

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD JULY 06, 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, July 06, 2022 at 5:30 p.m.** The following individuals were present and absent:

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

ABSENT: Sergio Tito Lopez

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

STAFF MEMBERS: Michael Davis
Chief Carlos Garcia
Arturo Gomez
Jose Herrera
Jaime Martinez
Jorge Montero
Margie Recio
Tony Rodriguez
Melinda Rodriguez
Julio Romo
Janie Velasquez
Zeus Yanez
Felipe Cantu
Juan Blanco

OTHERS PRESENT: Randy Delay
Lt. Commander Michael Griffin
Family of Chief Carlos Garcia
Jorge de la Colina
Dave Weston
Jason Foltyn
John Bray

1. Meeting Called To Order

The Chairman called the meeting to order at 5:35 p.m. Mrs. Rodriguez 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.

Lt. Commander Michael Griffin and John Bray of the U.S. Coast Guard addressed the Board and presented an award to Chief Carlos Garcia honoring him as he retires as Chief of Police and Security for the Port of Brownsville.

3. Proclamation of the Board of Navigation and Canal Commissioners of the Brownsville Navigation District honoring Chief of Police and Security Carlos Garcia.

Mr. Campirano addressed the Board and read a proclamation honoring Chief of Police and Security Carlos Garcia for his service to the Port of Brownsville. The Board thanked Chief Garcia for his service. Chief Garcia briefly addressed the Board.

4. Receive Director's Report

a. Receive Directors Reports

The Board received the reports. Commissioner Reed moved to acknowledge receipt of the reports, Commissioner Cowen seconded, and the motion passed unanimously.

CONSENT AGENDA

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

- a. Approval of the Minutes of the Regular Board Meeting of June 15, 2022.
- b. Approval to authorize payments over \$25,000.00:
 1. R.M. Walsdorf, Inc., the amount of \$344,895.87. for Oil Dock #6 Bulkhead Repairs & Oil Dock #6 East Side Pipe Bridge Project; and
 2. Vulcan Materials Company, the amount of \$137,721.57, for Pesqueria Project.

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

6. Consideration and Action to approve a Resolution to Designate Staff of the District for District Tax Duties.

Mr. Yanez addressed the Board requesting approval on a Resolution to Designate Staff of the District for District Tax Duties. Property Tax Code Section 26.04(c) requires the governing body of a taxing unit to designate by official action an officer or employee to calculate the no-new-revenue and the voter-approval tax rates for the taxing unit. The designated staff will also certify the accuracy of the Tax Rate Calculations worksheets. The proposed Resolution designates District Staff, Zeus Yanez (Director of Finance), to calculate the no-new-revenue and the voter-approval tax rates for the District and to certify the accuracy of the Tax Rate Calculations worksheets. This designation is to remain in effect until rescinded or amended by subsequent formal action. The Resolution and the designated staff's contact information will be submitted to the Office of the Cameron County Tax Assessor-Collector. Commissioner Cowen moved to approve the Resolution

to Designate the District's Director of Finance, Zeus Yanez, for the District's Tax Duties, Commissioner Wood seconded, and the motion passed unanimously.

7. Consideration and Action to approve a Reimbursement Resolution for the issuance of bonds, notes, or other obligations for the financing of the Brazos Island Harbor – Segment 2 project costs.

Mr. Yanez addressed the Board requesting approval on Reimbursement Resolution for the issuance of bonds, notes, or other obligations for the financing of the Brazos Island Harbor – Segment 2 project costs. On June 30, 2022, the Board of Commissioners approved the Project Partnership Agreement (PPA) and Respective Certificates between the Department of the Army and the Brownsville Navigation District for the Brazos Island Harbor Project. The District's (Non-federal sponsor) current projected share of project costs as outlined in the PPA is \$43,360,000. The District is working with the District's financial advisors, Estrada Hinojosa and Co., to implement a debt instrument to finance the District's share of project costs. Commissioner Reed moved to approve the Resolution declaring intention to reimburse certain expenditures related to the Brazos Island Harbor project costs, Commissioner Cowen seconded, and the motion passed unanimously.

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

Mrs. Rodriguez addressed the Board regarding the following items:

1. B&L Freight Service, LLC. (New Lease)

B&L Freight Service, LLC seeks a new lease for a term of five years with a commencement date of April 1, 2022 plus one renewal option of 5 years. The site is located at 2775 Foust Road. The purpose of the lease is for Freight Transport / Storage (Products: Steel Coils / Sheet metal). Commissioner Wood moved to approve the new lease for B&L Freight Service, LLC, Commissioner Cowen seconded, and the motion passed unanimously.

2. Plitt Leasing Company, LTD. (New Lease)

Plitt Leasing Co., Ltd. seeks a new lease for a term of one year with a commencement date of May 1, 2022 plus four renewal options of one year each. The site is located at 2601 R.L. Ostos Road. The purpose of the lease is for crane services, rigging, forklift services, millwright services, operations, and equipment. Commissioner Cowen moved to approve the new lease for Plitt Leasing Co., Ltd., Commissioner Wood seconded, and the motion passed unanimously.

9. Consideration and Action on proposals received for Janitorial Services for three Port of Brownsville Office Buildings.

Mrs. Recio addressed the Board requesting review of proposals received for Janitorial Services for three Port of Brownsville Office Buildings. The District currently contracts out cleaning services for the Harbormaster's Office, the Command Center and the Overweight Permit Office. A request for sealed proposals was issued to service the buildings three times a week for a term of one year. This request was sent out to commercial cleaning companies and posted on the District's website. One proposal was received by the deadline. The submittal received was from the current vendor, D & B General Cleaning Contractor, Inc., in the amount of \$37,204.20 to service the three buildings. Commissioner Cowen moved to authorize the issuance of a Purchase Order for janitorial services to D&B General Cleaning Contractor, Inc. for an annual amount not to exceed \$37,204.20 and to authorize payment thereof, Commissioner Reed seconded, and the motion passed

unanimously.

10. Consideration and Action to rescind the purchase order of five pickups to release Boggus Tipton from its bid for pickups not delivered and to authorize the staff to advertise for the purchase of five pickups from local dealerships, lot inventory.

Mrs. Recio addressed the Board requesting authorization to rescind the purchase order of five pickups to release Boggus Tipton from its bid for pickups not delivered and to authorize staff to advertise for the purchase of five pickups from local dealerships, lot inventory. On April 21, 2021, the Board of Commissioners approved the purchase of seven pickups from Boggus Tipton and authorized the trade-ins for Unit 677, 679 and 680. Due to the nationwide chip shortage the District's Purchase Order was put on hold from the manufacturer. Two extensions for the delivery date were authorized. To date, only two single cabs were produced and delivered. The remaining five pickups (4x4 Crew Cabs) have not been built and Boggus Tipton has informed the District that the manufacturer is not producing fleet vehicles and cannot guarantee that they will be built this year. Therefore, Boggus Tipton has requested that they be released from their bid for the pickups not delivered. Staff is also seeking authorization to advertise for the purchase of these five pickups from local dealerships lot inventory. Commissioner Reed moved to rescind the purchase order for the five pickups not delivered, to release Boggus Tipton from its bid for the District's purchase of five pickups and return Boggus Tipton their bid security, and to authorize the Staff to advertise a request for proposals for the purchase of five pickups, including from local dealerships lot inventory, Commissioner Cowen seconded, and the motion passed unanimously.

11. Consideration and Action to award bid and authorize payment for the South Towers Fiber Line Replacement project.

Mr. Martinez and Mr. Campirano addressed the Board requesting authorization to award bid and authorize payment for the South Towers Fiber Line Replacement project. The Port's fiber line infrastructure which allows for internet access and transmission of security camera access data from different points around the port including every camera tower, the Harbor Master's Office, the Command Center, and the Main Administration Office needs complete replacement. Currently, it is urgent that we replace a section of fiber that runs from the south water tower to the CBP tower, approximately three and a half miles. This section of fiber has exposure and severe damage that continues to grow due to elements like water and dirt that seeps into the fiber line. Staff has temporarily continued communication of data by using wireless access points, but the considerable amounts of data that is transmitted which can overload and damage other data transmission equipment like switches and transceivers can be very costly to replace. The current fiber line was installed over twelve years ago and is not only damaged but is obsolete. This fiber line will be replaced with updated fiber that is suitable for the infrastructure of the Port. On May 4th, the IT department received approval to advertise for bids for this project. The IT and Engineering department collaborated to prepare the bid package. A mandatory pre-bid meeting was held on Friday, May 20th and the bid opening was held on Tuesday, May 31st BND Staff advertised in the local newspaper, BND website, and contacted several vendors by email. Three bids were received as follows: Sigad Group, LLC, \$1,021,423.70; C&A Industrial Supply, \$989,230.40 and Juniper Global Technologies, \$960,860.40. A one-year warranty will be included, and the project is estimated to take four months to be completed. The bid opening tabulation and a map where the fiber will be replaced along R.L. Ostos Road was provided for reference. Discussion followed regarding the project. Commissioner Cowen moved to table this Item, Commissioner Wood

seconded, and the motion passed unanimously.

12. Consideration and Action to authorize Port staff to advertise for bids to remove oily sludge from oil separator located at the Fishing Harbor Wastewater Treatment Plant.

Mr. Herrera addressed the Board requesting authorization for Port Staff to advertise for bids to remove oily sludge from oil separator located at the Fishing Harbor Wastewater Treatment Plant. The amount of sludge that has accumulated has reached critical levels and has caused an increase in chemical levels that could affect us being able to preserve and protect the environment and public health. Commissioner Reed moved to authorize Staff to solicit bids to remove oily sludge from oil separator located at the Fishing Harbor Wastewater Treatment Plant and to open the received bids thereof, Commissioner Wood seconded, and the motion passed unanimously.

13. Consideration and Action to make an award(s) on the request for proposals issued for the Belly Dump Trucks and/or End Dump Trucks Hauling Services for the Expansion of Patio 22.

Mr. Herrera addressed the Board requesting the award on the Belly Dump Trucks and/or End Dump Trucks Hauling Services for the Expansion of Patio 22. On June 1, 2022, Facilities Maintenance Staff received approval by the BND Commission to request proposals for belly dump and/or end dump truck hauling services. Staff received three proposals from local hauling service companies: J. Molina Trucking LLC, Rubio Trucking Service, and Olmito Sandpit. Respondents were evaluated based on Understanding of Scope of Work, Qualifications/Experience of the Firm, Service Availability, and Value of Cost. The hauling services will be requested on an as needed basis. The work will be assigned to the selected firm(s), at the District's discretion, considering cost, availability and demonstration of ability to perform the services requested with the best value provided to the District. Commissioner Reed moved to award a purchase agreement to the two highest ranking respondents, J Molina Trucking, LLC and Rubio Trucking Service, for the belly dump truck and/or end dump truck hauling services for the expansion of Patio 22 on the terms addressed in the RFP and to authorize payment of the invoices when received, Commissioner Wood seconded, and the motion passed unanimously.

14. Consideration and Action on proposal by HDR Engineering, Inc. for professional engineering services on the Design Repackaging of the BIH Deepening – Phase 2 project as required by the U.S. Army Corps of Engineers, and to authorize the Port Director & CEO to execute the Task Order.

Mr. Chavez addressed the Board requesting acceptance of proposal by HDR Engineering, Inc. for professional engineering services on the Design Repackaging of the BIH Deepening – Phase 2 project as required by the U.S. Army Corps of Engineers, and to authorize the Port Director & CEO to execute the Task Order. On January 20, 2016 BND Commissioners approved a Master Service Agreement with consultant HDR Engineering, Inc. (HDR) to prepare Pre-construction Engineering and Design (PED) documents for the Brazos Island Harbor Channel Improvement Project to deepen the Brownsville Ship Channel to the 52 ft. draft approved in the Water Resources and Development Act of 2016 (WRDA 16). After four Task Orders, PED was successfully completed and approved by the U.S. Army Corps of Engineers (USACE). All work up to this point has been funded by our private partner, the NextDecade Corporation, who will also fund construction of Phase 1 of this project. On March of this year, the BIH Channel Improvement Project was allocated \$68 Million under the Bipartisan Infrastructure Law to partially fund Phase 2. Since this Phase will be managed by USACE, the PED documents pertinent to Phase 2 must be

repackaged to USACE format. HDR has submitted a proposal to perform the required design repackaging for a proposed Time-and-Materials fee of \$867,000.00. The proposal consists of three tasks, as follows: Task 1: Project Management Initiation and Controls (\$140,328), Task 2: Repackaging of Placement Areas 5B, 7 & 8 (\$326,642), and Task 3: Repackaging Channel Deepening (\$400,030). This proposal will constitute HDR's Task Order #5 of this endeavor. Jason Foltyn of HDR addressed the Board. The proposed fee is not to be exceeded without authorization by BND Commissioners. Commissioner Reed moved to accept the proposal from HDR Engineering, Inc. for professional engineering services on the Design Repackaging of the BIH Deepening – Phase 2 projects as required by the U.S. Army Corps of Engineers, and to authorize the Port Director & CEO to execute Task Order #5, Commissioner Wood seconded, and the motion passed unanimously.

- 15. 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).**

There was none.

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

There was none.


- 17. Adjournment.**

Commissioner Cowen moved to adjourn the meeting, Commissioner Wood seconded, and the meeting was adjourned by unanimous consent at 7:04 p.m.

ATTEST



John Wood, Secretary



Esteban Guerra
Chairman of the Board