

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND  
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF  
CAMERON COUNTY, TEXAS HELD JANUARY 11, 2023 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, January 11, 2023 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  
Daniel Rentfro Jr., District Counsel  
William J. Irwin, Associate District Counsel

**STAFF MEMBERS:** Ariel Chavez  
Michael Davis  
Karina Franco  
Chief William Dietrich  
Arturo Gomez  
Jose Herrera  
Jaime Martinez  
Jorge Montero  
Margie Recio  
Tony Rodriguez  
Melinda Rodriguez  
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 5:38 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**

The reports were in the agenda book. There were no questions voiced regarding the reports.

**CONSENT AGENDA**

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

- a. Approval of the Minutes of the Regular Board Meeting of December 21, 2022.
- b. Approval to authorize payments over \$25,000.00:
  1. Estrada-Hinojosa Investment Bankers, the amount of \$94,807.80, for Financial Advisory services related to issuance of the Revolving Note Purchase Program; and
  2. HDR Engineering Inc., the amount of \$213,262.11, for Channel Improvement Project.

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

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

Mrs. Rodriguez addressed the Board regarding the following items:

**1. Verdun Cargo Solutions LLC (Authority to Negotiate)**

Verdun Cargo Solutions LLC has requested a lease on 1.8 acres located at Boxcar Road and staff seeks Authority to Negotiate a new lease for a term of one year with four renewal options of one year each. The purpose of the lease would be for transloading operations from rail car tanks to tank trailers. Commissioner Reed moved to authorize staff to negotiate a new lease with Verdun Cargo Solutions LLC, Commissioner Cowen seconded, and the motion passed unanimously.

**2. 905 / BMW, Inc. (New Lease)**

This new lease to 905/BMW Inc under BND will replace BND contract #3902, which expired on August 18, 2022. The lessee seeks a new lease for a term of five years. The site is located at 8900 Old S.H. 48. The purpose of the lease is for warehouse/storage of minerals. Commissioner Cowen moved to approve the New Lease for 905/BMW Inc., Commissioner Wood seconded, and the motion passed unanimously.

**6. Consideration and Action to authorize District staff to enter into a Service Agreement for Budget Cycle Management software tool.**

Mr. Yanez addressed the Board requesting authorization for District staff to enter into a Service Agreement for Budget Cycle Management software tool. Currently, the District's yearly operating and capital budgets are managed and prepared using Microsoft Excel spreadsheets and word documents. The current budget process is tedious, cumbersome and time consuming. Staff must track the different versions being worked on. It takes several reviews and validations due to the substantial number of formulas that are embedded into the spreadsheets. Then the individual spreadsheets need to be consolidated into the District wide budget and validated once more to ensure all the data from the individual spreadsheets was captured. While budget reports and data

are provided to Directors throughout the year the information is not easily accessible by them and requires Finance Staff to prepare ad-hoc reports with requested information. ClearGov is the leading provider of Budget Cycle Management software, focused on helping local governments streamline the annual budgeting process by improving the collection, creation, and communication of their budgets. The use of this Budget Cycle Management software will allow staff to modernize the budgeting processes and produce more transparent, meaningful, and user-friendly budget books. The integrated platform includes Operational Budgeting, Capital Budgeting, Personnel Budgeting, Digital Budget Book, and Transparency solutions that will allow to automatically collect, create and communicate every aspect of the budget process. Discussion followed. Commissioner Reed asked Mr. Yanez to consult with legal counsel regarding the termination provisions of the agreement. Commissioner Reed moved to authorize staff to enter into a Service Agreement with ClearGov for a Budget Cycle Management software tool and to authorize payment for the first year of service, subject to legal review, Commissioner Lopez seconded, and the motion passed unanimously.

**7. Consideration and Action on the Amended and Restated Grantee/Operator's Agreement between the Brownsville Navigation District Foreign Trade Zone No. 62 and TransMontaigne Operating Company L.P.**

Mr. Rodriguez addressed the Board requesting approval on the Amended and Restated Grantee/Operator's Agreement between the Brownsville Navigation District Foreign Trade Zone No. 62 and TransMontaigne Operating Company L.P. Under a compliance review by USCBP, staff found an oversight in the District's records. TransMontaigne (Statia Terminals Inc.) original grantee/operators' agreement was signed by the late past Chairman William "Bill" Reed in December 1986, and in 2007 under the new acquisition by TransMontaigne past Chairman Martin Arambula signed a new agreement. Unfortunately, staff cannot find minutes that the agreement was approved by the board. The District's legal and TransMontaigne legal have concurred on the revised agreement to comply with the new regulations and reporting requirement by the operator. The purpose of their operation will not change; to store and transfer liquid bulk products. The agreement was ready for Board consideration. Commissioner Reed moved to authorize TransMontaigne Operating Company LP to be an Operator of FTZ No. 62, Commissioner Cowen seconded, and the motion passed unanimously.

**8. Consideration and Action to authorize Staff to advertise for proposals for unarmed security services at the Fishing Harbor.**

Mrs. Recio addressed the Board requesting the authorization for Staff to advertise for proposals for unarmed security services at the Fishing Harbor. The District's contract for Fishing Harbor Security Services with American Surveillance Company, Inc. will expire at the end of February 2023 with no further extensions under the contract. The Fishing Harbor Advisory Committee has been made aware and informed that the District will be seeking proposals. If authorization is granted to advertise, the Staff will be advertising in the local newspaper and the District's website as per the District's Procurement Policy. The Staff will schedule a meeting with the members of the Fishing Harbor Advisory Committee for the review of the bids received. After review of the responses, it is anticipated to bring the recommendation of the Fishing Harbor Advisory Committee to Board of Commissioners at the second meeting in February, so that the new contract can be in place on March 1<sup>st</sup>. The timeline would allow time for notification of the new rates, which will be invoiced to the Fishing Harbor tenants beginning with the March utility bills. Commissioner Cowen moved to authorize the Staff to advertise for proposals for unarmed security

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services at the Fishing Harbor, Commissioner Lopez seconded, and the motion passed unanimously.

**9. Consideration and Action to authorize Port Staff to advertise for proposals for HVAC Maintenance and Repair Services.**

Mr. Herrera addressed the Board requesting authorization for Port Staff to advertise for proposals for HVAC Maintenance and Repair Services. BND Staff is seeking authorization to advertise for proposals for HVAC Maintenance and Repair Services for the 2023 calendar year. The BND Facilities Maintenance Department does not presently have a qualified HVAC technician to repair or maintain the current HVAC units. Discussion followed regarding the terms of the RFP. Commissioner Reed moved to authorize Port Staff to advertise for proposals for HVAC maintenance and Repair Services and to open the received proposals thereof, Commissioner Wood seconded, and the motion passed unanimously.

**10. Consideration and Action to authorize Port Staff to advertise for proposals for Crushed Limestone.**

Mr. Herrera addressed the Board requesting authorization for Port Staff to advertise for proposals for Crushed Limestone. BND Staff is seeking authorization to advertise for proposals for Crushed Limestone for the 2023 calendar year. The District purchases Crushed Limestone for the construction of patio storage areas and the maintenance of existing facilities. The material will be purchased as needed, and the District does not guarantee any level of purchasing. Discussion followed regarding the terms of the RFP. Commissioner Reed moved to authorize Port Staff to advertise for proposals for crushed limestone, and to open the received proposals thereof, Commissioner Wood seconded, and the motion passed unanimously.

**11. Consideration and Action to authorize Port Staff to advertise for proposals for Belly Dump Truck and/or End Dump Truck Hauling Services.**

Mr. Herrera addressed the Board requesting authorization for Port Staff to advertise for proposals for Belly Dump Truck and/or End Dump Truck Hauling Services. Staff is requesting authorization to advertise to solicit proposals for belly dump and/or end dump trucks of 18-24 cubic yard capacity for hauling services. These services will be purchased as needed, the District does not guarantee any level of purchasing. Discussion followed regarding the terms of the RFP. Commissioner Cowen moved to authorize Port Staff to advertise for proposals for belly dump and/or end dump truck hauling services, and to open the received proposals thereof, Commissioner Lopez seconded, and the motion passed unanimously.

**12. Consideration and Action to authorize Staff to enter into a science support service agreement with USGS.**

Mr. Davis addressed the Board requesting authorization for Staff to enter into a science support service agreement with USGS. BND Staff is seeking authorization for a service agreement with USGS (United States Geological Survey). The purpose for this request is to go into a science support service agreement to install an acoustic doppler velocimeter on a sentinel buoy located inside the Brownsville Ship Channel. The USGS will own all the equipment and will be responsible for maintenance and replacement (if/as necessary) of all equipment. This will allow pilots to make real-time decisions to manage the deep draft vessel traffic and open a longer transit window. The equipment will provide the following information: Studies of tidal current, online measurements of currents and waves, measurement where the full wave spectrum is needed,

monitoring of transient waves for channel wall protection. With the new equipment the Brownsville Navigation District will be compatible with the PORTS(Physical Oceanographic Real-Time System) program. Discussion followed regarding the terms of the agreement and BND's rights on completion of the term. Commissioner Cowen moved to authorize staff to enter into the science support agreement with USGS as presented, subject to legal review, Commissioner Reed seconded, and the motion passed unanimously.

**13. Consideration and Action on proposal by HDR Engineering, Inc. for professional engineering services to prepare plans and specifications for the Bulk Cargo Dock Structural Repairs project, 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 to prepare plans and specifications for the Bulk Cargo Dock Structural Repairs project, and to authorize the Port Director & CEO to execute the Task Order. On December 1<sup>st</sup>, 2021, BND Commissioners authorized the Port Director and CEO to enter into an agreement with BND lessee West Plains, LLC on a 50%/50% cost sharing of engineering services for the Structural Analysis of Surface Loads and Ramp Structures at the Bulk Cargo Dock by consultant HDR Engineering, Inc. (HDR). The completed Report indicated that there are concerns in a localized area of the dock deck and in several of the H-Piles and cross beams under the dock. The repairs are necessary and required to restore the integrity and extend the life of the dock. BND Staff asked HDR to submit a proposal to prepare plans and specifications for these repairs. After a couple of iterations, HDR's final proposal is for a not-to-exceed fee is \$59,917.00. Commissioner Cowen moved to accept the proposal by HDR Engineering, Inc. for the design of the Bulk Cargo Dock Structural Repairs for a fee of \$59,917.00, which will not be exceeded without BND Commissioners' approval, Commissioner Reed seconded, and the motion passed unanimously.

**14. 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.

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


There was none.

**16. Adjournment.**

Commissioner Cowen moved to adjourn the meeting, Commissioner Reed seconded, and the meeting was adjourned by unanimous consent at 6:31 p.m.

ATTEST

  
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John Wood, Secretary

  
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Esteban Guerra  
Chairman of the Board