

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD SEPTEMBER 06, 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, September 06, 2023 at 5:30 p.m.** The following individuals were present and absent:

PRESENT: Esteban Guerra, Chairman
John Wood
Sergio Tito Lopez

ABSENT: Ralph Cowen
John Reed

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

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

OTHERS PRESENT: Rev. Andreas Lewis
Norma Torres
Jorge De La Colina
Vincent Landoli
Fernando Gonzales
Clemente Rodriguez
Nicolas Rodriguez
Humberto Torres

1. Meeting Called To Order

The Chairman called the meeting to order at 5:30 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 Report

The Board received 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 August 16, 2023.
- b. Approval to authorize payments over \$25,000.00:
 1. Electro-Hi, LLC, the amount of \$129,297.60, Waterline Replacement Borings Project;
 2. Foremost Paving, Inc., the amount of \$616,215.89, for Ostos Road Pavement Rehabilitation Project;
 3. HDR Engineering Inc., the amount of \$32,673.92, for Channel Deepening Project-Construction Phase Support;
 4. McGriff Insurance Services, LLC, the amount of \$39,000.00, for Insurance Consulting Fee-Service Policy No. 202;
 5. Omega Industries, Inc., the amount of \$44,195.94, for Ostos Road Paving Rehabilitation Project;
 6. Progressive Rail Service Corporation, the amount of \$74,146.00, for Rail, Ties, and other Railroad Crossing Materials;
 7. RLB Contracting, Inc., the amount of \$1,055,901.60, for 2022 Placements Areas 5B, 7 & 8 improvements;
 8. T.D. American Limestone, LLC, the amount of \$69,067.23, for Crush Limestone – Patio 22 expansion project;
 9. United States Geological Survey, the amount of \$30,500.00, for Science Support Service Agreement.

Chairman Guerra asked for a report regarding recent limestone purchases and plans for any future purchases. Mr. Gomez addressed the Board.

Commissioner Wood asked for clarification regarding the payment to McGriff Insurance Services. Mrs. Recio addressed the Board.

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

5. Discussion and Possible Action to approve amendments to the District's Fiscal Year 2023 Operating and Capital Budgets.

Mr. Yanez presented the Board with possible amendments to the District's Fiscal Year 2023

Operating and Capital Budget. The proposed FY 2023 amended budget has been updated to include actual railroad track lease rental revenues, updated lease revenue projections, and a decrease to the capital budget for completed projects. The FY 2023 budget amendments are based on the current year's actual revenues and expenditures to date, and projected operational needs for the remainder of the fiscal year. Discussion followed and it was clarified that removal or addition of any positions would be considered at a separate meeting. Commissioner Lopez moved to approve the amendments to the budgets as presented, Commissioner Wood seconded, and the motion passed unanimously.

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

Mr. Campirano, Mr. Gomez, and Mrs. Rodriguez addressed the Board regarding the following items:

1. Tameme Inc. (Authority to Negotiate)

Tameme Inc. is interested in leasing approximately 4.28 acres located next to 905/BMW off Boxcar Road. Staff requested authority to negotiate a new lease for a term of one year with four renewal options of one year each. Commissioner Wood moved to approve the Authority to Negotiate a new lease with Tameme Inc., Commissioner Lopez seconded, and the motion passed unanimously.

2. Texas Shrimp Association (Authority to Negotiate)

The lease with Texas Shrimp Association, a current lessee under BND contract #3950 expired on July 31, 2023, with no renewal options. Staff requested authority to negotiate a new lease for a term of one year with four renewal options of one year each. The 0.44-acre site is located at 1000 Everglades Road. Commissioner Wood moved to approve the Authority to Negotiate a new lease with Texas Shrimp Association, Commissioner Lopez seconded, and the motion passed unanimously.

3. Espinoza Manufacturing Solutions, LLC (New Lease)

Espinoza Manufacturing Solutions, LLC is seeking a New Lease for 2.122 acres located at 2975 Dry Dock Court for a term of one year with four renewal options of one year each. Commissioner Lopez moved to approve a New Lease for Espinoza Manufacturing Solutions, LLC, Commissioner Wood seconded, and the motion passed unanimously.

7. Consideration and ACTION to award Bid received for the Purchase and Delivery of materials for Ostos Road 1 Milo to Dock #16 Ditch Project.

Mr. Herrera addressed the Board requesting to award Bid received for the Purchase and Delivery of materials for Ostos Road 1 Milo to Dock #16 Ditch Project. On August 3, 2023, BND Staff solicited for Bids for materials to be used on the Ostos Road 1 Milo to Dock #16 Ditch Project. This project was previously approved by the Board on December 21, 2022. BND Staff received and opened two bids on August 10, 2023. One bid was submitted by Core & Main of Brownsville, TX in the amount of \$25,647.03 and the second bid submitted was from Aguaworks Pipe & Supply of Brownsville, TX in the amount of \$30,617.46. This material will be utilized for the installation of manholes and sewer lines as specified by BND Engineering Department for this section of the project. Commissioner Lopez moved to award the Bid to Core & Main in the amount of \$25,647.03

and issue payment of the invoice once received. Commissioner Wood seconded, and the motion passed unanimously.

8. Consideration and ACTION to reject the bid received from G&T Paving and authorize Port staff to re-advertise to solicit bids for 350 Cubic Yards (4000 PSI) of Concrete.

Mr. Herrera addressed the Board requesting to reject the bid received from G&T Paving 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. RFB has been posted twice on Port website and on Bidnet first on July 2, 2023, and on August 6, 2023. Seven local vendors were contacted through Bidnet and an additional seven were contacted through vendor websites and email. A Pre-Bid Conference was held Tuesday, August 10, 2023, at 10:00 am. No vendor was in attendance and no addendum was issued. One sealed Bid was received and opened on Tuesday, August 22, 2023, at 2:00 pm from local vendor G&T Paving, LLC. Chairman Guerra asked Staff about the high prices of this material and what steps would be taken to secure a more reasonable price. Mr. Herrera addressed the Board. Commissioner Wood moved to reject the bid received from G&T Paving, LLC and authorize BND Staff to re-advertise to solicit bids for the purchase of 350 cubic yards of 4000 PSI Concrete, and to open bids thereof. Commissioner Lopez seconded, and the motion passed unanimously.

9. Consideration and ACTION to authorize staff to request proposals for the District external audit services for Fiscal Years 2023 – 2025.

Mr. Yanez addressed the Board requesting to authorize BND Staff to request proposals for the District external audit services for Fiscal Years 2023 – 2025. The District annually engages a certified public accounting firm to perform the District’s required annual financial and compliance audits. An annual audit of The Retirement Plan for Employees of Brownsville Navigation District is also required and performed as a separate engagement. Fiscal Year 2022 was the third year of the current contract with Carr, Riggs, and Ingram, LLC. BND Staff is requesting authorization to solicit Proposals for the District’s external audit service for the Fiscal Years Ending December 31, 2023, through December 31, 2025. The procurement process will follow Texas Government Code 2254 (the “Professional Services Procurement Act”) and the District’s procurement policies. Commissioner Lopez moved to authorize BND Staff to solicit proposals for the required external audit services for Brownsville Navigation District and the Retirement Plan for Employees of the Brownsville Navigation District for the next three Fiscal Years (2023 – 2025). Commissioner Wood seconded, and the motion passed unanimously.

10. Consideration and ACTION to authorize staff to request proposals for the Third-Party Administrative Services and Actuarial Services for the Retirement Plan for Employees of the Brownsville Navigation District and the 457(b) Retirement Plan for Fiscal Years 2024 – 2026.

Mr. Yanez addressed the Board requesting to authorize BND Staff to request proposals for the Third-Party Administrative Services and Actuarial Services for the Retirement Plan for Employees of the Brownsville Navigation District and the 457(b) Retirement Plan for Fiscal Years 2024 – 2026. The District entered into an agreement with Alliance Benefit Group (“ABG”) on April 2020 to provide third-party administrative and actuarial services to The Retirement Plan for Employees of the Brownsville Navigation District and the District sponsored 457(b) Retirement Plan. The contract is set to expire December 31, 2023, and all renewal options have been exhausted. It is the

BND staff's intent to solicit proposals for third-party administrative services and actuarial services separately. The procurement process will follow Texas Government Code 2254 (the "Professional Services Procurement Act") and the District's procurement policies. Commissioner Lopez moved to authorize BND Staff to solicit proposals for the required third-party administrative services and actuarial services for the Retirement Plan for Employees of the Brownsville Navigation District and the 457(b) Retirement Plan for Employees of the Brownsville Navigation District for the next three Fiscal Years (2024 – 2026). Commissioner Wood seconded, and the motion passed unanimously.

- 11. 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).**

There was none.

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

There was none.


- 13. Adjournment.**

Commissioner Wood moved to adjourn the meeting, Commissioner Lopez seconded, and the meeting was adjourned by unanimous consent at 6:13 p.m.

ATTEST



John Wood, Secretary



Esteban Guerra
Chairman of the Board