

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD APRIL 3, 2024 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, April 3, 2024 at 5:30 p.m.**

The following individuals were present and absent:

PRESENT: Ralph Cowen, Vice Chairman
John Wood
John Reed
Sergio Tito Lopez

ABSENT: Esteban Guerra, Chairman

ALSO PRESENT: William Dietrich, Interim Port Director and CEO
Daniel Rentfro, Jr. District Counsel
William Irwin, District Counsel

STAFF MEMBERS: Miguel Barajas
Manuel Martinez
Michael Davis
Arturo Gomez
Jose Herrera
Margie Recio
Memo Rico
Tony Rodriguez
Julio Romo
Janie Velasquez
Zeus Yanez

OTHERS PRESENT: Rev. Andreas Lewis
Nancy Gaytan
Jorge Cardenas
Beto Torres
Shariff Gonnella
Jorge De La Colina
Eduardo Campirano
Susan Cowen
Helen Ramirez
Blas Cruz
Ricardo Gonzalez
Felix Saucedo

REGULAR MEETING

1. Meeting Called To Order

The Vice Chairman called the meeting to order at 5:37 p.m. Reverend Lewis offered a prayer. The Vice 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 Director's Report.

The Board received the reports. Vice Chairman Cowen asked for a motion to acknowledge receipt of the reports. Commissioner Wood moved to acknowledge receipt of the directors reports, Commissioner Lopez seconded, and the motion passed unanimously.

PRESENTATION

4. Presentation by the City of Brownsville on fiber update.

Helen Ramirez and Jorge Cardenas addressed the Board and made a presentation regarding the City's fiber installation project. Discussion followed. Vice Chairman Cowen thanked Ms. Ramirez and Mr. Cardenas for their presentation.

CONSENT AGENDA ITEMS

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

- a. Approval of the Minutes of the Regular Board Meeting of March 20, 2024.
- b. Approval to authorize payments over \$25,000.00:
 1. Konecranes, Inc., the amount of \$32,497.45, for parts and freight for the operation of the BND crane; and,
 2. TD American Limestone Products, LLC, the amount of \$36,432.16, for crushed limestone for patio repairs and maintenance.

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

ACTION ITEMS

6. **Consideration and ACTION on a Second Amended Order and Second 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.** *Consideracion y accion sobre Segunda Enmienda de Orden y Segunda Enmienda de Aviso de eleccion que de celebrara el 4 de Mayo de 2024 con el proposito de elegir tres Comisionados de Navegacion y Canal para anadir tres ubicaciones de casillas para votacion previa.*

Ms. Recio addressed the Board on the District's original Order of Election and Notice of Election

was presented to the Commission on February 7, 2024. The first amendment Order and Notice of Election was presented and approved on March 20, 2024. A request was made to the Cameron County Elections department requesting to add Rancho Viejo City Hall to serve as an additional Early Voting Site Location. Commissioner Reed moved to adopt the Second Amended Order and Second Amended Notice, Commissioner Lopez seconded, and the motion passed unanimously.

7. Consideration and ACTION on request to ratify proposal from Braun Intertec Corporation for sediment, water, and elutriate sampling for Cargo Dock #10 Maintenance Dredging.

Mr. Dietrich addressed the Board on BND Staff's request for ratification of a proposal from Braun Intertec Corporation for additional sediment, water, and elutriate sampling and summary reporting for the Cargo Dock #10 Maintenance Dredging project. The United States Army Corps of Engineers ("USACE") approved the Sampling and Analysis Plan ("SAP") on March 25, 2024. As part of the approved SAP, additional sediment, water, and elutriate sampling and reporting is necessary to obtain the USACE permit. This additional work will increase the total cost of services provided by Braun Intertec Corporation for sediment, water, and elutriate sampling for Cargo Dock #10 dredging to \$29,400.00. Commissioner Reed moved to ratify the proposal, increasing the current cost from \$16,400.00 to \$29,400.00, Commissioner Wood seconded, and the motion passed unanimously.

8. Consideration and ACTION to authorize BND Staff to purchase 8" Sch 40 Grey PVC to be utilized for the continued development of 118-acre Industrial Park, pursuant to BuyBoard contract #657-21.

Mr. Herrera addressed the Board that on April 19, 2023, BND Commissioners authorized BND Staff to proceed with the development of 118-acre Industrial Park and to solicit quotes / bids for the purchase of material required for construction. BND Staff requested and received a quote from CED Electrical Supplies (Bush Supply Company) with Buy Board Contract #657-21 for 2500 feet of 8" Sch. 40 Grey PVC at a cost of \$1,462.86 per 100' and total cost of \$36,571.50. This material will be used in preparation of infrastructure required by BPUB to complete their electrical installation. Commissioner Reed moved to authorize the purchase of materials and issue payments of invoice(s) once materials are received, Commissioner Wood seconded, and the motion passed unanimously.

9. Consideration and ACTION on bids received for the Railroad Crossing Materials for Foust, Bill Reed, and Windhaus Roads – Rail, Rubber Crossings, Wooden Ties, Ballast, and other Steel Appurtenances project, and to authorize BND Staff to issue purchase order to the lowest successful bidders.

Mr. Martinez addressed the Board that on February 21, 2024, BND Commissioners authorized BND Staff to advertise for bids on the Railroad Crossing Materials for Foust, Bill Reed, and Windhaus Roads – Rail, Rubber, Crossings, Wooden Ties, Ballast and other Steel Appurtenances project, which includes all the materials required for the railroad crossings on Foust Road, Bill Reed Road (2), and Windhaus Road (2). BND Engineering and BND Finance Staff opened bids on March 19, 2024, from four interested suppliers. Staff reviews and tabulated unit prices. Menad Industries L.L.C. submitted the lowest bid in the amount of \$118,146.00 for the steel-based materials, and \$46,311.00 for the wooden ties. For the rubberized crossings materials, HiRail Corporation was the lowest bidder, submitting a bid in the amount of \$113,426.91. The track

ballast's low bid was from TD American, in the amount of \$10,125.00. The lead time for all materials varies from 6 to 8 weeks. Commissioner Reed moved to award the contract and authorize BND Staff to issue the Purchase Orders for these materials. Commissioner Lopez seconded, and the motion passed unanimously.

10. Consideration and ACTION on bids received for the Ostos Road Pavement Striping, signage and markings project, and authorize BND Staff to issue the Notice of Award to the successful bidder.

Mr. Martinez addressed the Board that on February 21, 2024, BND Commissioners authorized BND Staff to solicit bids on the Ostos Road Pavement Striping, Signage and Markings project for the recently completed pavement rehabilitation on the said Ostos Road and to open bids on this project once received. On March 27, 2024, BND Engineering and BND Finance Staff received and opened two bids. Staff reviewed and tabulated unit prices. Valley Striping Corporation was the lowest bidder, submitting a Bid in the amount of \$126,529.84. The second lowest bid was submitted by Pavement Markings, Inc. in the amount of \$128,829.47. This project consists of the application of all striping, symbols, railroad crossings, guardrails, signage, road, and docks nomenclature and pavement markers needed. The purpose of this project is to improve visibility, reduce risks, and increase safety on the road. Commissioner Lopez asked staff to take photographs before and after the completion of the project. Commissioner Wood moved to award the contract and authorize BND Engineering Staff to issue the Notice of Award to the successful bidder, Commissioner Reed seconded, and the motion passed unanimously.

11. Consideration and ACTION on Amendment to original proposal from Professional Service Industries, Inc. for Construction Material Engineering Testing Services for the BND Dock 11 Concrete Pad project.

Mr. Martinez addressed the Board that on June 14, 2023, BND Commissioners approved the Proposal from Professional Service Industries, Inc. ("PSI") to perform Construction Materials Engineering Testing services for the BND Dock 11 Concrete Pad project by R.M. Walsdorf, Inc. for a not-to-exceed fee of \$50,881.00. The material testing services included verification of the Base and Subgrade densities, concrete cylinders testing to determine compression strength and slump testing of every truck to confirm that the material is being furnished with the required water-cement ratio. The project required additional testing which was performed by PSI as they were called. The Purchase Order by PSI, therefore, requires an amendment in the amount of \$11,287.50 due to additional work required for this project, for a new total amount of \$62,168.50. Commissioner Reed moved to approve the amendment to the proposal as presented, Commissioner Lopez 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).

There was none.


13. Possible ACTION on matters or items discussed in Executive Session.

There was none.

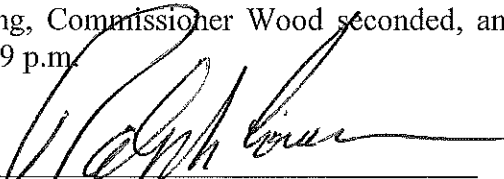
14. Adjournment.

Commissioner Lopez moved to adjourn the meeting, Commissioner Wood seconded, and the meeting was adjourned by unanimous consent at 6:09 p.m.

ATTEST



John Wood, Secretary



Ralph Cowen
Vice Chairman of the Board