

**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 **March 20, 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. Reports

Directors’ Reports	1
Port Monthly Operations Summary Report	50

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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 21, 2024. 57
 - b) Approval to authorize payments over \$25,000.00. 65

	Vendor	Purpose	Amount	
1	HDR Engineering Inc.	Channel Deepening Project; Cargo Dock 3 – Phase 1 Project; PA 8 Study Design Project	\$102,517.89	66
2	RLB Contracting, Inc.	2022 Placement Areas 5B, 7 & 8 improvements project	\$1,533,016.80	77

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ACTION ITEMS

- 5. Consideration and ACTION to approve Employment Agreement for Interim Port Director and CEO. 79
- 6. Consideration and ACTION on acknowledging receipt of OmniTRAX’s (BRG) intent to change (increase) rates on weigh scales. (WD) 80
- 7. Consideration and ACTION on an Amended Order and Amended Notice for an election to be held on May 4, 2024 for the purpose of electing three Navigation and Canal Commissioners to add three additional Early Voting Locations. (MR) 81
(Consideración y acción sobre Enmienda de Orden y Enmienda de Aviso de elección que se celebrará el 4 de mayo de 2024 con el propósito de elegir tres Comisionados de Navegación y Canal para añadir tres ubicaciones de casillas para votación previa)
- 8. Consideration and ACTION to declare the 2,400 sq. ft. structure at the former Esco Site located at 500 Yard Road as surplus to the District’s needs and to authorize its disposition. (MR) 88
- 9. Consideration and ACTION on Leases, Assignments, Negotiations, Easements, Subleases, and Contracts in General:

1.	Aguilar Brothers, Inc. (Authority to Negotiate)	105
2.	Guadalupe Ochoa – 3200 Cajun Court (Authority to Negotiate)	108
3.	Guadalupe Ochoa – 1695 Bayou Court (Authority to Negotiate)	111

4.	Pollos Diesel / Mota's Refrigeration (Authority to Negotiate)	114
5.	Westa Inc. (Authority to Negotiate)	117
6.	Snodgrass Inc. (Authority to Negotiate)	120
7.	Bay Bridge Texas LLC (Lease Amendment)	123
8.	Tameme Inc. (New Lease)	126

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BIDS/AGREEMENTS/PURCHASES

10. Consideration and ACTION to authorize Staff to advertise and solicit for proposals for the District's property and liability insurance program. (MR) 129
11. Consideration and ACTION on proposals received for Janitorial Services for Port of Brownsville Buildings. (MR) 130
12. Consideration and ACTION to Ratify extension of Excavator rental agreement, pursuant to BuyBoard contract #685-22. (JH) 134
13. Consideration and ACTION to authorize Port Staff to proceed with the rental of a Bulldozer for the continued development of the 118-acre Industrial Park, pursuant to BuyBoard contract #685-22. (JH) 136
14. Consideration and ACTION to authorize Port Staff to Purchase TX5 Tensar Geo Grid (Sole Source Item) from vendor Geo Solutions Inc. (JH) 138
15. Consideration and ACTION to award annual contract for the Disposal of Oily Water from the Fishing Harbor Sewer Treatment Plant. (JH) 142
16. Consideration and ACTION to authorize Staff to award Bid for the purchase of Drainage Material for the 118-acre Industrial Park project. (JH) 143
17. Consideration and ACTION on Resolution authorizing the Interim Port Director and CEO and the Deputy Port Director to submit applications for rezoning to the City of Brownsville and designating both as signatories for any documents thereby required. (AC) 146
18. Consideration and ACTION on award to bids received for the Port Business Park Concrete Pavement project, and to authorize staff to issue the Notice of Award to the successful bidder. (AC) 148
19. Consideration and ACTION on Amendment to original proposal from EarthCo, L.L.C. for Construction Materials Engineering Testing services for the 2023 Ostos Road Pavement Rehabilitation project. (AC) 150
20. Consideration and ACTION on Change Order No. 2 to contract with RLB Contracting, Inc. on the 2022 Placement Areas 5B, 7 & 8 Improvements project, providing for additional truck transportation of material from Placement Area 7 to Placement Area 5B. (AC) 154

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EXECUTIVE SESSION:

- 21. 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).

- 22. Possible ACTION on matters or items discussed in Executive Session.

- 23. 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 March 20, 2024 Agenda of items to be considered by the Brownsville Navigation District Commission was posted on the Bulletin Area at the BND Building on March 15, 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**