

**MINUTES OF A PILOT BOARD MEETING AND A REGULAR MEETING OF THE
BOARD OF NAVIGATION AND CANAL COMMISSIONERS OF THE
BROWNSVILLE NAVIGATION DISTRICT OF CAMERON COUNTY, TEXAS HELD
SEPTEMBER 07, 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, including sitting as the Port of Brownsville Pilot Board, on **Wednesday, September 07, 2022 at 5:30 p.m.** The following individuals were present and absent:

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

ABSENT: John Reed

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

STAFF MEMBERS: Ariel Chavez
Chief William Dietrich
Arturo Gomez
Jose Herrera
Margie Recio
Melinda Rodriguez
Tony Rodriguez
Janie Velasquez
Zeus Yanez
Memo Rico
Pablo Esquivel

OTHERS PRESENT: Rev. Andreas Lewis
Captain Grant Wilson and family
Jorge de la Colina

PILOT BOARD MEETING

The Chairman called the Pilot Board Meeting to order at 5:35 p.m.

1. Consideration and Action on re-commission Captain Grant Wilson.

Mr. Campirano and Captain Wilson addressed the Board. Commissioner Cowen moved to approve Captain Grant Wilson's recommissioning, Commissioner Wood seconded, and the motion passed unanimously.

There being no further business before the Pilot Board, the Chairman announced that the meeting would be closed at 5:37 p.m. and the Board would move on to the Regular Meeting agenda.

REGULAR MEETING

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 agenda packet. Discussion followed. Commissioner Lopez asked Mr. Herrera about the status of the pending limestone shipment to the Port. Mr. Herrera addressed the Board.

CONSENT AGENDA

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

- a. Approval of the Minutes of the Public Hearing and Regular Board Meeting of August 17, 2022.
- b. Approval to authorize payments over \$25,000.00:
 1. HDR Engineering, Inc., the amount of \$225,555.25, for Project Cargo Dock 3 Phase 1 Design;
 2. R.M. Walsdorf, Inc., the amount of \$108,318.79, for Oil Dock #6 East Side Pipe Bridge; and
 3. G&T Paving, LLC, the amount of \$568,811.25, for South Yard Track Expansion – Ostos Road Pavement Project.

Commissioner Wood moved to approve all Consent Agenda items, Commissioner Cowen seconded, and the motion passed unanimously.

5. Consideration and Action on the Steamship Agent License Renewal Application Submitted by GAC Shipping (USA), Inc.

Commissioner Wood moved to table this item, Commissioner Lopez seconded, and the motion passed unanimously.

6. Consideration and Action to award the purchase of two portable changeable message signs to American Signal Company of Atlanta, GA.

Chief Dietrich addressed the Board requesting to award the purchase of two portable changeable message signs to American Signal Company of Atlanta, GA. Staff is in need of two portable changeable message signs to replace the ones currently in use. These portable message signs are essential for Police communications. They are utilized by the Police and Security Department to convey a variety of important messages on a large screen necessary for motorists, pedestrians, and workers. The current message signs used by the Port Police and Security Department have reached

their end-of-life cycle as they are ten years old. A proposal was obtained from American Signal Company of Atlanta, GA with GSA contract #47QSMA21D08R6 in the amount of \$28,035.56 for two signs and \$3,050 for shipping for a total of \$31,085.56. When approved, the equipment will be purchased under the Federal Supply Schedule of the United States General Services Administration, which satisfies the requirement of competitive bidding. After discussion, Commissioner Wood moved to award the purchase of two portable changeable message signs to American Signal Company of Atlanta, GA in the amount of \$31,086.56 and authorize payment of invoice when received, Commissioner Cowen seconded, and the motion passed unanimously.

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

Mrs. Rodriguez addressed the Board regarding the following items:

1. Landro, Inc. (Authority to Negotiate)

The lease with Landro, Inc. dba ST Marine under BND contract #3477 expired on July 6, 2022, with no renewal options. Staff sought Authority to Negotiate a new lease for a term of four years. The site is located at 3210 Dry Dock Court. The purpose of the lease would be for steel fabrication. Commissioner Lopez moved to authorize staff to negotiate a new lease with Landro, Inc., Commissioner Cowen seconded, and the motion passed unanimously.

8. Consideration and Action to approve the purchase order to Texas Municipal League Intergovernmental Risk Pool for the 2022/2023 renewal policies for Workers Compensation Coverage, Business Automobile Liability, and Automobile Physical Damage and to authorize payment of the premium when invoiced in the amount of \$171,051.00.

Mrs. Recio addressed the Board requesting approval for the purchase order to Texas Municipal League Intergovernmental Risk Pool for the 2022/2023 renewal policies for Workers Compensation Coverage, Business Automobile Liability, and Automobile Physical Damage and to authorization of payment of the premium when invoiced in the amount of \$171,051.00. Staff has received the renewal premium from TML for the October 1st renewal date for the coverages that are carried through our membership. This renewal is for the Worker's Compensation Insurance, Business Auto Liability Coverage, and Automobile Physical Damage Coverage. The Worker's Compensation premium increased this year by 28.92%, from \$102,718 last year to \$132,426. The District's experience modifier, which had been at .69 last year has increased to .72. The auto liability renewal policy premium increased by 1.67%, from \$20,881 to \$21,230. The automobile physical damage policy premium increased by 3.41%, from \$17,789 to \$18,395. Discussion followed regarding the increase in rates and the possibility of seeking quotes for worker's compensation insurance. Commissioner Cowen moved to approve the purchase order to Texas Municipal League in the amount of \$171,051.00 for the District's contribution for the Worker's Compensation Insurance Coverage, Business Auto Liability Coverage and Automobile Physical Damage Coverage, and to authorize the payment of the invoice for the policies once received, but also to advertise for additional quotes for Worker's Compensation coverage, Commissioner Lopez seconded, and the motion passed unanimously.

9. Consideration and Action to authorize Staff to purchase two Deming Pumps through the Buy Board program, issue a Purchase Order to Dynamic Pump Systems, and pay the invoice when received.

Mr. Herrera addressed the Board requesting authorization for Staff to purchase two Deming Pumps through the Buy Board program, issue a Purchase Order to Dynamic Pump Systems, and pay the invoice when received. Two deming pumps are needed to replace the existing ones, which have been repaired multiple times and continue to break down and fail. Since the fishing harbor wastewater treatment plant is under enforcement, being down two pumps for any amount of time is not recommended. The Maintenance Department Utilities Operators highly recommends the replacement of these two pumps. A proposal was obtained from Austin Armature Works, LP DBA Dynamic Pump Solutions, Buy Board Number 672-22, for \$41,856.00. After discussion, Commissioner Cowen moved to authorize staff to purchase two Deming Pumps through the Buy Board program in the amount of \$41,856.00, subject to verification that it is a complete system including coupling, motor, and base, to generate a Purchase Order to Dynamic Pump Systems, and to issue payment for the equipment once it is received and invoiced, Commissioner Wood seconded, and the motion passed unanimously.

10. Consideration and Action on bids received for the purchase of sand.

Mr. Herrera addressed the Board requesting review on bids received for the purchase of sand. On July 20, 2022, Facilities Maintenance Staff received approval by the BND Commission to request bids for sand, with a bid opening date of August 19, 2022. Staff received only one bid from Olmito Sand Pit from Brownsville, TX in the amount of \$16.10 per yd. Discussion followed regarding the request for bids and staff's intention to look for less expensive alternatives. Commissioner Cowen moved to award a purchase agreement to Olmito Sandpit for the purchase of sand and to authorize payment of the invoices when received, Commissioner Wood seconded, and the motion passed unanimously.

11. Consideration and Action on bids received for the purchase of reinforced concrete pipe for the Patio #22 West Loading Pad project.

Mr. Chavez addressed the Board requesting review on bids received for the purchase of reinforced concrete pipe for the Patio #22 West Loading Pad project. On August 3, 2022 BND Commissioners authorized BND Staff to publish in the local newspaper an Invitation to Bid for the pipe and materials for the Patio #22 West Loading Pad project. The Invitation to Bid was published on August 8 and August 15, 2022 and BND Staff also notified known suppliers by email and/or phone. Bids were opened on August 23, 2022, with two (2) bidders submitting. The low bid was from Rio Valley Pipe, LLC, dba CAPA (CAPA) of Palm View, Texas, with a bid of \$57,600.00 for the reinforced concrete pipes, with no bid for the concrete headwalls. The second bid was from Core and Main in the amount of \$109,050.48, including \$104,595.20 for the pipe and \$4,455.28 for the headwalls. After review, BND Staff's position is that the best path forward would be to issue a purchase order to CAPA for the pipe only. As previously reported to BND Commissioners, the Sand, Limestone and GeoGrid materials that will be used for the Loading Pad will come from the annual contracts the District already has in place. Commissioner Cowen moved to authorize Staff to issue a Purchase Order for the Pipes to be used at the Patio #22 West Loading Pad project to low bidder Rio Valley Pipe, LLC dba CAPA in the amount of \$57,600.00, and to place the order for those pipes, waiving the irregularity in the low bidder's bid in that it did not

include a bid for concrete headwalls, Commissioner Lopez seconded, and the motion passed unanimously.

- 12. 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.

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

There was none.

- 14. Adjournment.**

Commissioner Lopez moved to adjourn the meeting, Commissioner Cowen seconded, and the meeting was adjourned by unanimous consent at 6:28 p.m.

ATTEST



John Wood, Secretary



Esteban Guerra
Chairman of the Board