

**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

William Dietrich, Interim 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 **February 21, 2024** 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. Port Monthly Operations Summary Report 1

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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 Regular Board Meeting of February 7, 2024. 8
 - b) Approval to authorize payments over \$25,000.00. 16

	Vendor	Purpose	Amount	
1	RLB Contracting, Inc.	2022 Placement Areas 5B, 7 & 8 Improvements project	\$289,437.30	17

- 5. Consideration and ACTION on Steamship Agent License Renewal Application for: Moran Shipping Agencies, Inc. 19
- 6. Consideration and ACTION on Solid Waste Collection and Disposal License Renewal Application for: 23
 - Republic Services
 - Brownsville GMS, LTD

ACTION ITEMS

- 7. Consideration and ACTION authorizing Port Director and CEO to sign Memorandum of Understanding between Brownsville Navigation District and Sam Houston State University College of Criminal Justice Institute for Homeland Security (IHS). (WD) 31
- 8. Consideration and ACTION to amend the Records Management Policy. (MR) 37
- 9. Consideration and ACTION on amending Tariff Number 6, Item 050 – Definitions of Terms. (MR): 41
- 10. Consideration and ACTION on amending Tariff Number 6, Item 275 – Wharfage Charges (Heavy Lift/Project Cargo Charges). (MR) 43
- 11. Consideration and ACTION on amending Tariff Number 6, Item 277 – Security Surcharge. (MR) 45
- 12. Consideration and ACTION on Leases, Assignments, Negotiations, Easements, Subleases, and Contracts in General:

1.	South Texas Railways Inc. (Authority to Negotiate)	47
2.	Brownsville Gulfside Warehouse Inc. (Authority to Negotiate)	50
3.	Enbridge (USA) Inc. (Option to Lease)	53

BIDS/AGREEMENTS/PURCHASES

13. Consideration and ACTION to amend BND Contract #4343 with Finston, Friedman, Fisher Law Group LLP to reflect new hourly rates. (ZY) 56
14. Consideration and ACTION to Ratify authorization for Port Staff to solicit Bids for Disposal of Oily Water from the Fishing Harbor Sewer Treatment Plant and to open bids thereof. (JH) 58
15. Consideration and ACTION on request to authorize Staff to Advertise for Bids on the Ostos Road Pavement Striping, Signage and Markings project, and to open bids thereof. (AC) 59
16. Consideration and ACTION to authorize Port Staff to Advertise for Bids to purchase Rails, Ties, Ballast and other Railroad Crossing Materials for railroad improvements on Foust Road, Bill Reed Road and Windhaus Road, and to open bids thereof. (AC) 60
17. Consideration and ACTION on Change Order No. 3 to the 2023 Ostos Road Pavement Rehabilitation project to provide for overruns, delete unused items and adjust the contract time as needed, and to accept work performed by contractor on this project and authorize final payment of \$2,798.431.56, which includes retainage and all completed work. (AC) 61
18. Consideration and ACTION to accept Jacobs' proposal for Professional Engineering Services on the Dock Upgrades Vessel Analysis as required for the BIH Channel Deepening project and to authorize the Interim Port Director and CEO to execute the Master Professional Services Agreement. (AC) 67
19. Consideration and ACTION on corrected Resolution adopting the Advance Funding Agreement with the Texas Department of Transportation for the Reconstruction of Cargo Dock #3 in the Port of Brownsville and designating a Signatory for the AFA and a Responsible Person in Charge and a Project Manager. (AC) 79

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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 February 21, 2024 Agenda of items to be considered by the Brownsville Navigation District Commission was posted on the Bulletin Area at the BND Building on February 16, 2024. I further certify that the Agenda was posted on the BND's website and can be downloaded by accessing: www.portofbrownsville.com.



**William Dietrich, Interim Port Director & CEO
Brownsville Navigation District**