

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND  
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF  
CAMERON COUNTY, TEXAS HELD JANUARY 22, 2025 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 of the board on **Wednesday, January 22, 2025 at 5:30 p.m.**

The following individuals were present and absent:

**PRESENT:** Esteban Guerra, Chairman  
Sergio Tito Lopez  
John Wood  
Ernesto Gutierrez

**ABSENT:** John Reed

**ALSO PRESENT:** William Irwin, District Counsel

**STAFF MEMBERS:** Arturo Gomez  
Julio Romo  
Jose Herrera  
Jorge Montero  
Margie Recio  
Janie Velasquez  
Zeus Yanez  
Yessenia Gonzalez  
Ariel Chavez  
Michael Davis  
Tony Rodriguez  
Estela Rangel  
Miguel Barajas

**OTHERS PRESENT:** Rev. Andreas Lewis  
Albert Perez  
Shariff Gonnella  
Andrea Meneses  
Jorge De La Colina

**REGULAR MEETING**

**1. Meeting Called To Order**

The Chairman called the meeting to order at 5:31 p.m. Reverand 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**

There was none.

### **3. Operations Summary Report**

Mr. Yanez presented the report to the Board.

### **CONSENT AGENDA**

#### **4. Consideration and ACTION on the Following Consent Agenda Items:**

- a. Approval of the Minutes of the Regular Board Meeting of January 08, 2025;
- b. Approval to authorize payments over \$25,000.00:
  1. CB3 Consultants, LLC, the amount of \$60,850.00, for the purchase of a 6' water pump; and
  2. IOC Company, LLC, the amount of \$355,753.14, for the Business Park Concrete Pavement project; and
  3. Jacobs Engineering Group Inc., the amount of \$25,464.22, for POB Berth Deepening project, Phase I.

Commissioner Gutierrez asked for clarification on 4b1, and Mr. Herrera confirmed that the purchase is for a 6-inch water pump.

Commissioner Wood moved to approve all Consent Agenda Items with the correction noted, Commissioner Gutierrez seconded, and the motion passed unanimously.

### **INFORMATION**

#### **5. Presentation of District's Investment Report for the quarter ended December 31, 2024.**

Mr. Yanez presented to the board that, as per Section 2256.023 of the Government Code Chapter 2256, Public Funds Investment Act, the governing board shall receive not less than quarterly a written investment report prepared and signed by the Investment Officer of investment transactions for all funds for the preceding reporting period. The District's Investment Report covers the quarter ended December 31, 2024. The investment portfolio is compiled with Chapter 2256 and the District's Investment Policy & Investment Strategies. As of December 31, 2024, the District maintained \$26,663,606 in demand deposits at Lone Star National Bank and \$56,391,166 with Local Government Investment Pools for a total of \$83,054,772. The report also includes an allocation of invested principal funds. Mr. Yanez also noted that the BND had received an award for excellence in the BND's investment policies. The Board congratulated staff for all their good work.

### **ACTION ITEMS**

#### **6. Consideration and ACTION on Leases, Assignments, Negotiations, Easements, Subleases, and Contracts in general.**

Mrs. Velasquez addressed the Board regarding the following Items:

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1. 57 Concrete, LLC (**Authority to Negotiate**)

57 Concrete, LLC is seeking the Authority to Negotiate a new lease for approximately 8 acres located on the North side of South Port Connector and Highway 4. The suggested term for this lease would be five years with one renewal option of five years. The purpose clause is for a ready-mix concrete batch plant. Commissioner Gutierrez moved to grant staff Authority to Negotiate for a new lease with 57 Concrete, LLC, Commissioner Wood seconded, and the motion passed unanimously.

2. Whelan Industries, Inc. (**Authority to Negotiate**)

The lease with Whelan Industries, Inc., under BND Contract #4431, is set to expire on February 4, 2025, with no renewal options. The lessee seeks a new lease for a term of one year with three renewal options of one year each. The site is located at 3060 Cajun Court. The purpose clause is for shrimp operations, specifically bait and gulf shrimping. Commissioner Lopez moved to authorize staff to negotiate a new lease with Whelan Industries, Inc., Commissioner Gutierrez seconded, and the motion passed unanimously.

3. The Port Occupational & Medical Clinic, LLC (**Bill of Sale**)

This Bill of Sale request is to transfer ownership of the one-story building located at 1216 S.H. 48, which has been fully paid off under contract #4415, to The Port Occupational & Medical Clinic, LLC. Commissioner Wood noted the significant improvements made by the lessee. Commissioner Wood moved to approve the Bill of Sale for The Port Occupational & Medical Clinic, LLC, Commissioner Lopez seconded, and the motion passed unanimously.

**7. Consideration and ACTION to award contract for insurance consultant services.**

Mrs. Recio addressed the Board that the District issued a Request for Proposals (RFP) to procure insurance consultant services to assist and advise in the marketing, handling, and placement of insurance coverage for the District's various properties, marine risks and liabilities, and other consulting needs. The RFP packets were uploaded to the District's website, Bidnet, and posted in the local newspaper. A total of five (5) proposals were received. The evaluation committee conducted interviews with four of the five proposers: Alliant Insurance Services, Inc., Higginbotham, McGriff, and WTW. Proposals were evaluated based on criteria including responsiveness to the purpose and scope of work, experience, and cost-effectiveness. After a thorough review, staff determined that two proposers, Alliant and McGriff, both manage Port Programs of insurance and represent a comprehensive number of Ports. Both companies were found to be capable of providing effective insurance consultant services for the District. However, after careful consideration of all factors, staff recommend awarding the contract to McGriff Insurance Services. McGriff's proposal was deemed the best fit for the District's needs, offering strong industry expertise, a tailored approach to risk management, and competitive pricing. Commissioner Gutierrez moved to approve to award a contract for insurance consultant services to McGriff Insurance Services for a three-year term at an annual fee of \$39,000, Commissioner Wood seconded, and the motion passed unanimously.

**8. Consideration and ACTION to authorize Port Staff to continue with the rental of two 1,000-gallon portable fuel tanks.**

Mr. Herrera addressed the Board that on November 6, 2024, the Board of Commission authorized Staff to rent two portable fuel tanks. Staff is requesting the authorization to continue with the rental of two portable 1,000-gallon fuel tanks. These tanks will be utilized for storage of fuel on site for all Port rolling stock. The monthly cost is \$1,680 each and a total cost of \$3,360.00 per month. Staff anticipate to rent the fuel tanks for a period of approximately twelve months. Discussion followed regarding alternatives including the possibility of fuel providers providing the tanks at no additional cost. Mr. Herrera confirmed he would research those alternatives. Commissioner Wood moved to authorize Staff to continue with the rental of two 1,000-gallon portable tanks at a total cost of \$3,360.00 per month, for one month only, for both from Vendor RGV Pumps and Equipment, with one tank being for Gasoline and one tank being for Diesel, Commissioner Lopez seconded, and the motion passed unanimously.

**9. Consideration and ACTION to authorize Port Staff to extend the annual contract for the removal and disposal of oily water from the Fishing Harbor Sewer Treatment Plant.**

Mr. Herrera addressed the Board that Staff is requesting BND Board of Commission's authorization to extend the contract for the removal and disposal of oily water from the Fishing Harbor Sewer Treatment Plant. This would be for a period of one year, the first of three, one year extension options for the removal and disposal of oily water, upon the same terms, conditions, and no increase in unit pricing. JW Rentals, doing business as Environmental Solutions, has agreed to extend the yearly contract price of \$0.39 per gallon with a minimum of 4,500 gallon/trip. Commissioner Lopez moved to extend the annual contract to JW Rentals doing business as Environmental Evolutions for a period of one year with the same initial terms, conditions, and no increase in unit pricing of \$0.39 per gallon with a minimum of 4,500 gallon/trip, Commissioner Wood seconded, and the motion passed unanimously.

**10. Consideration and ACTION to authorize Port Staff to award bid for boring services, installation and materials necessary to complete the Loma Alta waterline repairs project.**

Mr. Herrera addressed the Board that on October 23, 2024, BND Board authorized Staff to solicit bids for boring services, installation, and materials necessary to complete the Loma Alta water line repairs project. Staff advertised on Bidnet, the Brownsville Herald, and the Port website. On November 14, 2024, a pre-bid meeting and a job site visit were held. One bid was received on closing date from Electro Hi, LLC, for boring services, materials and installation of 12" fusible PVC dr-25 pipe for \$95,000.00. Mr. Chavez also addressed the Board and discussion followed regarding the interest of other potential bidders and the qualifications of Electro Hi, LLC. Commissioner Lopez moved to award the contract for boring services, installation, and materials to complete the Loma Alta waterline repairs project to Electro Hi, LLC, for a total cost of \$95,000.00 and to issue the notice of award, Commissioner Wood seconded, and the motion passed unanimously.

**11. Consideration and ACTION to authorize payment of \$328,736.95 to the Brownsville Public Utilities Board (BPUB) for the installation of underground electricity service lines and related appurtenances to the Port of Brownsville Business Park project.**

Mr. Chavez addressed the Board that BND Engineering Staff have been working with BPUB to furnish electrical power service to the parcels within the Port of Brownsville Business Park project located South of Ostos Road. At BND's request, BPUB has estimated the cost of the underground system, and after comparing it to the cost of an overhead system, has determined the difference to be \$328,736.95. The BPUB has, therefore, requested that BND issue payment of the contribution in Aid of Construction (CIAC) amount to them so that they can proceed with the installation of the electric service facilities for the Business Park. BND Staff is requesting that BND Commissioners approve issuance of payment in the requested amount. Discussion followed regarding timelines for performance of the work. Commissioner Wood moved to authorize payment to the Brownsville Public Utilities Board in the amount of \$328,736.95 for the installation of electric service facilities at the Port of Brownsville Business Park project, Commissioner Lopez seconded, and the motion passed unanimously.

**12. Consideration and ACTION on Project Level Signature Authority Delegation of BND Staff with the Texas Department of Transportation (TxDot) in relation to the BND Cargo Dock #3 Reconstruction project, as required.**

Mr. Chavez addressed the Board that on February 21, 2024, BND Commissioners adopted a resolution to accept a grant from the Marine Division of the TxDOT in the amount of \$11,565,621 for partial funding of the BND Cargo Dock #3 Reconstruction project. TxDOT recently sent a request for the BND to delegate signature and approval authority to BND Officers and Staff for this project. The requirement is for BND to submit the Project Level Signature Authority (PLSA) Authorization Form signed by the pertinent and appropriate BND official. BND Staff is requesting approval from BND Commissioners of the TxDOT PLSA Authorization form and authorization for the Chairman of the Board, Mr. Esteban Guerra, to sign the form. Mr. Chavez confirmed that approval of this item would not affect BND policy requirements to bring future items to the Board for approval prior to signature and submission to TxDOT. Commissioner Wood moved to approve the TxDOT PLSA Authorization form and authorize Chairman of the Board, Mr. Esteban Guerra, to sign the form, Commissioner Lopez seconded, and the motion passed unanimously.

**13. 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.

**14. Possible ACTION on matters or items discussed in Executive Session.**

There was none.

**15. Adjournment.**

Commissioner Lopez moved to adjourn the meeting, Commissioner Wood seconded, and the meeting was adjourned by unanimous consent at 6:14 p.m.



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Esteban Guerra  
Chairman of the Board

**ATTEST**



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John Reed, Secretary