

**THE STATE OF TEXAS §
BROWNSVILLE NAVIGATION DISTRICT §
COUNTY OF CAMERON §**

Esteban Guerra, Chairman
John Wood, Secretary
Sergio Tito Lopez, Commissioner

Ralph Cowen, Vice Chairman
John Reed, Commissioner

Eduardo A. Campirano, Port Director and CEO

**NOTICE A REGULAR BOARD MEETING OF THE
BROWNSVILLE NAVIGATION DISTRICT**

Notice is hereby given that the Board of Commissioners of the Brownsville Navigation District will meet on **Wednesday, December 06, 2023** in the Board Room located at 1000 Foust Road, Brownsville, Cameron County, Texas. The Board of Commissioners will convene in a **Regular Board Meeting at 5:30p.m.**

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REGULAR MEETING:

1. Call to Order.

INVOCATION

PLEDGE OF ALLEGIANCE

2. Public Audience.

If you wish to address the Board of Commissioners during the Public Audience portion of today's meeting about either an **item on this agenda or other issue**, please print your name and the agenda item or topic of discussion you wish to address on the Sign-In-Sheet located at the Reception Desk.

In accordance with BND Policy, only those persons who have signed up on the list shall be heard. The speaker must limit remarks to three minutes. The Board shall allot no more than 30 minutes for the Public Audience portion of the meeting. Complaints and concerns for which other channels of resolution are provided shall be directed through those channels. If the Chairman of the Board determines that a person has not attempted to resolve a matter administratively, the person shall be directed to the appropriate individual for attempted resolution before bringing the matter to the Board. A complaint against specific employees or officers of the BND shall be heard in a Closed Meeting, as authorized by the *Texas Government Code Title 5 – Sections 551.074(1) and (2)*. If your topic concerns a complaint against a specific employee or officer, please note this on the sign-in sheet. You must make your points on issues in a constructive and courteous fashion pursuant to *Robert's Rules of Order*.

3. Directors Reports

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CONSENT AGENDA ITEMS

All Consent Agenda Items listed are considered to be routine by the BND Commission and will be approved in one motion. There will be no separate discussion of these items unless at least one BND Commissioner so requests, in which event the item will be removed from the Consent Agenda and considered separately in the Regular Agenda.

4. Consideration and ACTION on the following Consent Agenda Items:

- a) Approval of the Minutes of the Special Board Meeting and Regular Board Meeting of November 9, 2023 and November 15, 2023. 51
- b) Approval to authorize payments over \$25,000.00. 59

	Vendor	Purpose	Amount	
1	Foremost Paving, Inc.	2023 Ostos Road Pavement Rehabilitation Project	\$575,957.89	61
2	HDR Engineering Inc.	Channel Improvement Project – Phase 2 Design Repackaging	\$74,290.70	63
3	RLB Contracting, Inc.	2022 Placement Areas 5B, 7 & 8 Improvements	\$977,230.80	75
4	R.M. Walsdorf, Inc.	Dock 11 – Concrete Pad Project	\$600,425.63	77
5	Texas Economic Development Corporation	Texas EDC Annual Investors Subscription	\$25,000.00	79
6	Tyler Technologies, Inc.	2024 Annual Fees	\$44,847.34	80

5. Consideration and ACTION to approve payment to the Department of the Army related to the Brazos Island Harbor Project cost sharing requirements. (ZY) 81

ACTION ITEMS

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

1	Texas KLM, LLC DBA KLM Terminal (Consent to Assignment)	83
2	Valley Midstream, LLC (Lease Amendment)	86
3	ARX Energy, LLC (Acknowledge – Effective Date Notice)	89
4	EGA Javelina LLC (Option to Lease)	92
5	CHCL Enterprises (New Lease)	95

BIDS/AGREEMENTS/PURCHASES

7. Consideration and ACTION to approve purchase of annual subscription from Fifth Asset, Inc., DBA DebtBook for a lease and subscription-based information technology arrangement accounting software, pursuant to BuyBoard cooperative purchasing contract number 692-23. (ZY) 98
8. Ratify emergency purchase of services for remediation and clean-up/waste disposition in response to a fire incident on Port property, pursuant to TIPS contract number 22100201. (ZY) 101
9. Consideration and ACTION on request to authorize Staff to purchase (1) set of maintenance parts package for Zollern multi-disk hoist brake for GHMK 6507 Model 6 Crane from Kone Crane. (MD) 104
10. Consideration and ACTION to award extension of contract for the purchase and delivery of limestone for BND Projects. (JH) 111
11. Consideration and ACTION to award extension of contract for the purchase and delivery of Hauling Services as needed. (JH) 113
12. Consideration and ACTION to award extension of contract for the purchase and delivery of Testing and Lab Services for BND Wastewater Treatment Plants. (JH) 115
13. Consideration and ACTION to authorize Chairman of the Board Esteban Guerra, Port Director and CEO Eduardo A. Campirano and Secretary of the Board John Wood to execute the U.S. Army Corps of Engineers' Project Management Plan (PMP) for the Brazos Island Harbor Channel Deepening project, on behalf of the Port. (AC) 117
14. Consideration and ACTION to authorize Staff to issue payment to the U.S. Army Corps of Engineers of administrative fees of \$53,500.00 for the Land exchange of Tracts 125E and 126E in the Port of Brownsville and authorize Chairman of the Board Esteban Guerra to execute the corresponding Memorandum of Agreement. (AC) 252
15. Consideration and ACTION on request by the United States Army Corps of Engineers (USACE) for additional fees for disposal of a portion of USACE Easement Tract No. 9, authorizing payment of the requested additional \$10,000.00 review fees to USACE. (AC) 262
16. Consideration and ACTION on request to authorize Staff to Advertise for Bids on the Cargo Docks 15 & 16 Roads Concrete Pavement project, and to open bids thereof. (AC) 265
17. Consideration and ACTION on Change Order No. 2 to the 2023 Ostos Road Pavement Rehabilitation project, adjusting the contract volumes and time to provide for the additional work. (AC) 266
18. Consideration and ACTION on request by the County of Cameron for additional funding participation on engineering design with the Texas General Land Office and of the Children's Beach Restoration project. (AC) 269
19. Consideration and ACTION to authorize staff to purchase the Harbormaster's Office Building Generator pursuant to BuyBoard National Purchasing Cooperative Proposal 657-21. (AC) 274

EXECUTIVE SESSION:

- 20. 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).
- 21. Possible ACTION on matters or items discussed in Executive Session.
- 22.. Adjournment.

NOTE: The Board of Commissioners reserves the right to discuss any items in Executive Session whenever authorized under the Texas Open Meetings Act, Chapter 551, Title 5 of the *Texas Government Code*.

NOTE: The Brownsville Navigation District does not discriminate on the basis of disability in the admission of, access to, treatment of, or employment in its programs, activities, or public meetings. Any individual with a disability in need of an accommodation is encouraged to contact the Director of Human Resources by Monday, no later than 5:00 P.M., to make proper arrangements.

I certify that a copy of the December 06, 2023 Agenda of items to be considered by the Brownsville Navigation District Commission was posted on the Bulletin Area at the BND Building on December 01, 2023. I further certify that the Agenda was posted on the BND's website and can be downloaded by accessing: www.portofbrownsville.com.



**Eduardo A. Campirano, Port Director & CEO
Brownsville Navigation District**