

**MINUTES
PUBLIC SERVICE BOARD
CITY OF EL PASO
December 13, 2023**

The regular meeting of the Public Service Board was held in person, Wednesday, December 13, 2023

PSB MEMBERS PRESENT

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

PSB MEMBERS ABSENT

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
Irazema Rojas, Chief Technical Officer
Ciara Grier, Support Services II
Luz Holguin, Assistant Chief Financial Officer
Christina Montoya, Communications and Marketing Manager
Eric Lugo, Computer Programmer
Alberto Gomez, Support Services I
Sol Cortez, Deputy General Counsel
Luz Holguin, Utility Assistant Chief Financial Officer
Martin Noriega, Chief Operations Officer

GUESTS

Rocky Craley, Raftelis
Angie Flores, Raftelis
Andrew Rheem, Raftelis
Kevin Smith, Planning & Inspections City of El Paso

MEDIA

None

The Public Service Board meeting was called to order by Dr. Santiago at 8:06 a.m. A quorum of its members was present. After a moment of silence, those in attendance joined Mr. Martin Noriega in reciting the Pledge of Allegiance.

CONSENT AGENDA

On a motion made by Mr. Morris and seconded by M. Lesser, item 5 was pulled from the Consent Agenda and placed into the Regular Agenda.

On a single motion made by Mr. Morris and seconded by Ms. Saenz and unanimously carried, the Board took action on the following consent agenda items:

CONSENT AGENDA

1. CONSIDERED AND APPROVED THE MINUTES OF THE FOLLOWING MEETINGS:

- REGULARLY PSB SCHEDULED MEETING HELD ON NOVEMBER 8, 2023.
- SPECIAL MEETING FOR THE PSB BUDGET REVIEW HELD ON NOVEMBER 29, 2023; AND
- SPECIAL PSB MEETING HELD ON DECEMBER 4, 2023

2. CONSIDERED AND APPROVED A RESOLUTION AUTHORIZING THE ADDITION OF STAFF AS AN AUTHORIZED REPRESENTATIVE OF THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD FOR THE TEXPOOL INVESTMENT POOL ACCOUNTS; AND THAT THE PSB CHAIR AND SECRETARY-TREASURER BE AUTHORIZED TO SIGN ANY RELATED DOCUMENTS.

3. CONSIDERED AND APPROVED A RESOLUTION AUTHORIZING THE ADDITION OF STAFF AS AN AUTHORIZED REPRESENTATIVE OF THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD FOR THE LOCAL GOVERNMENT INVESTMENT COOPERATIVE (LOGIC) AND TEXAS SHORT TERM ASSET RESERVE PROGRAM (TEXSTAR) INVESTMENT POOL ACCOUNTS; AND THAT THE PSB CHAIR AND SECRETARY-TREASURER BE AUTHORIZED TO SIGN ANY RELATED DOCUMENTS.

4. CONSIDERED AND APPROVED AN INCREASE IN CAPACITY OF MASTER CONTRACT MC00000476 ISSUED TO REMSA USA, INC. (REMSA) THROUGH ESC REGION 19 ALLIED STATES COOPERATIVE CONTRACT NO. 21-7402 BY AN ADDITIONAL AMOUNT OF \$500,000 TO INCREASE THE EXISTING MASTER CONTRACT TO A CUMULATIVE AMOUNT OF \$1,000,000; AND AUTHORIZE THE ISSUANCE OF FUTURE ANNUAL MASTER CONTRACTS IN THE AMOUNT OF \$1,000,000 TO REMSA USA, INC. (REMSA) FOR AS LONG AS THE TERM OF ESC REGION 19 ALLIED STATES COOPERATIVE CONTRACT NO. 21-7402 IS IN PLACE.

6. CONSIDERED AND APPROVED CHANGE ORDER NUMBER 2 FOR BID NUMBER 113-22, NORTHEAST FRANKLIN DISTRIBUTION WATER MAIN SEAN HAGGERTY PHASE 1 AND NORTHEAST FRANKLIN INTERCEPTOR SEAN HAGGERTY PHASE 1 WITH CMD ENDEAVORS, INC., INCREASING THE CONTRACT AMOUNT BY \$149,725 AND EXTENDING THE CONTRACT DURATION BY 91 DAYS.

REGULAR AGENDA

5. CONSIDERED AND APPROVED AN AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH AQUATECH SEPTIC & UNDERGROUND, LLC, PURSUANT TO CHAPTER 2254 OF THE TEXAS GOVERNMENT CODE, TO INCREASE THE CAPACITY OF THE AGREEMENT FOR REGULATORY COMPLIANCE SAMPLING SERVICES BY AN ADDITIONAL \$520,000 TO INCREASE THE CUMULATIVE AGREEMENT AMOUNT TO \$620,000 FOR THE REMAINING TERM OF THE CONTRACT, CONTINGENT UPON AQUATECH MAINTAINING AND PROVIDING THEIR VALID TCEQ LICENSURE.

Mr. Art Duran, Chief Financial Officer provided a presentation to the Board regarding this item (copy on file in Central Files.) On March 3, 2023, EPWater entered into a Professional Services Agreement with Aquatech Septic & Underground, LLC for regulatory compliance sampling services for a term of five years not to exceed \$100,000 pursuant to the delegated signature authority of the President/CEO. This contract allows Aquatech to continue regulatory compliance sampling for Vinton Village Estates after EPWater assumed responsibility for overseeing the Public Water Systems (PWS.) Since then, EPWater has become responsible for three additional PWSs within Vinton, Vinton Alegre Estates, Hillside Water Works, and Vinton Hills Subdivision. At this time, \$520,000 of additional capacity is needed beyond the delegated authority to ensure EPWater can continue to use Aquatech to complete the regulatory compliance sampling that is required for all four PWSs within Vinton for the remaining four years. Mr. Duran answered questions from the Board on this item.

On a motion made by Brian Morris, seconded by Mr. Leeser, and unanimously carried, the Board approved an Amendment to Professional Services Agreement with Aquatech Septic & Underground, LLC, pursuant to Chapter 2254 of the Texas Government Code, to increase the capacity of the agreement for regulatory compliance sampling services by an additional \$520,000 to increase the cumulative agreement amount to \$620,000 for the remaining term of the contract, contingent upon Aquatech maintaining and providing their valid TCEQ licensure.

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

- **PARADE FLOAT AWARD**
- **ION WAVE LAUNCH**
- **EPA'S LATEST PROPOSED LEAD & COOPER RULE (LCRI)**

8. MANAGEMENT REPORT:

- **STRATEGIC PLAN UPDATE**
- **CONSTRUCTION UPDATE**
- **SAFETY, SECURITY & EMERGENCY 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.

10. PRESENTATION AND DISCUSSION ON THE PROPOSED IMPACT FEES STRUCTURE RELATED TO THE 2024 IMPACT FEES UPDATE.

Irazema Rojas, Chief Technical Officer, provided a presentation to the Board regarding this item (copy on file in Central Files.) Texas Local Government Code 395 requires updates to the Land Use Assumptions (LUA), Capital Improvements Plan (CIP) at least every five years which have an effect on the Impact Fees Structure. Raftelis Financial Consultants has prepared the proposed update to the Impact Fees Structure based on the LUA developed by City staff in coordination with EPWater staff and the proposed water and wastewater CIP prepared by EPWater staff. This agenda item will present the proposed 2024 Impact Fees development for each one of the Impact Fee Service areas. Mrs. Rojas answered questions from the Board on this item.

No action was taken by the Board on this item.

11. PRESENTATION AND DISCUSSION REGARDING EPWATER'S PROCUREMENT OF GOODS AND SERVICES THROUGH COOPERATIVE PURCHASING PROGRAMS AND CONSIDER AND APPROVE THE AMENDED AND RESTATED RESOLUTION, PREVIOUSLY APPROVED BY THE PSB ON NOVEMBER 4, 2020, AUTHORIZING THE PRESIDENT/CEO OR DESIGNEE TO APPROVE PURCHASES FROM AWARDED VENDORS PARTICIPATING IN APPROVED COOPERATIVE PURCHASING PROGRAMS, FOR AN ESTIMATED ANNUAL CONTRACT AMOUNT OF \$5,000,000 PER INDIVIDUAL COOPERATIVE PROGRAM AWARDED VENDOR, TO SIGN ANY AND ALL DOCUMENTS

NECESSARY TO EFFECTUATE THE PURCHASE AND TO APPROVE AMENDMENTS THAT DO NO INCREASE THE PURCHASE BEYOND AN ESTIMATED ANNUAL \$5,000,000 AND AUTHORITY TO TERMINATE THE RELATED PURCHASE CONTRACT.

On November 4, 2020, a resolution was approved by the Public Service Board (PSB) authorizing the President/CEO or designee to purchase from vendors that have an awarded contract with a an approved purchasing cooperative program for an estimated annual contract amount of \$500,000 per individual Master Contract and to sign required documentation, (“Resolution”). Data on increases to the delegated amount for purchasing cooperative contracts presented to the PSB was gathered for the last year and it was determined that the previously authorized delegated amount of \$500,000 was not sufficient to maintain efficiency within departments for the procurement of goods and services due to inflation and an increase in the Utility’s Capital Improvement Program. This agenda item is a request to increase the President/CEO’s delegated authority under the Resolution to approve purchases using cooperative purchasing programs in the annual amount of \$5,000,000.

Purchasing through approved purchasing cooperative programs is a procurement tool used by all EPWater departments. Purchasing cooperative programs competitively bid and award contracts to local, regional, and national vendors in compliance with procurement laws. EPWater satisfies legal requirement for competitive bids for the purchase of goods and services. The use of contracts through purchasing cooperative programs increases efficiency by saving time on bidding out certain items while receiving goods and services at a competitively bid price. Funds for purchases through purchasing cooperative programs are appropriated through EPWater’s budget process and approval.

On a motion made by Mr. Morris, seconded by Ms. Saenz, and unanimously carried, the Board deleted this item from the agenda. Staff requested the item be deleted to allow additional time to gather and provide all the information that was requested by the Board last month. Staff will submit an updated agenda item for a board meeting in the near term.

12. CONSIDERED AND APPROVED THE 2024 PUBLIC SERVICE BOARD MEETING SCHEDULE.

On a motion made by Dr. Santiago, seconded by Ms. Saenz, and unanimously carried, the Board approved this item.

EXECUTIVE SESSION

On a motion made by Mayor Leeser, seconded by Ms. Saenz and unanimously carried, the Board retired into Executive Session 10:23 a.m., December 13, 2023, 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. **DELIBERATION ON ACQUISITION OF AN EASEMENT ON A PORTION OF LOT 1, BLOCK 1, REDDON SUBDIVISION, EL PASO, EL PASO COUNTY, TEXAS. (551.071) (551.072)**

On a motion made by Mr. Intebi and seconded by Ms. Saenz and unanimously carried, the Board approved that the El Paso Water Utilities President/CEO be authorized to proceed with the easement acquisition in accordance with the terms and conditions specified by the Board, and sign any and all documents necessary to complete such acquisition.

- b. **DELIBERATE ON THE PROCUREMENT OF CRITICAL INFRASTRUCTURE SECURITY SERVICES FROM MAINLINE INFORMATION SYSTEMS, INC., A SOLE SOURCE PROVIDER OF THE SERVICES, PURSUANT TO SECTION 252.022(A)(7) OF THE TEXAS LOCAL GOVERNMENT CODE, IN THE ANNUAL ESTIMATED AMOUNT OF \$85,700.00 FOR A TERM OF ONE YEAR AND THE OPTION TO RENEW FOR TWO ONE-YEAR EXTENSIONS. (551.071) (551.089)**

On a motion made by Mr. Intebi and seconded by Ms. Saenz and unanimously carried, the Board approved that the Public Service Board approve the procurement of critical infrastructure security services from Mainline Information System, Inc., a sole source provider of the services, pursuant to Section 252.022(a)(7) of the Texas Local Government Code, in the annual estimated amount of \$85,700 for a term of one year and the option to renew for two one-year extensions. This authorization is separate and apart from the prior December 14, 2022 procurement approved by the Public Service Board.

ADJOURNMENT

On a motion made by Ms. Block, seconded by Mr. Morris and unanimously carried, the meeting adjourned at 10:51 a.m., December 13, 2023.

ATTEST:



Bryan Morris, Vice-Chair



Mr. Charlie Intebi, Secretary-Treasure