

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD AUGUST 2, 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, August 2, 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: Sergio Tito Lopez

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

STAFF MEMBERS: Miguel Barrajas
Ariel Chavez
Michael Davis
Karina Franco
Chief William Dietrich
Arturo Gomez
Jose Herrera
Jorge Montero
Margie Recio
Tony Rodriguez
Melinda Rodriguez
Janie Velasquez
Zeus Yanez

OTHERS PRESENT: Rev. Andreas Lewis
Jorge de la Colina
Rick Stephanow
Humberto Torres
Monica Tellam

1. Meeting Called To Order

The Chairman called the meeting to order at 5:40 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 Directors Report
a. Directors Reports

The reports were in the agenda book. Mr. Campirano presented Mr. Yanez, who informed the Board that the Port had again received the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada award.

CONSENT AGENDA

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

- a. Approval of the Minutes of the Regular Board Meeting of July 19, 2023.
- b. Approval to authorize payments over \$25,000.00:
 1. Carr, Riggs & Ingram, the amount of \$44,510.00, for FY 2022 BND Financial Statement audit & Pension Plan Financial Statement Audit;
 2. Foremost Paving, Inc., the amount of \$91,507.98, for 2023 Ostos Road Pavement Rehabilitation Project;
 3. RLB Contracting, Inc., the amount of \$656,740.80, for 2022 Placement Areas 5B, 7&8 improvements project.

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

5. Consideration and ACTION to acknowledge receipt of Certified Appraisal Roll and Property Tax calculations for the District's 2023 levy.

Mr. Yanez addressed the Board requesting acknowledgement of receipt of Certified Appraisal Roll and Property Tax calculations for the District's 2023 levy. On July 24, 2023, the Cameron Appraisal District certified the appraisal roll for properties in the District's jurisdiction. Submittal of the certified appraisal roll and the property tax rate calculations to the BND Commissioners are required steps in the tax assessment process of the Texas Tax Code Chapter 26. The 86th Legislature passed Senate Bill 2 with most amendments effective 01/01/2020, including adopting new terminology and calculations for the no-new-revenue (*formerly effective*) and voter-approval (*formerly rollback*) tax rates. SB 2 amendments also limits the allowed increases in the no-new-revenue M.O. rate to 3.5%, *formerly 8%*, and now requires taxing units to hold an automatic election for voters to accept or reject an adopted tax rate that exceeds the voter-approval tax rate. Commissioner Wood moved to acknowledge receipt of the Certified Appraisal Roll and Property Tax calculations for the District's 2023 Property Tax Levy, Commissioner Reed seconded, and the motion passed unanimously.

6. Consideration and ACTION to vote to publish a 2023 Proposed Tax Rate for the Brownsville Navigation District.

Mr. Yanez addressed the Board to vote to publish a 2023 Proposed Tax Rate for the Brownsville Navigation District. Under this item, the BND Commissioners will vote to publish a 2023 Proposed Tax Rate at **\$0.025589** per \$100 valuation. This proposed tax rate is equal to the lower of the **\$0.028039 no-new-revenue tax rate** and **\$0.025589 voter-approval tax rate**, and therefore no public hearing is required since the District is not proposing to increase property taxes in the 2023 tax year. Since the **\$0.025589 Proposed Tax Rate** does not exceed the **\$0.025589 voter-**

approval tax rate, the District is not required to hold an election to seek voter approval of the rate. In this agenda item, the Board has the option of accepting the **\$0.025589 proposed tax rate** or proposing an alternative rate. Commissioner Wood moved to accept and take a roll call vote to publish the **2023 Proposed Property Tax Rate of \$0.025589** per \$100 of valuation, which consists of a Maintenance and Operations rate of \$0.025589 per \$100 of valuation, Commissioner Reed seconded, and by roll call vote Commissioner Reed, Commissioner Wood, Commissioner Wood, and Chairman Guerra all voted “aye.”

7. Consideration and ACTION on Leases, Assignments, Negotiations, Easements, Subleases, and Contracts in General:

Mrs. Rodriguez addressed the Board regarding the following items:

1. Sharyland Utilities L.L.C. (Lease Amendment)

Sharyland Utilities L.L.C. is a successor in interest to Sharyland Distribution and Transmission Services, L.L.C., a current lessee under contract #4033. This amendment to the lease is for the purpose of increasing the size of the leased premises by 2.638 acres. Commissioner Reed moved to approve the Amendment to Lease Agreement with Sharyland Utilities L.L.C., Commissioner Wood seconded, and the motion passed unanimously.

2. IOC Company, L.L.C. (New Lease)

IOC Company, L.L.C. seeks a new lease for 3.907 acres located at 3075 Gator Court. Commissioner Reed moved to approve the new lease with IOC Company, LLC, Commissioner Wood seconded, and the motion passed unanimously.

8. Consideration and ACTION to award the contract for the engagement of professional video production services of the Port of Brownsville Business Park.

Mr. Montero addressed the Board requesting to award the contract for the engagement of professional video production services of the Port of Brownsville Business Park. On July 5, 2023, the Board of Commissioners authorized BND Staff to advertise proposals for Professional Video Production Services for the Port of Brownsville Business Park. Staff received and opened 8 proposals on July 27, 2023, for professional video production services. The proposals submitted and evaluated were from the following vendors:

- DELACOLINA Films, Brownsville, TX
- Advanced Federal, Berwyn, PA
- Fathom Studios, St. Louis, MO
- Goodsies LLC, Los Angeles, CA
- Seer Productions, Orlando, FL
- Talking Tree Creative, Catonsville, MD
- Toshi Oku Photography LLC, Los Angeles, CA
- SAS Agency, Friendswood, TX

Commissioner Reed moved to award the contract to DELACOLINA Films, from Brownsville, TX, in the amount of \$14,900 for the purchase of these services and to pay the invoices once received, Commissioner Wood seconded, and the motion passed unanimously.

9. Consideration and ACTION to reject the bid received from J&N King Inc. and authorize Port staff to re-advertise to solicit bids for 350 Cubic Yards (4000 PSI) of concrete.

Mr. Herrera addressed the Board requesting that the Board reject the bid received from J&N King Inc. and authorize Port staff to re-advertise to solicit bids for 350 Cubic Yards (4000 PSI) of concrete. On June 14, 2023, the Board of Commissioners authorized BND Staff to solicit bids for 350 Cubic Yards of Concrete. The bid solicitation was posted on the Port website and on Bidnet on July 2, 2023. Seven local vendors were contacted through Bidnet and an additional four were contacted through vendor websites. Bid documents were downloaded by 13 vendors and one intent to Bid was received. A Pre-Bid Conference was held Tuesday, July 11, 2023, at 2:00 PM. One vendor was in attendance and one addendum was issued to respond to vendor questions. One sealed Bid was received on Thursday, July 20, 2023, at 2:00 PM from local vendor J&N King, Inc. After review of the submitted bid, the amount per cubic yard exceeded the allocated funds for this project, therefore, BND Staff recommend rejecting the bid from J&N King, Inc. and authorize BND staff to re-advertise. Commissioner Reed moved to reject the bid received from J&N King Inc. and authorize BND staff to re-advertise for bids for the purchase of 350 cubic yards of 4000 PSI Concrete, and to open bids thereof, Commissioner Cowen seconded, and the motion passed unanimously.

10. Consideration and ACTION to Staff to issue payment to the U.S. Army Corps of Engineers for review of our Request to Relocate the Levees and the Boundary of Dredged Material Placement Area No. 8 in the amount of \$20,900.00.

Mr. Chavez addressed the Board requesting the authority to issue payment to the U.S. Army Corps of Engineers for review of our Request to Relocate the Levees and the Boundary of Dredged Material Placement Area No. 8 in the amount of \$20,900.00. BND Staff has been working with the Real Estate (RE) department of the **Galveston Division (SWG) of the United States Army Corps of Engineers (USACE)** on adjusting the boundaries and relocating some levees of the **Dredged Material Placement Area No. 8 (DMPA 8)** to increase patio space on the North side of said DMPA 8. On **May 3, 2023**, BND Commissioners authorized BND Staff to submit to USACE the application for this action. USACE estimates that review of the construction drawings for this action will cost **\$20,900.00**. BND Staff is requesting authorization to issue this payment. USACE also estimates that the cost to review and approve the boundary adjustments, release of the North 120 or so Acres and acceptance of the Southwest 150 or so Acres will cost **\$53,500.00**, for which they are preparing a Memorandum of Agreement (MOA) that will be presented by BND Staff to BND Commissioners once received. Commissioner Cowen moved to authorize payment of \$20,900.00 to the U.S. Army Corps of Engineers for their review of the construction plans to Relocate the Levees and the Boundary of Dredged Material Placement Area No. 8, Commissioner Reed seconded, and the motion passed unanimously.

11. Consideration and ACTION to authorize Port Staff to Advertise for Statements of Qualifications (SOQs) for Professional Engineering Services on the Dock Upgrades Analysis and Design as needed for the BIH Channel Deepening project.

Mr. Chavez addressed the Board asking for authority to Advertise for Statements of Qualifications (SOQs) for Professional Engineering Services on the Dock Upgrades Analysis and Design as needed for the BIH Channel Deepening project. BND Engineering Staff has been working with U.S. Army Corps of Engineers (USACE) and HDR Engineering, Inc. (HDR) on the BIH Channel

Deepening project over the last few years. Among other things, the BIH project requires BND to upgrade the docks in the deepened reaches of the Channel. The objective is to make optimal use of the docks with the deeper draft. The plan is to invite qualified consultants to submit their Statements of Qualifications (SOQs) to analyze the impacted docks and determine the improvements needed for us to make the best and highest use of them with the new deeper draft. To that end, BND Staff is requesting authorization to Advertise for SOQs in order to select one or more firms to analyze the six docks within the deepened reaches. Once authorized, BND Staff will publish an Invitation to Bid in the local newspaper, upload the project's SOQ document and selection criteria to the Port website, and invite known qualified consultants by email and by phone. Commissioner Reed moved to authorize BND Staff to prepare the Request for Qualification Statements on the Dock Upgrades Analysis and Design as required by the BIH Channel Deepening project, to publish it in the local newspaper as required by BND Procurement procedures, and to evaluate and rank the submitted Statements of Qualifications once they are received, Commissioner Cowen 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 deliberate the purchase, exchange, lease, or value of real property; 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 6:25 p.m., and that the Board would adjourn into executive session. Wood, Reed, passed unanimously.

The Chairman then announced that the time was 6:50 p.m., and that the Board had reconvened in open session.

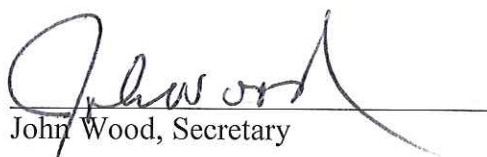
- 13. Possible action on matters or items discussed in Executive Session.**


There was none.

- 14. Adjournment.**

Commissioner Cowen moved to adjourn the meeting, Commissioner Wood seconded, and the meeting was adjourned by unanimous consent at 6:50 p.m.

ATTEST


John Wood, Secretary



Esteban Guerra
Chairman of the Board