

**MINUTES OF A REGULAR MEETING OF THE BOARD OF NAVIGATION AND
CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF
CAMERON COUNTY, TEXAS HELD OCTOBER 18, 2023 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, October 18, 2023 at 5:30 p.m.** The following individuals were present and absent:

PRESENT: Esteban Guerra, Chairman
Ralph Cowen
John Wood
Sergio Tito Lopez

ABSENT: John Reed

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

STAFF MEMBERS: Carlos Martinez
Miguel Barajas
Ariel Chavez
Chief William Dietrich
Arturo Gomez
Jose Herrera
Jorge Montero
Margie Recio
Tony Rodriguez
Melinda Rodriguez
Janie Velasquez
Zeus Yanez

OTHERS PRESENT: Rev. Andreas Lewis
John Roller
Tom Ramsey
Sgt. Santana Torres
Eloy Lopez
Xavier Valverde
Donald Brinkman
Humberto Torres

1. Meeting Called To Order

The Chairman called the meeting to order at 5:35 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.

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2. Public Audience

Xavier Valverde of G&H Towing introduced himself and his company to the Board.

3. Receive Port Monthly Operations Summary Report

Mr. Yanez made the report to the Board. Discussion followed.

CONSENT AGENDA

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

- a. Approval of the Minutes of the Regular Board Meeting of October 04, 2023.
- b. Approval to authorize payments over \$25,000.00:
 1. R.M. Walsdorf, Inc., the amount of \$366,719.26, for BND Dock 11 Concrete Pad Project;
 2. Southmost Regional Water Authority, the amount of \$164,043.00, for Fiscal Year 2024 Assessment Fees.

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

5. Presentation of District's Investment Report of the quarter ended September 30, 2023.

Mr. Yanez made a presentation on the District's Investment Report of the quarter ended September 30, 2023. Discussion followed.

6. Consideration and ACTION on Resolution Approving Participation in Purchasing Cooperatives.

Mr. Yanez addressed the Board on a Resolution Approving Participation in Purchasing Cooperatives. Cooperative purchasing programs are group purchasing organizations that give eligible entities access to contracts across jurisdictions for the purchase of materials, supplies, services, or equipment. These programs offer an extensive repository of contracts for the purchase of goods and services. Cooperative purchasing programs compliantly and competitively procure contracts for member agencies to use to satisfy the competitive bid laws. Cooperative members can also benefit from the economies of scale, lower prices, and simplified procurement processes that the cooperatives offer. Discussion followed. Commissioner Lopez moved to adopt a Resolution approving participation with Purchasing Cooperatives listed in the Resolutions, authorizing the Port Director and CEO to execute participation agreement(s), and designating the Director of Finance (or his designee) as the Program Coordinator, Commissioner Cowen seconded, and the motion passed unanimously.

7. Consideration and ACTION authorizing Port Director and CEO to enter into a Local Agreement between Port of Brownsville and Texas Parks and Wildlife Department for the use of the floating dock.

Mr. Campirano addressed the Board on authorizing Port Director and CEO to enter into a Local Agreement between Port of Brownsville and Texas Parks and Wildlife Department for the use of the floating dock. The Port of Brownsville and the Texas Parks & Wildlife Department (TPWD) have enjoyed a collaborative and cooperative relationship for many years. The Port constructed a

modular dock for the Police/Security boat and the Harbor Master's boat. We had contemplated having TPWD's boat also using the modular dock. Recently, the TPWD approached the port about expanding the floating dock for its boat. Having the TPWD boat will improve the safety of the wardens enforcing laws and policies to safeguard the public and render assistance to the port when needed. Sgt. Torres also briefly addressed the Board on behalf of Texas Parks and Wildlife. Commissioner Lopez moved to authorize the Port Director & CEO to enter into a Local Agreement between the Port of Brownsville and Texas Parks and Wildlife Department for the use of the port's floating dock, Commissioner Wood seconded, and the motion passed unanimously.

8. Consideration and ACTION on Leases, Assignments, Negotiations, Easements, Subleases, and Contracts in General:

Mr. Campirano asked that the Board table items 8(1) and (2) for discussion in executive session. Commissioner Cowen moved to table items 8(1) and (2), Commissioner Lopez seconded, and the motion passed unanimously.

1. ARX Energy, LLC – Element Fuels Holdings, LLC (**Consent to Assignment**)
2. ARX Energy, LLC (**Lease Amendment**)

9. Consideration and ACTION to rescind purchase of a Cisco Phone System Upgrade.

As items 9 and 10 are related, Chairman Guerra asked if the two items could be considered together. Mr. Irwin agreed that they could be considered together.

Mr. Yanez addressed the Board to rescind purchase of a Cisco Phone System Upgrade. On November 2, 2022, the Board approved the purchase of a Cisco Phone System Upgrade in the amount of \$132,564.89. District staff worked with Barcom, the District's IT Managed Service Provider (MSP), which conducted an assessment of the District's current state of the phone system. Based on their assessment and review of the proposed Cisco phone system upgrade, Barcom developed recommendations for phone system upgrades that better suit the District's current needs. Therefore, staff are requesting that purchase of the phone system be rescinded.

10. Consideration and ACTION to approve purchase of the Avaya Communications Solution.

Mr. Yanez addressed the Board requesting approval on purchase of the Avaya Communications Solution. The District's current phone system has been in place for over ten years and is outdated. The outdated system does not support current business needs and is the source of business interruptions. The proposed updated phone system along with additional upgrades to the District's IT network infrastructure will improve the District's business communications (phone system). The Board had previously approved the purchase of a Cisco Phone System Upgrade in the amount of \$132,564.89. Barcom, the District's IT Managed Service Provider (MSP), conducted an assessment of the District's business communications needs, the state of the current phone system, and the previously proposed phone system upgrade. They recommend the Avaya Communications Solution, to meet the District's business communication needs. Commissioner Lopez moved to rescind the purchase of the Cisco phone system upgrade and to authorize the Port Director and CEO to enter into an agreement to purchase the Avaya Communications Solution and Avaya Technical Support Service in the amount of \$55,951.05 and to pay invoice(s) as services are completed, 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 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).**

The Chairman then announced that the time was 6:03 p.m., and that the Board would adjourn into executive session.

The Chairman then announced that the time was 7:55 p.m., and that the Board had reconvened in open session.

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

Chairman confirmed that no action would be taken on items 8(1) and (2).


13. Adjournment.

Commissioner Cowen moved to adjourn the meeting, Commissioner Lopez seconded, and the meeting was adjourned by unanimous consent at 7:56 p.m.

ATTEST



John Wood, Secretary



Esteban Guerra
Chairman of the Board