

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND  
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF  
CAMERON COUNTY, TEXAS HELD NOVEMBER 02, 2022 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, November 02, 2022 at 5:30 p.m.** The following individuals were present and absent:

**PRESENT:** Esteban Guerra, Chairman  
Ralph Cowen  
John Reed  
John Wood

**ABSENT:** Sergio Tito Lopez

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

**STAFF MEMBERS:** Ariel Chavez  
Michael Davis  
Chief William Dietrich  
Arturo Gomez  
Jose Herrera  
Jaime Martinez  
Jorge Montero  
Margie Recio  
Melinda Rodriguez  
Janie Velasquez  
Zeus Yanez  
Memo Rico

**OTHERS PRESENT:** Rev. Andreas Lewis  
Jorge De La Colina

**1. Meeting Called To Order**

The Chairman called the meeting to order at 5:30 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**

No person registered to address the Board.

**3. Receive Director's Report**

**a. Receive Directors Reports**

The reports were in the Board's packet. Discussion followed.

Commissioner Reed asked Mr. Gomez about the latest discussions with Hanson Engineering regarding the Fishing Harbor Treatment Plant. Mr. Gomez addressed the Board and noted that staff is looking into procuring another engineering firm to finish the project.

Commissioner Reed asked Mrs. Rodriguez about recent family events held at the Port. Commissioner Reed said the events sounded positive, and asked that the Commission be notified of such events in the future.

Commissioner Reed asked Mr. Montero for a report on his recent attendance at a conference in Seattle. Mr. Montero addressed the Board.

Commissioner Reed asked Mr. Chavez for an update on the water line replacement project. Mr. Chavez addressed the Board. Commissioner Reed asked to be provided a timeline for commencement of the project through completion.

#### **CONSENT AGENDA**

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

- a. Approval of the Minutes of the Regular Board Meeting of October 25, 2022.
- b. Approval to authorize payments over \$25,000.00:
  1. Texas Economic Development Corporation, the amount of \$25,000.00, for Texas EDC Annual Investors Subscription.

Mr. Campirano noted a revision to the minutes is necessary to show that the Keppel Amfels lease item was tabled, not approved.

Commissioner Reed moved to approve all consent agenda items with the revision noted by Mr. Campirano, Commissioner Wood seconded, and the motion passed unanimously.

##### **5. Consideration and possible Action on Resolution requesting membership in the Texas SmartBUY Program – Texas Multiple Award Schedule (TxMas) Program.**

Ms. Recio addressed the Board requesting approval of Resolution requesting membership in the Texas SmartBUY Program – Texas Multiple Awards Schedule (TxMas) Program. The District Maintenance department solicited quotes for office furniture and the vendor provided a quote under the purchasing cooperative of Texas Multiple Award Schedule. Formally, the District held a membership in this cooperative from May 2015 - May 2018. This cooperative allows members to purchase through the Texas SmartBuy Program for a TXMAS contracted quote. In order to reinstate the District's account a new Resolution requesting membership must be submitted to the State Comptroller's Office. Under the Local Government Code (271.083), the State Comptroller is authorized to establish purchasing programs that perform purchasing services for local governments. To that end, the State Comptroller established the Texas Multiple Award Schedules. This program gives local governments access to contracts negotiated in Texas, in other states and with the Federal Government. The District's Procurement Policy allows the District to enter into purchasing cooperatives that are authorized under the two pertinent Subchapters of the Local Government Code, Subchapter D which gives the Comptroller authority to establish these cooperatives and Subchapter F which gives organizations of governments authority to establish these cooperatives. After discussion, Commissioner Reed moved to authorize the adoption of a

Resolution requesting membership in the Texas SmartBuy program – Texas Multiple Award Schedule (TxMas) program, Commissioner Cowen seconded, and the motion passed unanimously.

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

Mrs. Rodriguez addressed the Board regarding the following items:

1. VMK Equipment Series, a series of VMK Investment Group, LLC (**Consent to Sublease**)

VMK Equipment Series, a series of VMK Investment Group, LLC is a current lessee under BND Contract #4560 located at 3600 North Chemical Road. Lessee is requesting the Board's Consent to Sublease to Cemex Construction Materials South, LLC for the purpose of operating a ready-mix plant. Commissioner Reed asked if the Port requests how much rent is paid under the subleases and suggested that staff and legal counsel look at changing our policy to gather this information. Commissioner Cowen moved to approve the Consent to Sublease for VMK Equipment Series, a series of VMK Investment Group, LLC, Commissioner Wood seconded, and the motion passed unanimously.

**7. Consideration and Action to approve purchase and authorize payment of the Cisco Phone System Upgrade Project.**

Mr. Martinez addressed the Board requesting approval of purchase and authorization of payment of the Cisco Phone System Upgrade Project. Our current phone system has been in place for over ten years and is now obsolete. Because of our system being obsolete, it not only keeps us from updated features that can make our phone system more user friendly, but it also allows for a security risk to exist because it is a VoIP, Voice Over Internet Protocol, system. The updated cloud-based system will upgrade all physical phones, which include seventy users plus conference room phones, and two Cisco Webex Smart Boards. The system was procured through DIR. The purchase will include installation, programming, and three years of covered warranty and support. Commissioner Reed moved to approve purchase payment to Netsync upon delivery and installation of the Cisco Phone System Upgrade Project, Commissioner Cowen seconded, and the motion passed unanimously.

**8. Consideration and Action to extend Master Agreement for Professional Services with consultant HDR Engineering, Inc. to March 31, 2023, for professional engineering services on current projects, and other related services.**

Mr. Campirano addressed the Board requesting authorization to extend Master Agreement for Professional Services with consultant HDR Engineering, Inc. to March 31, 2023, for professional engineering services on current projects, and other related services. On May 6, 2009, BND Commissioners authorized staff to enter into a Master Agreement for Professional Services, or Master Services Agreement (MSA), with consultant HDR Engineering, Inc. (HDR) covering various task orders. The MSA was last extended on Apr. 22, 2020 and expired on May 31, 2022. Currently HDR is working on environmental services for the USACE Easement Releases, engineering and related services for the BIH Deepening project and on Cargo Dock #3 design. While the District needs to extend the MSA to October 31, 2025 to cover pending work on the BIH Deepening project and, at this time Staff is requesting authorization to extend the MSA to March 31, 2023 to allow for a detailed review and update of the Agreement. The provisions of the current MSA would remain unchanged during this short extension. Commissioner Reed moved to

authorize Port Director and CEO to extend the Master Agreement for Professional Services with consultant HDR Engineering, Inc. to March 31, 2023 and execute any required documents for this action, Commissioner Wood seconded, and the motion passed unanimously.

9. **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, including the annual evaluation of the Port Director / Chief Executive Officer (§551.074); and to conduct deliberations regarding economic development negotiations (§551.087).**

Mr. Campirano informed the Board that there were no items needing discussion in Executive Session.

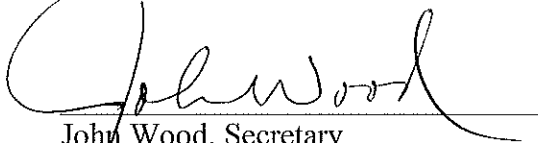
**10. Possible action on matters or items discussed in Executive Session.**

There was none.

**11. Adjournment.**

Commissioner Reed moved to adjourn the meeting, Commissioner Wood seconded, and the meeting was adjourned by unanimous consent at 6:06 p.m.

ATTEST

  
\_\_\_\_\_  
John Wood, Secretary



\_\_\_\_\_  
Esteban Guerra  
Chairman of the Board