

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD JULY 7, 2021 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, July 7, 2021 at 5:30 p.m.** The following individuals were present and absent:

PRESENT: Ralph Cowen, Vice Chairman
Esteban Guerra
John Wood

ABSENT: Sergio Tito Lopez
John Reed

ALSO PRESENT: Eduardo A. Campirano, Port Director and CEO
William J. Irwin, Associate District Counsel

STAFF MEMBERS: Ariel Chavez
Karina Franco
Chief Carlos Garcia
Michael Davis
Margie Recio
Jorge Montero
Rosie Hinojosa
Santos Barbosa
Martha Gonzalez

OTHERS PRESENT: Rev. Andreas Lewis
Jorge de la Colina
Bob Berry
Arturo Gomez
Neils Alund, Guest Speaker of Propeller Club

1. Meeting Called To Order

The Vice Chairman called the meeting to order at 5:31 p.m. Reverend 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

Niels Alund guest speaker of the Propeller Club addressed the Board regarding upcoming events.

3. Receive Directors Report

a. Receive Directors Report

The Board received the reports.

CONSENT AGENDA

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

- a. Approval of the Minutes of the Regular Board Meeting of June 16, 2021 and the Special Board Meeting of June 29, 2021.

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

5. Consideration and Action on Assignments, Negotiations, Easements, Subleases, and Contracts in General.

Ms. Gonzalez addressed the Board regarding the following items:

1. Sharyland Utilities, LLC (**Authority to negotiate**)

Sharyland Utilities, LLC is party to multiple BND agreements for easements, substations and access roads. Staff is requesting authority to negotiate a lease on .51 acres of land space south of State Hwy 48. Of the .51 acres, there is an approximate 130' x 150' (.45 acres) that will be a temporary lease for the development stage and the remaining 50' x 50' (0.06 acres) will be covered by a long-term lease. The proposed purpose clause for this site is for a 138kV Transmission Line. Commissioner Wood moved to approve Authority to Negotiate with Sharyland Utilities, LLC, Commissioner Guerra seconded, and the motion passed unanimously.

2. Francisco Abrego (**Authority to negotiate**)

Francisco Abrego has requested a new lease for a term of 1 year with 5 renewal options of 1 year each. The property is located at 2500 Everglades Rd at the Fishing Harbor. The purpose clause for this site is Shrimp Repairs and Seafood Unloading. Commissioner Guerra moved to approve Authority to Negotiate with Francisco Abrego, Commissioner Wood seconded, and the motion passed unanimously.

3. 1419 Ranch, LLC (**Authority to negotiate**)

1419 Ranch, LLC. is a current lessee, formerly known as Mesquite Farm, LLC. Lessee has requested a new one-year lease upon expiration of their existing lease which ends on 7-31-2021. This is a grazing lease consisting of 759 acres located adjacent to the South Port Connector from Ostos Rd. to SH 4 (Turning Basin). Commissioner Wood moved to approve an Authority to Negotiate a new lease, Commissioner Guerra seconded, and the motion passed unanimously.

4. Ray Loop (**Amendment to Lease**)

Commissioner Wood noted that he would be abstaining.

Ray Loop is a current lessee under Fish Camp Agreement BND # 3771 for the property on Hwy 4 known as Fish Camp #3. Lessee seeks an amendment to renew the lease for 7 years to expire May 9, 2028. Lease is to be paid annually. In addition, the terms of the agreement are that BND reserves the right to terminate the Fish Camp Lease at any time for any reason upon 30 day written notice and the lessee shall have 6 months from the date of termination to remove any existing improvements, during which time lessee is still required to pay rent at the BND current standard rate. Commissioner Cowen moved to approve an Amendment for the Fish Camp for Ray Loop, Commissioner Guerra seconded, and the motion passed by a vote of 2-0. Commissioner Wood abstained.

5. DSV Air & Sea, Inc. (New Lease)

DSV Air & Sea, Inc. is requesting a new lease for one year on 1 acre tract on Patio 22. The purpose clause for this site is storage of windmill blades. The lease is to take effect as of March 18, 2021. Commissioner Guerra moved to approve the New Lease for DSV Air & Sea, Inc., Commissioner Wood seconded, and the motion passed unanimously.

6. Consideration and Action to authorize a Purchase Order to D&B General Cleaning Contractor, Inc. for janitorial services.

Ms. Recio addressed the Board requesting authorization of a Purchase Order to D&B General Cleaning Contractor, Inc. for janitorial services. The District currently contracts out some of the cleaning services for the Harbormaster's Office, the Command Center and the Overweight Permit Office. A request for sealed, written, quotes was issued to service the three buildings three times a week for a term of one year. This request was sent out to 7 commercial cleaning companies in the Brownsville and Harlingen area. Two quotes were received by the deadline. A submittal was received from the current vendor, D & B General Cleaning Contractor, Inc. in the amount of \$30,987.12 to service the three buildings. M&R's Elite Janitorial Solutions submitted a quote in the amount of \$32,100 to service the three buildings. Commissioner Wood moved to authorize a Purchase Order for janitorial services with D&B General Cleaning Contractor, Inc. for an annual amount not to exceed \$30,987.12, Commissioner Guerra seconded, and the motion passed unanimously.

7. Consideration and Action to declare 183 items as Surplus, Salvage and Scrap to the District's needs and to authorize its disposition via Auction Sale by Sealed Bids and to authorize BND employees to participate.

Ms. Recio addressed the Board requesting authorization to declare 183 items as Surplus, Salvage and Scrap to the District's needs and to authorize its disposition via Auction Sale by Sealed Bids and to authorize BND employees to participate. The Salvage Auction Team has identified and evaluated old equipment that is no longer serviceable and scrap materials that have accumulated at the Facilities Maintenance Yard. These items include equipment, scrap metal and miscellaneous office supplies. Also, included in the listing is a crawler Crane from the ex-Marine Metal site. A detailed listing was provided. The Salvage Auction Team proposed to offer the items classified as Surplus and Salvage in an Auction Sale by Sealed Bids. A notice to bidders will be published in the Brownsville Herald and the Auction Sale Packet will be available on the District's website. As for the items classified as scrap, Staff will be contacting the local scrap facilities to solicit quotes from them. Commissioner Guerra moved to declare the items as Surplus, Salvage and Scrap to the District's needs and to authorize the Salvage Auction Team to dispose of them, and authorize BND employees to be able to participate in the Auction Sale by Sealed Bids, Commissioner Wood seconded, and the motion passed unanimously.

8. Consideration and Action on request to authorize staff to advertise for bids on the construction of a new wash bay facility and to open bids thereof.

Mr. Barbosa addressed the Board requesting authorization for the Staff to advertise for bids for on the construction of a new wash bay facility and to open bids thereof. BND Staff is seeking authorization to advertise for bids for the construction of a new wash bay facility that will consist of two side by side wash bays, collection pits, foundation, structural building, installation of the pressure washing equipment, clarifier, oil separator, and to open bids once received. Bids will then

be tabulated and presented to the Board for consideration to award a purchase agreement for these services. Commissioner Guerra moved to authorize the Staff to advertise for bids for the construction of a new wash bay facility and to open bids once received, Commissioner Wood seconded, and the motion passed unanimously.

9. Consideration and Action on selection of a Professional Engineering Design Services firm for the Oil Dock #6 East Side Pipe Bridge Project.

Mr. Chavez and Mr. Campirano addressed the Board requesting the selection of a Professional Engineering Design Services firm for the Oil Dock #6 East Side Pipe Bridge Project. On March 3, 2021 BND Commissioners authorized BND Staff to solicit Statements of Qualifications (SOQs) from engineering firms to provide professional engineering design services for the Oil Dock #6 East Side Pipe Bridge, to be used by TransMontaigne and other BND tenants. On June 2, 2021 BND Commissioners directed the Port Director and CEO to interview two of the submitting firms. Interviews were conducted by the Port Director & CEO and the BND Director of Engineering Services with Green, Rubiano & Associates on June 11, 2021 and with Lanier & Associates Consulting Engineers, Inc. on June 14, 2021. The recommendation by the Port Director & CEO is to solicit a proposal from Lanier & Associates Consulting Engineers, Inc. for the Oil Dock #6 East Side Pipe Bridge engineering design services. Commissioner Wood moved to solicit a proposal from Lanier & Associates Consulting Engineers, Inc. for engineering design services on the Oil Dock #6 East Side Pipe Bridge and return to BND Commissioners to present the proposal from that firm if required, Commissioner Guerra seconded, and the motion passed unanimously.

10. Consideration and Action to accept work performed by contractor A&I Custom Manufacturing, LLC on the Bulk Cargo Dock Platforms project, and authorizing release of \$46,801.72 in retained funds.

Mr. Chavez addressed the Board requesting acceptance of work performed by contractor A&I Custom Manufacturing, LLC on the Bulk Cargo Dock Platforms project, and authorizing release of \$46,801.72 in retained funds. On October 7, 2020 BND Commissioners awarded the contract on the Bulk Cargo Dock Platforms project to A&I Custom Manufacturing, LLC (A&I) in the amount of \$384,518.00. The project consisted of installation of platforms to facilitate safe access from vessels to the dock. On March 3, 2021 BND Commissioners approved Change Order No.1 in the amount of \$83,500.00 to replace approximately 355 linear feet of deteriorated curb along the front of the dock. On June 15, 2021, a substantial completion inspection was conducted by BND Engineering staff and construction phase engineering consultant EDG, Inc., Consulting Engineers (EDG) and a short punch-list was developed, and on June 30, 2021 the Final Inspection was conducted to confirm that the contractor had addressed all punch-list items. A&I has submitted Pay Request #6 (Final) as well as the Affidavit of All Bills Paid. Having met all these requirements, BND Staff was prepared to recommend acceptance of this project by BND Commissioners. Commissioner Guerra moved to accept the work performed by A&I Custom Manufacturing, LLC on the contract for the Bulk Cargo Dock Platforms project and authorize Final Payment of \$46,801.72, which constitutes release of retained funds, Commissioner Wood seconded, and the motion passed unanimously.

11. 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 conduct deliberations regarding real property (§551.072); 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).

Commissioner Guerra moved to adjourn into executive session, Commissioner Wood seconded, and the motion passed unanimously. The Vice Chairman then announced that the time was 6:00 p.m., and that the Board would adjourn into executive session.

The Vice Chairman then announced that the time was 6:16 p.m., and that the Board had reconvened in open session.

12. Possible action on matters or items discussed in Executive Session.

A) Action related to the purchase, exchange, or lease of real property.

Commissioner Wood moved to approve the assignment of that certain contract for the purchase of approximately 44 acres in Brownsville, Texas from William Irwin, assignor, to the District, assignee, and to authorize the Port Director and CEO to expend funds and execute closing documents necessary to close the transaction, Commissioner Guerra seconded, and the motion passed unanimously.

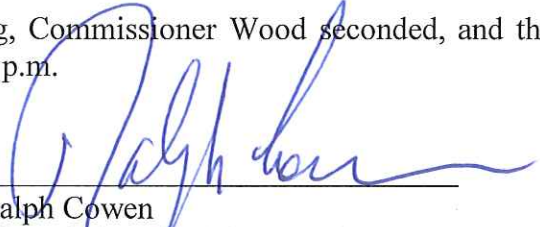
13. Adjournment.

Commissioner Guerra moved to adjourn the meeting, Commissioner Wood seconded, and the meeting was adjourned by unanimous consent at 6:18 p.m.

ATTEST

E Guerra.

Esteban Guerra
Secretary



Ralph Cowen
Vice Chairman of the Board