

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND  
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF  
CAMERON COUNTY, TEXAS HELD DECEMBER 21, 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, December 21, 2022 at 5:30 p.m.** The following individuals were present and absent:

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

**ABSENT:** None

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

**STAFF MEMBERS:** Ariel Chavez  
Michael Davis  
Karina Franco  
Chief William Dietrich  
Arturo Gomez  
Margie Recio  
Tony Rodriguez  
Melinda Rodriguez  
Janie Velasquez  
Zeus Yanez

**OTHERS PRESENT:** Rev. Andreas Lewis  
Jorge de la Colina  
Judy Adams  
Conrad Taylor  
George Rangle  
Kyle Wundt

**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**

#### **a. Receive Port Monthly Operations Summary Report**

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

### **CONSENT AGENDA**

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

- a. Approval of the Minutes of the Regular Board Meeting of December 7, 2022.
- b. Approval to authorize payments over \$25,000.00:
  1. SAAB Technologies LTD, the amount of \$106,905.64, for Software Support/Maintenance; and
  2. HDR Engineering Inc., the amount of \$75,777.00. for Project Cargo Dock 3 Phase 1 Design.

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

#### **5. Presentation on Southmost Regional Water Authority (SRWA) on proposed expansion of the SRWA facilities.**

Judy Adams and Conrad Taylor of SWRA made a presentation to the Board regarding proposed expansion of the SRWA facilities. Discussion followed.

#### **6. Presentation by BND Engineering Department Staff on the past, current and future BND Water Distribution Lines Replacement projects.**

Mr. Chavez made a presentation to the Board regarding the water line replacement projects. Discussion followed.

#### **7. Consideration and Action to approve the District's Fiscal Year 2023 Operating and Capital Budget.**

Mr. Yanez addressed the Board requesting approval on the District's Fiscal Year 2023 Operating and Capital Budget. A draft version of the 2023 budgets were presented for the Board's initial review at the December 7, 2022, Commission meeting. The FY 2023 budgets have been updated to reflect the reclassification of the water current meter costs from the capital to operating budget and the addition of a capital project for bulk cargo dock structural repairs. The FY 2023 Operating Budget includes provisions for 12-month personnel and fringe benefit costs for all employees including vacant positions and a continuation of the additional \$50,000/month DB pension employer contributions. Included in the FY 2023 budget are nine new personnel requests (5 Security Guards, 2 Administrative Assistants, 1 Budget Supervisor, 1 Real Estate Specialist, and the reclassification of a skilled laborer vacancy to a Diesel/Heavy Equipment Mechanic). The FY 2023 budget also includes increases for maintenance materials and service costs, fuel costs, soundings of docks, and line of credit costs. The FY 2023 Capital Budget includes Port road, dock, & railroad crossing improvements, the channel deepening project, purchase of 13 vehicles (all vehicles are carryovers from FY 2022) & heavy equipment, the water line replacement program, FH Sewer Plant Replacement, Business Hub, Patio Expansions, Woodfin Building and IT upgrades. Commissioner Wood moved to approve the District's FY 2023 Operating and Capital

**BROWNSVILLE NAVIGATION DISTRICT MINUTES**

**December 21, 2022**

**Page 2 of 6**

Budgets, including the revisions to the pay matrix as presented, Commissioner Cowen seconded, and the motion passed unanimously. Chairman Guerra commented on the approval of the pay matrix and thanked Mr. Campirano and staff for their work in this matter. Commissioner Reed also commented on the revisions to the pay matrix and noted that its approval reflects the Board's belief and confidence in staff.

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

Mrs. Rodriguez addressed the Board regarding the following items:

**1. Gulf Facilities, Inc. (Lease Amendment)**

Gulf Facilities, Inc. a current lessee under BND Contracts #4086, 4430, 4543 and 4581 seeks to amend their leases to add Schaefer Stevedoring, Inc. as an additional lessee, and to clarify the purpose clause and tax provisions in all leases with the BND. Commissioner Lopez moved to approve the Lease Amendment as presented, Commissioner Cowen seconded, and the motion passed unanimously.

**9. Consideration and Action to authorize District Staff to advertise for proposals for Bank Depository Services.**

Mr. Yanez addressed the Board requesting authorization for District Staff to advertise for proposals for Bank Depository Services. The current Depository Agreement contract ends on March 5, 2023. Staff will follow Texas Local Government Code Chapter 60 Subchapter K, Texas Local Government Code Chapter 105, and the District's Procurement Policy in procuring these services, Staff will advertise in the local newspaper and give notice of this opportunity to all eligible financial institutions within the District. Commissioner Lopez moved to authorize staff to advertise for Bank Depository Services, Commissioner Wood seconded, and the motion passed unanimously.

**10. Consideration and Action to approve selection and payment for the services provided by recommended short and long-term disability insurance for all BND employees.**

Mr. Martinez addressed the Board requesting approval on selection and payment for the services provided by recommended short and long-term disability insurance for all BND employees. The District's insurance benefits renewal date for short-term and long-term disability insurance is January 1, 2023. Mr. Landon Overby from Bowen Miclette, and Britt, insurance consultant reviewed Sun Life's renewal proposal for short-term coverage, and it would increase from a yearly cost of \$24,796 to \$41,950 and long-term disability coverage would increase from \$14,881 to \$17,729. The consultant recommended that Staff go to the market for proposals to get a better price. On December 7, 2022, the board of commissioners ratified the approval of BND staff to perform a request for proposals that was posted in the newspaper on November 18 and November 25, 2022, and it was also posted on the district's website. Proposals were opened by the finance department on December 8, 2022. Commissioner Reed moved to approve the Sunlife Insurance as the provider for short and long-term disability insurance coverage for all BND employees for year 2023, and authorize monthly payments as invoiced, Commissioner Wood seconded, and the motion passed unanimously.

**11. Consideration and Action to authorize Port Staff to Advertise for Bids for Railroad Crossing Planks Materials in coordination with OmniTRAX, as required for the 2023**

**Ostos Road Paving Rehabilitation project, and to open bids received.**

Mr. Chavez addressed the Board requesting authorization for Port Staff to Advertise for Bids for Railroad Crossing Planks Materials in coordination with OmniTRAX, as required for the 2023 Ostos Road Paving Rehabilitation project, and to open bids received. On October 5, 2022 BND Commissioners authorized staff to publish the Invitation to Bid on the 2023 Ostos Road Paving Rehabilitation project, for which BND Staff performed in-house surveys, design, bid documents, plans and specifications. The project includes multiple railroad crossings in the scope area of Milo Road to Cargo Dock 16 Road. Bids have been received on the paving project and BND Commissioners are to consider awarding that project. BND Staff is asking for authorization to Advertise for Bids on furnishing the required planks for the crossings, and to open bids on furnishing these materials once received. Upon authorization, BND Staff will publish an Invitation to Bid in the local newspaper, as well as invite known suppliers of these materials by email and/or by phone. The Bid documents will also be uploaded to the Port's website. Commissioner Reed moved to authorize publishing of the Invitation to Bid on the Railroad Crossing Planks Materials in coordination with OmniTRAX, as required for the 2023 Ostos Road Paving Rehabilitation project, in conformance with BND Purchasing procedures, and to open bids once received, Commissioner Lopez seconded, and the motion passed unanimously.

**12. Consideration and Action to authorize Port Staff to Advertise for Bids on Installation of Casings by Bore & Jack and Advertise for Bids for Additional Water Line Materials as required for the Water Distribution Lines Replacement projects, and to open bids thereof.**

Mr. Chavez addressed the Board requesting authorization for Port Staff to advertise for bids on installation of casings by Bore & Jack and advertise for bids for additional water line materials as required for the Water Distribution Lines Replacement projects, and to open bids thereof. BND Staff previously presented the Master Plan for Water & Wastewater System Improvements to BND Commissioners including multiple projects for the Fiscal Years 2022, 2023 and beyond. In recognition of the continuing rise in cost of and the increasing lead time for materials, BND Commissioners authorized Staff to publish in the local newspaper an Invitation to Bid on the pipe and materials for the projects scheduled for Fiscal Years 2022 and 2023, and those materials have been ordered and received. Due to progress in the design of the improvements to WestPlains as part of the US DOT MARAD Grant, Staff now needs to engage a contractor to install the steel casings by jack and bore at some additional locations, which will also require additional materials. All non-jack and bore work will be performed by the BND Facilities Maintenance department. At this time, Staff is requesting authorization to publish an Invitation to Bid on the Installation of the Casings by Bore and Jack and also publish an Invitation to Bid for the Additional Water Line Materials that will be needed. The Invitations to Bid would be published in conformance with the purchasing procedures. Bids would then be tabulated, reviewed by Staff, and then Staff recommendations will be prepared as required for consideration and award of the contracts and purchases by BND Commissioners. Commissioner Reed moved to authorize publishing of the Invitation to Bid on the Installation of the Casings by Bore and Jack and also publishing of the Invitation to Bid on the Additional Water Line Materials for the BND Water Distribution Lines Replacement projects as required by BND Purchasing procedures, and to open bids once they are received, Commissioner Lopez seconded, and the motion passed unanimously.

**13. Consideration and Action on bids received for the 2023 Ostos Road Pavement Rehabilitation project, and to authorize staff to issue the Notice of Award to the**

**BROWNSVILLE NAVIGATION DISTRICT MINUTES**

**December 21, 2022**

**Page 4 of 6**

**successful bidder.**

Mr. Chavez addressed the Board requesting the award on bids received for the 2023 Ostos Road Pavement Rehabilitation project, and to authorize staff to issue the Notice of Award to the successful bidder. On October 5, 2022 BND Commissioners authorized staff to advertise for bids on the 2023 Ostos Road Pavement Rehabilitation project which includes asphaltic pavement, concrete driveways, rail crossings and storm drainage improvements between Milo Road and Cargo Dock 16 entrance. BND Engineering and BND Finance Staff received and opened two bids on December 8, 2022, from two interested pavement contractors. Staff reviewed and tabulated unit prices. Foremost Paving Inc., which is the lowest bidder, submitted a Bid in the amount of \$6,189,807.20, including the additive bid. The second lowest bidder was submitted by IOC Company LLC. in the amount of \$6,929,772.25. Commissioner Lopez moved to award the contract for the 2023 Ostos Road Pavement Rehabilitation project to lowest bidder Foremost Paving Inc. in the amount of \$6,189,807.20 and authorize BND Staff to issue the Notice of Award, Commissioner Reed seconded, and the motion passed unanimously.

**14. Consideration and Action to authorize BND Staff to request additional information from offerors on the Design-Build contract on the Bulk Storage and Handling Facilities project and to define the formal interview process if interviews are desired.**

Mr. Chavez addressed the Board requesting authorization for BND Staff to request additional information from offerors on the Design-Build on the Bulk Storage and Handling Facilities project and to define the formal interview process if interviews are desired. On November 2, 2022 BND Engineering Staff received Statements of Qualifications (SOQs) from three offerors in response to the solicitation for Design-Build SOQs on the Bulk Storage & Handling Facilities for the Grain & Bulk Handling Facility Development, Expansion and Upgrade project. The offerors were (1) Borton, LC, (2) CCC Group, Inc. and (3) Continental Construction Company, Inc. Consultant HDR Engineering, Inc. (HOR) evaluated the submissions and scored the offerors at 89%, 96% and 96% respectively. BND staff and Lessee WestPlains, LLC staff concur with the consultant's evaluation. On December 12, 2022 HDR, WestPlains and BND Staff met with each of the offerors and concluded that additional information should be requested from all three offerors as to the estimated price of the Bulk Storage and Handling Facilities. The offerors will be requested to submit an AACE Class 3 Construction Cost Estimate, excluding engineering/ design costs. Offerors are to submit the requested additional information not more than four (4) weeks from the notice of the request. Commissioner Wood moved to authorize staff to request additional information from offerors Borton, LC, CCC Group, Inc. and Continental Construction Company, Inc. on the Design-Build effort including and AACE Class 3 Estimate of Construction Costs for the Bulk Storage and Handling Facility for the Grain & Bulk Handling Facility Development, Expansion and Upgrade project, and to authorize BND staff to interview the firms in consultation with HDR and West Plains as needed, Commissioner Reed 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).**

The Chairman then announced that the time was 6:59 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.

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

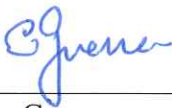
There was none.

**17. Adjournment.**

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

ATTEST

  
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John Wood, Secretary

  
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Esteban Guerra  
Chairman of the Board