Tito Lopez

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

STAFF MEMBERS: Ariel Chavez
Karina Franco
Chief Carlos Garcia
Arturo Gomez
Jose Herrera
Jaime Martinez
Jorge Montero
Margie Recio
Melinda Rodriguez
Julio Romo
Janie Velasquez
Zeus Yanez

OTHERS PRESENT: Rev. Andreas Lewis
Jorge de la Colina

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

No person registered to address the Board.

3. Receive Director's Report

a. Receive Directors Reports

b. Receive Port Monthly Operations Summary Report

Mr. Yanez made the report to the Board. Discussion followed.

Mr. Yanez then informed the Board that the Port had received, for the 10th year in a row, the Excellence in Financial Reporting certificate. The Board congratulated staff on their recognition.

CONSENT AGENDA

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

- a. Approval of the Minutes of the Regular Board Meeting of May 18, 2022.
- b. Approval to authorize payments over \$25,000.00:
 1. G & T Paving, LLC, the amount of \$29,250.00, for South Yard Track Expansion – Ostos Road Pavement;
 2. R.M. Walsdorf, Inc., the amount of \$73,262.92. for BND Oil Dock #6 East Side Pipe Bridge; and
 3. Vulcan Materials Company, the amount of \$32,145.00, for Materials – Pesqueria Project.

5. Consideration and Action on the Steamship Agent License Renewal Application Submitted by North Lilly International, Inc.

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

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

Mrs. Rodriguez addressed the Board regarding the following items:

1. Quality Weighing Service, Inc. (**Consent to Assignment**)

Quality Weighing Service, Inc., lessee under BND #3851, has informed the BND that the ownership of the corporation is in the process of changing. The change in ownership of more than 50% of the corporation is considered an assignment of the lease and the lessee has requested the Board's consent to the change in ownership. This property is located at 875 N. Milo Road and consists of 2.92 acres. Legal Counsel has reviewed the agreement and concurred that it was ready for consideration by the BND Commission. Commissioner Wood moved to approve the Consent to Assignment of Lease for Quality Weighing Service, Inc., Commissioner Reed seconded, and the motion passed unanimously.

2. **TransMontaigne Operating Company L.P. (Amendment to Consent to Sublease)**

TransMontaigne Operating Company, L.P., a current lessee under BND Contract #4193 & #3307 has a sublease agreement with Frontera Brownsville LLC (contract #3307K) as of April 1, 2011. TransMontaigne is requesting an Amendment to Consent to Sublease due to amendments which have been made to the leases. Legal Counsel has reviewed the agreement and concurred that it was ready for consideration by the BND Commission. Commissioner Wood moved to approve the Amendment to Consent to Sublease for TransMontaigne Operating Company, L.P., Commissioner Reed seconded, and the motion passed unanimously.

7. **Consideration and Action authorizing Port Director and CEO to sign Consent to Leasehold Deed of Trust with Lone Star National Bank for West Plains, LLC.**

Mr. Campirano addressed the Board requesting approval of the Consent to Leasehold Deed of Trust with Lone Star National Bank for West Plains, LLC. West Plains, LLC is securing a loan for rehab and improvements to the grain elevator at the Port of Brownsville. The Consent to Leasehold Deed of Trust agreement is needed so that West Plains, LLC can close on the loan and receive the loan proceeds. Legal Counsel has reviewed the agreement and concurred that it is ready for consideration by the BND Commission, except for correction of a few typographical errors by the bank. Commissioner Wood moved to approve the Consent to Leasehold Deed of Trust, Commissioner Cowen seconded, and the motion passed unanimously.

8. **Consideration and Action to authorize Port staff to advertise for proposals for Belly Dump Truck and/or End Dump Trucks Hauling Services for the Expansion of Patio 22.**

Mr. Herrera addressed the Board requesting authorization for Port staff to advertise for proposals for Belly Dump Truck and/or End Dump Trucks Hauling Services for the Expansion of Patio 22. On April 06, 2022, BND Board of Commissioners authorized staff to award RML Hauling & Milling, Inc. a service contract for up to 6 belly dump trucks (18-24 cu. yards in hauling capacity). RML Hauling & Milling, Inc. has not been able to provide more than 3 trucks at any given time, and the lack of available dump trucks has caused inefficiencies at the Patio 22 expansion projects. Staff requested authorization to advertise to solicit proposals for belly dump and/or end dump trucks of 18 - 24 cubic yard capacity for hauling services to supplement trucks currently being used. Discussion followed regarding the terms of the request for proposal including provisions to authorize the BND to rotate between proposers based on the factors included in the request for proposals including availability of trucks. Commissioner Reed moved to authorize Port staff to advertise for proposals for belly dump truck and/or end dump truck hauling services, finding that the proposal method will yield the best value for the District, and to open received proposals thereof, Commissioner Cowen seconded, and the motion passed unanimously.

9. **Consideration and Action to accept work performed by contractor Foremost Paving, Inc. on the South Port Connector Road project, and authorizing Final Payment of \$228,888.00, which includes all completed work.**

Mr. Chavez addressed the Board requesting the acceptance of work performed by contractor Foremost Paving, Inc. on the South Port Connector Road project, and authorizing Final Payment of \$228,888.00, which includes all completed work. On March 4, 2020, BND Commissioners awarded the contract for the South Port Connector project to Foremost Paving, Inc. in the amount of \$25,615,348.60. On February 16, 2022, BND Commissioners approved Change Order #1

reducing the contract amount by \$61,804.10 due to changes in the quantities of several contract bid, namely, the Sealed Expansion Joint; the Barricades, Signs and Traffic Handling; the Lime for Subgrade Treatment; and the Mow Strip Riprap. Substantial Completion was achieved on March 22, 2022, within the contract time. Punch-list items were resolved and inspected by TxDOT staff, BND Engineering staff and the contractor. Commissioner Cowen moved to accept the work by Foremost Paving, Inc. for the South Port Connector Road project and authorize Final Payment of \$228,888.00, which will include payment for all completed work, Commissioner Wood seconded, and the motion passed unanimously.

10. Consideration and Action to accept work performed by contractor RenoWorks, LLC on the Oil Dock No. 6 West Pipe Bridge project and authorizing Final Payment of \$84,978.60, which includes retainage and all completed work.

Mr. Chavez addressed the Board requesting acceptance of work performed by contractor RenoWorks, LLC on the Oil Dock No. 6 West Pipe Bridge project and authorizing Final Payment of \$84,978.60, which includes retainage and all completed work. On February 17, 2021, BND Commissioners awarded the contract for the Oil Dock #6 West Pipe Bridge project to RenoWorks, LLC, in the amount of \$322,636.00. On April 6, 2022, BND Commissioners approved Change Order #1 in the amount of \$32,960.00, including \$8,845.00 for furnishing and installation of 28 shims and \$24,085.00 for cost of additional labor hours and delays. Walk-thru of the site and inspections of the components were performed and the Construction Phase Engineering consultant and BND Engineering staff concur that the project has been satisfactorily completed. Commissioner Reed moved to accept the work performed by contractor RenoWorks, LLC on the Oil Dock No. 6 West Pipe Bridge project and authorize BND Staff to issue final payment in the amount of \$84,978.60, which includes retainage and all completed work, Commissioner Wood seconded, and the motion passed unanimously.

11. Consideration and Action on Change Order No. 1 to the contract with R.M. Walsdorf, Inc. on the Oil Dock No. 6 East Side Bridge project providing for additional length on the support pipe piles and extending the contract time due to the extra work.

Mr. Chavez addressed the Board requesting approval on Change Order No. 1 to the contract with R.M. Walsdorf, Inc. on the Oil Dock No. 6 East Side Bridge project providing for additional length on the support pipe piles and extending the contract time due to the extra work. On February 16, 2022, BND Commissioners awarded the contract on the Oil Dock #6 East Side Pipe Bridge project to lowest bidder R.M. Walsdorf, Inc. in the amount of \$376,591.30. After the two piles supporting the bridge structure were driven on the northside of Oil Dock Rd., both Lanier & Associates Consulting Engineers and BND Engineering Staff recommend increasing the lengths of piles to ensure design capacity. Ten additional feet will be added to each pile and welds are required to pass ultrasonic testing. High Build Coal Tar Epoxy coating is also required by consultant. Number of blows every 6 inches in each pile will need to be logged to monitor that resistance is met. Contractor R.M. Walsdorf Inc. submitted a proposal in the amount of \$31,350.00 for the additional work and material. Commissioner Reed moved to approve Change Order No. 1 to the contract with R.M. Walsdorf, Inc. for the Oil Dock #6 East Side Pipe Bridge project, increasing the contract price by \$31,350.00 to \$407,941.30 and extending the contract time by thirty-five (35) calendar days to December 3, 2022, Commissioner Cowen seconded, and the motion passed unanimously.

12. Consideration and Action to authorize BND Staff to Advertise for Bids on construction and installation of equipment for the BND Shop Vehicle Wash Bays project and to open bids thereof.

Mr. Chavez addressed the Board requesting authorization for BND Staff to Advertise for Bids on construction and installation of equipment for the BND Shop Vehicle Wash Bays project and to open bids thereof. BND Staff has been working with consultants Green, Rubiano & Associates (GRA) for structural engineering and Trinity Engineering (Trinity) for electrical engineering, and with BND Facilities Maintenance Staff on the various components of the BND Shop Vehicle Wash Bays project. GRA and Trinity have completed the design of the structural and electrical components, respectively, for the project. BND Maintenance staff has previously acquired the vehicle washing equipment. BND Staff is requesting authorization to Advertise for Bids on the construction of the wash bays structure and installation of the pertinent equipment. The proposed year 2022 calendar from Advertising to Award of the contract is as follows: Advertise for bids June 6 & 13; Pre-Bid Meeting June 14; Bid Opening June 21; Bid Review June 22-24; Recommendation June 24; and Award Contract at the July 6 Board Meeting. On the basis of this calendar, BND Staff is requesting authorization to Advertise for Bids on a local newspaper for the work on this project. BND Staff will also notify known contractors by email and/or phone to invite them to bid. The Plan is to present this project to BND Commissioners to consider award of the contract at the July 6, 2022 Board Meeting. Commissioner Cowen moved to authorize publishing of the Invitations to Bid on the installation of equipment and the construction of the BND Shop Vehicle Wash Bays project, as per the Bid Documents prepared by BND Staff, to publish same in the local newspaper as required by BND Purchasing procedures, and to open bids once received, Commissioner Reed 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 (§551.074); and to conduct deliberations regarding economic development negotiations (§551.087).

The Chairman then announced that the time was 6:20 p.m., and that the Board would adjourn into executive session. Commissioner Wood moved to adjourn into executive session, Commissioner Cowen seconded, and the motion passed unanimously.

The Chairman then announced that the time was 6:55 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 Wood moved to adjourn the meeting, Commissioner Cowen seconded, and the meeting was adjourned by unanimous consent at 6:55 p.m.

ATTEST



John Wood, Secretary



Esteban Guerra
Chairman of the Board