

**MINUTES
PUBLIC SERVICE BOARD
CITY OF EL PASO
February 14, 2024**

The regular meeting of the Public Service Board was held in person, Wednesday, February 14, 2024

PSB MEMBERS PRESENT

Mayor Oscar Leeser
Dr. Ivonne Santiago, Chair
Charlie Intebi, Secretary-Treasurer
Bryan Morris, Vice-Chair
Anna Gitter, Member
Stefanie Block Uribarri, Member
Lisa Saenz, Member

PSB EMPLOYEES PRESENT

John E. Balliew, P.E., President and Chief Executive Officer
Daniel Ortiz, Deputy General Counsel

EPWATER EMPLOYEES PRESENT

Ana Sanchez, Vice President
Gilbert Trejo, Vice President-Operations & Technical Services
Art Duran, Chief Financial Officer
Claudia Duran, Chief of Staff
Edith Lara, Executive Assistant to the President/CEO
Stephanie Porras, Executive Assistant
Irazema Rojas, Chief Technical Officer
Luz Holguin, Assistant Chief Financial Officer
Christina Montoya, Communications and Marketing Manager
Alberto Gomez, Support Services I
Sol Cortez, Deputy General Counsel
Jeff Tepsick, Utility Assistant Chief Financial Officer
Martin Noriega, Chief Operations Officer
Felipe Lopez, Chief Operations Officer
Ruben Rodriguez, Chief Water Quality Compliance Officer
Nicadam Keese, Support Services I
Eric Lugo, Computer Programmer
Gisela Dagnino, Chief Operations Officer
Lisa Rosendorf, Chief Communications & Government Affairs Officer
Rose Guevara, Purchasing and Contracts Manager
Geoffrey Espineli, Engineer Division Manager
Melinda Becker, Assistant General Counsel
Christian Stack, Purchasing Agent
Adriana Castillo, Engineer Division Manager

GUESTS

Jon Barela, Borderplex
Marcos Delgado, Borderplex
Laura Prine, City Clerk
John Resendez, Frontera Land Alliance, Vice President
Kylie Rezendez, Frontera Land Alliance

MEDIA

None

The Public Service Board meeting was called to order by Dr. Santiago at 8:04 a.m. A quorum of its members was present. After a moment of silence, those in attendance joined Mr. Art Duran in reciting the Pledge of Allegiance.

REGULAR AGENDA

1. ADMINISTERED OATH TO ANNA GITTER, NEW BOARD MEMBER.

Ms. Laura Prine, City Clerk, administered the Oath of Office to new PSB member, Ms. Anna Gitter.

2. APPOINTMENT OF BOARD MEMBERS TO THE FOLLOWING COMMITTEES:

- (1) ARCHITECT/ENGINEER SELECTION ADVISORY COMMITTEE: BRYAN MORRIS, CHARLIE INTEBI**
- (2) COMMUNICATIONS COMMITTEE: STEFANIE BLOCK URIBARRI, IVONNE SANTIAGO, NEW BOARD MEMBER**
- (3) AUDIT, FINANCE, AND INVESTMENT COMMITTEE: STEFANIE BLOCK URIBARRI, LISA SAENZ, NEW BOARD MEMBER**
- (4) DEVELOPMENT COMMITTEE: IVONNE SANTIAGO, BRYAN MORRIS, NEW BOARD MEMBER**

On a motion made by Mayor Leeser, seconded by Bryan Morris, with the change to add Mr. Charles Intebi to the Development Committee in place of Ms. Anna Gitter, and unanimously carried, the Board approved the appointment of board members to the following committees:

- (1) Architect/Engineer Selection Advisory Committee: Bryan Morris, Charlie Intebi
- (2) Communications Committee: Stefanie Block Uribarri, Ivonne Santiago, Anna Gitter
- (3) Audit, Finance, and Investment Committee: Stefanie Block Uribarri, Lisa Saenz, Anna Gitter
- (4) Development Committee: Ivonne Santiago, Bryan Morris, Charlie Intebi.

CONSENT AGENDA

6. CONSIDER AND APPROVE AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT FOR INTERNAL AUDIT AND ACCOUNTING SERVICES PURSUANT TO CHAPTER 2254 OF THE TEXAS GOVERNMENT CODE WITH PORCH & ASSOCIATES LLC TO REVISE THE COMPENSATION TO THE ESTIMATED ANNUAL AMOUNT OF \$200,000 FOR THE CURRENT FIRST YEAR OF THE TERM OF THE CONTRACT AND FOR EACH OF THE THREE ONE-YEAR OPTIONS TO EXTEND.

On a motion made by Ms. Saenz and seconded by Mr. Intebi, item 6 was postponed for one month.

On a single motion made by Mayor Leeser seconded by Mr. Intebi and unanimously carried, the Board took action on the following consent agenda items:

3. CONSIDERED AND APPROVED THE MINUTES OF THE REGULARLY SCHEDULED MEETING HELD ON JANUARY 10, 2024.

4. CONSIDERED AND ADOPTED A RESOLUTION AUTHORIZING THE PRESIDENT/CEO TO SIGN AND PROVIDE ANY NECESSARY DOCUMENTS TO COMPLETE THE SUBMISSION OF A REQUEST FOR TECHNICAL ASSISTANCE FUNDING FROM THE NORTH AMERICAN DEVELOPMENT BANK FOR THE MONTANA VISTA WASTEWATER COLLECTION SYSTEM PHASES 2 AND 3 PROJECT AND AUTHORIZED THE PRESIDENT/CEO TO ENTER INTO ANY RELATED AGREEMENT AND SIGN AND PROVIDE ANY OTHER DOCUMENTS NECESSARY TO ACCEPT THE FUNDS FOR CERTIFICATION OF THIS PROJECT.

5. CONSIDERED AND APPROVED A PROFESSIONAL ENGINEERING SERVICES CONTRACT FOR THE RIDGECREST WATER STORAGE TANK- PART 2 PROJECT WITH CONSOR NORTH AMERICA, INC. FOR DESIGN SERVICES IN THE AMOUNT OF \$80,921.13 AND AUTHORIZED FUTURE TASK ORDERS OR AMENDMENTS TO BE ISSUED UNDER THIS CONTRACT FOR ADDITIONAL DESIGN, BID AND CONSTRUCTION PHASE SERVICES IN AN ESTIMATED AMOUNT OF \$700,000 AND AUTHORIZED THE USE OF COMMERCIAL PAPER.

REGULAR AGENDA

7. CEO MONTHLY UPDATE REGARDING UTILITY MANAGEMENT AND/OR OPERATIONS:

- WATER SUPPLY OUTLOOK
- MCGREGOR RANGE GRANT APPROVED BY THE STATE
- EL PASO FIRE DEPARTMENT TRAINING OPPORTUNITY
- APPOINTMENT OF ART RUIZ TO THE AMERICAN MEMBRANE TECHNOLOGY ASSOCIATION

8. MANAGEMENT REPORT:

- CONSTRUCTION UPDATE
- VIDEO FROM COMMUNICATIONS

9. PUBLIC COMMENT: THE PSB WILL PERMIT PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA. THE CHAIR MAY IMPOSE REASONABLE TIME LIMITS FOR EACH SPEAKER.

Mr. John Resendez signed up to speak.

10. CONSIDERED AND APPROVED A SERVICES AGREEMENT BETWEEN EL PASO WATER AND THE BORDERPLEX ALLIANCE FOR PLANNING SERVICES, IN ACCORDANCE WITH SECTION 252.022(A)(4) OF THE TEXAS LOCAL GOVERNMENT CODE, WHICH INCLUDES THE CONTINUED IMPLEMENTATION OF AN ECONOMIC DEVELOPMENT PLAN SPECIFIC TO EPWATER IN THE ANNUAL AMOUNT OF \$250,000 FOR A TWO-YEAR TERM.

Mr. Jon Barela, President of Borderplex Alliance, provided a presentation to the Board regarding this item (copy on file in Central Files.) EPWater has been designated by the State of Texas as the regional water planning authority for the El Paso region. The Borderplex Alliance is a nonprofit organization dedicated to economic development in the El Paso-Las Cruces-Ciudad Juárez region. EPWater and Borderplex Alliance have an existing agreement in effect through February 2024. Under this new two-year agreement, to begin March 1, 2024, the primary emphasis will be for the Borderplex Alliance to continue to provide planning services and to continue to assist EPWater in identifying potential buyers and/or lessees for EPWater-owned property. Mr. Barela answered questions from the Board on this item.

On a motion made by Ms. Saenz, seconded by Mr. Morris with Mayor Leeser opposing, the Board approved a Services Agreement between El Paso Water and the Borderplex Alliance for planning services, in accordance with Section 252.022(a)(4) of the Texas Local Government Code, which includes the continued implementation of an economic development plan specific to EPWater in the annual amount of \$250,000 for a two-year term.

11. CONSIDERED AND ADOPTED A RESOLUTION AUTHORIZING THE PRESIDENT/CEO'S SUBMISSION OF A GRANT APPLICATION TO THE U.S. BUREAU OF RECLAMATION UNDER FUNDING OPPORTUNITY NUMBER R24AS0052 "WATERSMART WATER AND ENERGY EFFICIENCY GRANTS FOR FISCAL YEAR 2024" FOR A SOLAR POWER PROJECT AT THE FRED HERVEY RECLAMATION PLANT, REQUESTING \$4,868,512 IN GRANT FUNDING AND AUTHORIZED EPWATER'S FUNDING COMMITMENT TO ALLOCATE AN ESTIMATED \$4,868,512 TO THE PROJECT IF GRANT FUNDS ARE AWARDED, AND FURTHER AUTHORIZED THE PRESIDENT/CEO TO PROVIDE AND SIGN ANY DOCUMENTS IN CONNECTION WITH THE GRANT APPLICATION, GRANT AGREEMENT AND THE FUNDS FOR THIS PROJECT.

Mrs. Lisa Rosendorf, Chief Communications & Government Affairs Officer provided a presentation to the Board regarding this item (copy on file in Central Files.) The USBR requires a Public Service Board resolution and authorization for the President/CEO to sign and submit related funding documents for a grant application and authorize matching funds, should the grant be awarded. EPWater is seeking \$4,868,512 in funding to cover 50% of the total estimated project cost of \$9,737,024 for a solar power project at the Fred Hervey Reclamation Plant that will allow the Plant to be powered by solar-generated electricity during the day while maintaining its grid connection to power the Plant during the night and for reliability. EPWater performed an assessment of utility plants and locations that could be suitable for solar installations, and the Fred Hervey Plant emerged as the best option, given the acres of land around the plant owned by EPWater. Mrs. Rosendorf answered questions from the Board on this item.

On a motion made by Ms. Saenz, seconded by Mr. Morris and unanimously carried, the Board adopted a resolution authorizing the President/CEO's submission of a grant application to the U.S. Bureau of Reclamation under Funding Opportunity Number R24AS0052 "WaterSMART Water and Energy Efficiency Grants for Fiscal Year 2024" for a Solar Power Project at the Fred Hervey Reclamation Plant, requesting \$4,868,512 in grant funding and authorized EPWater's funding commitment to allocate an estimated \$4,868,512 to the project if grant funds are awarded, and further authorized the President/CEO to provide and sign any documents in connection with the grant application, grant agreement and the funds for this project.

12. CONDUCTED A PUBLIC HEARING BY THE MUNICIPAL DRAINAGE UTILITY SYSTEM'S GOVERNING BOARD TO CONSIDER A STORMWATER FEE INCREASE FOR FISCAL YEAR 2024-2025.

Edith Lara, Executive Assistant, read into the record items 8 and 9 respectively. Dr. Santiago addressed the Board that a motion is needed to open the Public Hearing regarding this item (copy on file in Central Files).

On a motion made by Ms. Block, seconded by Mr. Saenz and unanimously carried, the Board conducted a public hearing by the Municipal Drainage Utility System's governing board to consider a stormwater fee increase for Fiscal Year 2024-2025.

13. CONSIDERED AND ADOPTED THE STORMWATER ANNUAL BUDGET FOR FISCAL YEAR 2024-2025 AND ADOPTION OF RESOLUTIONS AMENDING RULES AND REGULATIONS NO. 2 FOR CLARITY AND PROPOSED CHANGES AND RULES AND REGULATIONS NO. 3 WITH PROPOSED FEE ADJUSTMENTS.

John Balliew, President and CEO, provided a presentation to the Board regarding this item (copy on file in Central Files.) The proposed Stormwater Annual Budget for Fiscal Year 2024-2025 includes a fee adjustment of 13 percent or a monthly increase of \$0.74 for a typical residential customer. The Public Service Board will hold a public hearing in accordance with Section 552.045(d) of the Texas Local Government Code on the proposed fee increase and any resulting changes to the stormwater fees. Mr. Balliew answered questions from the Board on this item.

On a motion made by Mayor Leeser, seconded by Ms. Saenz and unanimously carried, the Board closed the public hearing for the Municipal Drainage Utility System's governing board to consider a stormwater fee increase for Fiscal Year 2024-2025.

On a motion made by Ms. Saenz, seconded by Mr. Morris and unanimously carried, the Board adopted the Stormwater Annual Budget for Fiscal Year 2024-2025 and adoption of Resolutions amending Rules and Regulations No. 2 for clarity and proposed changes and Rules and Regulations No. 3 with proposed fee adjustments.

14. CONSIDERED AND ADOPTED A RESOLUTION AMENDING RULES AND REGULATIONS NO. 5 WITH PROPOSED WATER RATES FOR ESPERANZA WATER CUSTOMERS AND OTHER NECESSARY AMENDMENTS.

Art Duran, Chief Financial Officer, provided a presentation to the Board regarding this item (copy on file in Central Files.) On June 9, 2021, EPWater acquired the Esperanza Water System, that encompasses approximately 300 customers. An increase to the rate structure is necessary to cover increased operations and maintenance costs including additional staff to assure system reliability and succession planning. The rate structure has not changed since 2021. The proposed changes to Rules and Regulations No. 5 include adjustments to the water rates for Esperanza water customers and other necessary revisions to the language. Mr. Duran answered questions from the Board on this item.

On a motion made by Mr. Morris, seconded by Ms. Saenz and unanimously carried, the Board adopted Rules and Regulations No. 5 will set the rate adjustments for the water customers of the Esperanza system.

15. CONSIDERED AND ADOPTED A RESOLUTION AMENDING RULES AND REGULATIONS NO. 7 WITH PROPOSED DEFINITION CHANGES AND OTHER NECESSARY AMENDMENTS.

Adriana Castillo, Utility Engineer Division Manager, provided a presentation to the Board regarding this item (copy on file in Central Files.) On January 10, 2024, the Public Service Board requested that Rules and Regulations No. 7 be amended to include a definition of the term "Developer". The proposed amendment to Rules and Regulations No. 7

includes a proposed definition of the term “Developer” and updates the language related to engineered plans for clarity. Ms. Castillo answered questions from the Board on this item.

On a motion made by Mr. Morris, seconded by Ms. Saenz and unanimously carried, the Board adopted a Resolution amending Rules and Regulations No. 7 with proposed definition changes and other necessary amendments.

16. CONSIDERED AND ADOPTED A RESOLUTION OF THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD DELEGATING THE AUTHORITY TO THE PRESIDENT/CEO OR DESIGNEE TO EVALUATE, SELECT AND AWARD CONSTRUCTION CONTRACTS FOR CONSTRUCTION PROJECTS THAT ARE PART OF EPWATER’S FISCAL YEAR 2024-2025 CAPITAL IMPROVEMENT PROGRAM FOR THE WATER AND SEWER UTILITY AND THE MUNICIPAL DRAINAGE UTILITY THAT ARE PROCURED USING THE COMPETITIVE BIDDING METHOD OR THE COMPETITIVE SEALED PROPOSAL METHOD, WHICH COMPLY WITH ALL APPLICABLE LAWS AND EPWATER PROCUREMENT POLICIES AND THAT DO NOT TO EXCEED THE AMOUNT OF \$6,000,000 PER CONTRACT AWARD, NOT INCLUSIVE OF CHANGE ORDERS, WITHOUT FURTHER PUBLIC SERVICE BOARD APPROVAL; THIS DELEGATION OF AUTHORITY ALSO INCLUDES THE REJECTION OF BIDS AND TERMINATION OF AWARDED CONTRACTS.

Irazema Rojas, Chief Technical Officer, provided a presentation to the Board regarding this item (copy on file in Central Files.) On February 9, 2022, the PSB passed a resolution delegating the President/CEO or Designee the authority to evaluate, select, and award construction contracts that were procured using the competitive bidding method or the competitive sealed proposal method that did not exceed \$6,000,000 (\$6M) in contract value. The resolution was an organizational success as it streamlined the process of awarding and executing certain construction contracts while maintaining appropriate oversight, accountability, and compliance with EPWater purchasing policies and all applicable laws. The same resolution was also approved by the PSB on February 8, 2023.

On January 10, 2024, the PSB approved the FY2024-2025 CIP budgets for the Water and Sewer Utility. On February 14, 2024, the PSB will consider the FY2024-2025 CIP budget for the Municipal Drainage Utility. As in the previous fiscal year, the FY 2024-2025 CIP budgets reflect a significant increase in the number of construction projects to be completed compared to previous years. In order to efficiently complete the increased number of CIP projects, staff recommends that a similar resolution be approved for the FY2024-2025. The resolution would continue to delegate to the President/CEO or Designee the authority to evaluate, select, and award construction contracts that are procured by EPWater using the competitive bid or competitive sealed proposal methods, which comply with all applicable laws and EPWater policy and that do not exceed the amount of \$6,000,000 per contract award, not inclusive of contract change orders, without further PSB approval. The construction contracts to be evaluated, selected, and awarded are routine, procedural, and non-controversial. The authority for evaluating, selecting and awarding construction contracts that include a recommendation to determine the non-responsiveness or non-responsibility of an apparent low bidder or highest-ranked bidder will remain with the PSB. Additionally, the President/CEO or designee will report to the PSB on the progress made and actions taken pursuant to the authority delegated under this resolution. If approved, this resolution will become effective immediately upon its adoption and passage. It will apply to FY 2024-2025 CIP construction bids and contracts awarded after March 1, 2024, and shall continue in full force and effect until February 28, 2025. Mrs. Rojas answered questions from the Board on this item.

On a motion made by Mr. Morris, seconded by Ms. Saenz and unanimously carried, the Board adopted a Resolution of the El Paso Water Utilities Public Service Board delegating the authority to the President/CEO or Designee to evaluate, select and award construction contracts for construction projects that are part of EPWater’s Fiscal Year 2024-2025 Capital Improvement Program for the Water and Sewer Utility and the Municipal Drainage Utility that are procured using the competitive bidding method or the competitive sealed proposal method, which comply with all applicable laws and EPWater procurement policies and that do not to exceed the amount of \$6,000,000 per contract award, not inclusive of change orders, without further Public Service Board approval; this delegation of authority also includes the rejection of bids and termination of awarded contracts.

17. CONSIDERED AND APPROVED A MASTER CONTRACT FOR TRENCHLESS PIPE REHABILITATION WITH INSITUFORM TECHNOLOGIES, LLC THROUGH BUYBOARD COOPERATIVE PURCHASING CONTRACT 635-21 CURED IN PLACE PIPE (CIPP) FOR PIPELINE REHABILITATION FOR THE MONTANA AVENUE 12-INCH PIPELINE REHABILITATION PROJECT IN THE ESTIMATED AMOUNT OF \$13,000,000 BASED ON INSITUFORM TECHNOLOGIES, LLC’S UNIT PRICES IN THE BUYBOARD COOPERATIVE PURCHASING

CONTRACT 635-21 AND AUTHORIZED THE USE OF COMMERCIAL PAPER.

Irazema Rojas, Chief Technical Officer, provided a presentation to the Board regarding this item (copy on file in Central Files.) Trenchless pipeline rehabilitation technology uses minimally invasive methods in lieu of traditional construction replacement via open-cut excavation. Trenchless techniques generally use the existing pipeline as a guide or host pipe, and access is via small launching and receiving pits. By reducing the amount of excavation, trenchless technologies provide an option for extending infrastructure lifespan with less disturbance and less cost than traditional excavation approaches. Trenchless pipe rehabilitation like cured-in-place pipe and pipe bursting are available through Buyboard Cooperative Purchasing Contract 635-21 Cured in Place Pipe (CIPP) for Pipeline Rehabilitation. This method of rehabilitation will be used to rehab approximately 2.5 miles of 12-inch transmission line along Montana Avenue from Paisano Ave to Airport Blvd. TxDOT is scheduled to resurface this road in the summer of 2024. The Buyboard Contract expires on March 31, 2024 and staff desires to place the work order before the expiration of the cooperative contract. The line replacement will take approximately six months to complete. Mrs. Rojas answered questions from the Board about this item.

On a motion made by Dr. Santiago, seconded by Mr. Morris and unanimously carried, the Board approved a master contract for trenchless pipe rehabilitation with Insituform Technologies, LLC through Buyboard Cooperative Purchasing Contract 635-21 Cured in Place Pipe (CIPP) for Pipeline Rehabilitation for the Montana Avenue 12-inch pipeline rehabilitation project in the estimated amount of \$13,000,000 based on Insituform Technologies, LLC's unit prices in the Buyboard Cooperative Purchasing Contract 635-21 and authorized the use of commercial paper.

18. CONSIDERED AND APPROVED AN INCREASE IN CAPACITY OF MASTER CONTRACT MC0000253 ISSUED TO PHOENIX GENERAL CONTRACTORS, LLC THROUGH ESC REGION 19 ALLIED STATES COOPERATIVE CONTRACT NO. 22-7434, FOR THE PURCHASE OF MAINTENANCE, REPAIRS AND OPERATION EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES BY AN ADDITIONAL \$1,500,000 TO INCREASE THE CURRENT MASTER CONTRACT CUMULATIVE AMOUNT TO \$2,500,000 AND AUTHORIZED THE ISSUANCE OF FUTURE ANNUAL MASTER CONTRACTS IN THE AMOUNT OF \$2,500,000 TO PHOENIX GENERAL CONTRACTORS, LLC UNDER ESC REGION 19 ALLIED STATES COOPERATIVE CONTRACT NO. 22-7434 FOR AS LONG AS THE TERM OF THE CONTRACT IS IN PLACE.

Richard Wilcox, Water Supply Manager, provided a presentation to the Board regarding this item (copy on file in Central Files.) On May 11, 2022, the Public Service Board (PSB) approved an increase of master contract MC0000253 issued to Phoenix General Contractors, LLC through ESC Region 19 Allied States Cooperative Contract No. 22-7434 in the annual amount of \$1,000,000. At this time, additional capacity in the amount of \$1,500,000 is needed to continue purchasing maintenance, repair, and operation (MRO) equipment, supplies, materials, and services. Mr. Wilcox and Ms. Rose Guevara, Utility Purchasing & Contracts Manager answered questions from the Board on this item.

On a motion made by Mr. Intebi, seconded by Mr. Morris and unanimously carried, the Board approved an increase in capacity of master contract MC0000253 issued to Phoenix General Contractors, LLC through ESC Region 19 Allied States Cooperative Contract No. 22-7434, for the purchase of maintenance, repairs and operation equipment, supplies, materials, and services by an additional \$1,500,000 to increase the current master contract cumulative amount to \$2,500,000 and authorized the issuance of future annual master contracts in the amount of \$2,500,000 to Phoenix General Contractors, LLC under ESC Region 19 Allied States Cooperative Contract No. 22-7434 for as long as the term of the contract is in place.

19. CONSIDERED AND AWARDED BID NUMBER 84-23, GRANULAR ACTIVATED CARBON, TO THE SOLE RESPONSIVE, RESPONSIBLE BIDDER, CALGON CARBON CORPORATION IN THE ESTIMATED ANNUAL AMOUNT OF \$3,462,050 FOR A TERM OF ONE YEAR WITH FOUR ONE-YEAR OPTIONS.

Richard Wilcox, Water Supply Manager, provided a presentation to the Board regarding this item (copy on file in Central Files.) Granular Activated Carbon (GAC) is used in the treatment of water to refine the final product, further enhance the water quality, and remove any taste and odors caused by organic compounds. GAC is used by three water treatment plants, Jonthan Rogers, Umbenhauer/Robertson, and Upper Valley. In addition, the Fred Hervey Water Reclamation Plant uses the GAC to achieve drinking water quality. The spent GAC is removed and replaced every three to five years,

on average, on a staggered schedule. The new bid price is 5.8% higher when compared to the previous bid from 2020. Mr. Wilcox answered questions from the Board on this item.

On a motion made by Mayor Leeser, seconded by Ms. Saenz with Ms. Block-Uribarri abstaining, the Board Bid Number 84-23, Granular Activated Carbon, to the sole responsive, responsible bidder, Calgon Carbon Corporation in the estimated annual amount of \$3,462,050 for a term of one year with four one-year options.

20. CONSIDERED AND APPROVED THE RATIFICATION OF EXPENDITURES IN THE AMOUNT OF \$50,000 BEYOND THE ORIGINALLY APPROVED EMERGENCY CONTRACT AMOUNT OF \$200,000 TO MIDLAND SCIENTIFIC, INC. FOR LABORATORY CHEMICALS AND SUPPLIES AND AUTHORIZED THE INCREASE OF THE EXISTING EMERGENCY CONTRACT WITH MIDLAND SCIENTIFIC, INC. BY AN ADDITIONAL ESTIMATED AMOUNT OF \$600,000 UNTIL THE NEW BID IS AWARDED, FOR AN ESTIMATED CUMULATIVE AMOUNT OF \$850,000 PURSUANT TO SECTION 252.022(A)(2) OF THE TEXAS LOCAL GOVERNMENT CODE, PROCUREMENT NECESSARY TO PRESERVE OR PROTECT THE PUBLIC HEALTH OR SAFETY OF THE MUNICIPALITY'S RESIDENTS.

Ruben Rodriguez, Chief Water Quality Compliance Officer, provided a presentation to the Board regarding this item (copy on file in Central Files.) On August 9, 2023, the Public Service Board approved an emergency contract with Midland Scientific, Inc. pursuant to Section 252.022(a)(2) of the Texas Local Government Code, for an estimated amount of \$200,000 until a new bid is awarded. The laboratory uses this contract to buy miscellaneous chemicals and supplies for its daily operation and to support the water, wastewater, and field operations. On January 10, 2024, the Board rejected the proposed award of Bid No. 83-23 Miscellaneous Chemicals and Supplies and authorized staff to re-bid. Staff is working on a new solicitation for the purchase of laboratory chemicals and supplies. This agenda item is a request to increase the capacity of the existing emergency contract with Midland Scientific, Inc. to continue to purchase miscellaneous chemicals and supplies until a new bid is awarded. Additionally, an analysis of the expenditures under the emergency contract identified an expenditure of \$50,000 beyond the approved amount of \$200,000. Mr. Rodriguez answered questions from the Board on this item.

On a motion made by Dr. Santiago, seconded by Ms. Saenz and unanimously carried, the Board approved the ratification of expenditures in the amount of \$50,000 beyond the originally approved emergency contract amount of \$200,000 to Midland Scientific, Inc. for laboratory chemicals and supplies and authorized the increase of the existing emergency contract with Midland Scientific, Inc. by an additional estimated amount of \$600,000 until the new bid is awarded, for an estimated cumulative amount of \$850,000 pursuant to Section 252.022(a)(2) of the Texas Local Government Code, procurement necessary to preserve or protect the public health or safety of the municipality's residents.

EXECUTIVE SESSION

On a motion made by Mr. Morris, seconded by Ms. Saenz and unanimously carried, the Board retired into Executive Session 10:09 a.m., February 14, 2024, pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Section 551.071 through 551.089 to discuss the following:

Section 551.071	Consultation with Attorney
Section 551.072	Deliberation Regarding Real Property
Section 551.073	Deliberation Regarding Prospective Gift
Section 551.074	Personnel Matters
Section 551.076	Deliberations Regarding Security Devices or Security Audits
Section 551.087	Deliberation Regarding Economic Development Negotiations
Section 551.089	Deliberation Regarding Security Devices or Security Audits

Discussion and action on the following:

- a. **THE BOARD WILL DELIBERATE REGARDING WHETHER THE FOLLOWING PROPERTY CAN BE DECLARED INEXPEDIENT TO THE WATER, WASTEWATER AND STORMWATER SYSTEM, THE PROPERTY IS LEGALLY DESCRIBED AS PORTION OF LAND SITUATED IN THE T&P R. R. CO. SURVEY, ABSTRACT NO. 2139, SECTION 35, BLOCK 79, TOWNSHIP 2, IN EL PASO COUNTY, CONSISTING OF APPROXIMATELY 0.0061 ACRE. (551.071) (551.072)**

On a motion made by Ms. Saenz and seconded by Dr. Santiago and unanimously carried, the Board deliberated that the property be declared inexpedient to the water, wastewater and stormwater systems, and the President/CEO be authorized to proceed with the sale of the property under the terms and conditions specified and sign any and all documents necessary, and that any portions of the property reserved or excepted from the sale shall remain a part of the System.

- b. **THE BOARD WILL DELIBERATE REGARDING WHETHER THE FOLLOWING PROPERTY CAN BE DECLARED INEXPEDIENT TO THE WATER, WASTEWATER AND STORMWATER SYSTEM, THE PROPERTY IS LEGALLY DESCRIBED AS A PORTION OF LAURA D MUNDY SURVEY NO. 235 AND A PORTION OF SECTION 5, BLOCK 82, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, CONSISTING OF APPROXIMATELY 49.90 ACRE. (551.071) (551.072)**

On a motion made by Dr. Santiago and seconded by Mayor Leeser and unanimously carried, the Board deliberated that the property be declared inexpedient to the water, wastewater and stormwater systems, and the President/CEO be authorized to proceed with the sale of the property under the terms and conditions specified and sign any and all documents necessary, and that any portions of the property reserved or excepted from the sale shall remain a part of the System.

- c. **CONSULTATION WITH ATTORNEY REGARDING THE PLANNED WATERLINE REPLACEMENT PROGRAM PHASE 13- CEDAR GROVE PROJECT. (551.071)**

No action was taken on this item.

On a motion made by Mayor Leeser, seconded by Ms. Block-Uribarri and unanimously carried, the Board reconvened in open session at 10:51 a.m., February 14, 2023.

ADJOURNMENT

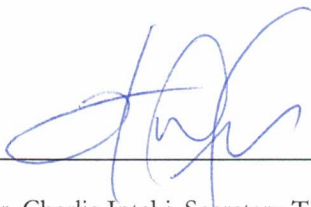
On a motion made by Mr. Leeser, seconded by Ms. Saenz and unanimously carried, the meeting adjourned at 10:57 a.m., February 14, 2024.

ATTEST:



Digitally signed by Ivonne Santiago
DN: cn=Ivonne Santiago, o, ou,
email=isantiago@utep.edu, c=US
Date: 2024.03.14 15:36:00 -06'00'

Dr. Ivonne Santiago, Chair



Mr. Charlie Intebi, Secretary-Treasure