

**MINUTES
PUBLIC SERVICE BOARD
CITY OF EL PASO
December 14, 2022**

The regular meeting of the Public Service Board was held in person, Wednesday, December 14, 2022.

PSB MEMBERS PRESENT

Dr. Ivonne Santiago, Chair
Bryan Morris, Vice-Chair
Charlie Intebi, Secretary-Treasurer
Stefanie Block Uribarri, Member

PSB MEMBERS ABSENT

Mayor Oscar Leeser
Dr. Kristina D. Mena, Member
Lisa Saenz, Member

PSB EMPLOYEES PRESENT

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

EPWATER EMPLOYEES PRESENT

Paul Rivas, Interim Vice President
Marcela Navarrete, Vice President
Gilbert Trejo, Chief Operations Officer
Art Duran, Chief Financial Officer
Claudia Duran, Executive Assistant to the President/CEO
Sol Cortez, Deputy General Counsel
Lisa Rosendorf, Chief Communications & Government Affairs Officer
Martin Noriega, Chief Operations Officer
Gisela Dagnino, Chief Operations Officer
Ciara Grier, Support Services I
Luz Holguin, Assistant Chief Financial Officer
Geoffrey Espineli, Engineering Division Manager
Angel Bustamante, Water Systems Division Manager
Jeff Tepsick, Assistant Chief Financial Officer
Adriana Castillo, Engineering Division Manager
Felipe Lopez, Chief Operations Officer
Mirtha Solis, Purchasing Agent
Teresa Alcalá, Laboratory Services Manager
Christina Montoya, Communications and Marketing Manager
Ivan Hernandez, Engineering Division Manager
Severo Borrego, Instrumentation Control Manager
Jesus M. Hernandez, Purchasing Agent
Sergio Castro, Wastewater Plant Superintendent
Ralph Duchene, Wastewater Lift Station Maintenance Superintendent
Hector Angulo, Construction Superintendent
Matthew Montes, Code Compliance Supervisor

GUESTS

Ray Adauto, Builders Association
Richard Dayoub, TMC
Nicole Ruiz, El Paso Chamber

MEDIA

Bob Moore, El Paso Matters

The Public Service Board meeting was called to order by Dr. Santiago at 8:23 a.m. A quorum of its members was present. After a moment of silence, those in attendance joined Paul Rivas in reciting the Pledge of Allegiance.

CONSENT AGENDA

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

1. CONSIDERED AND APPROVED THE MINUTES OF THE REGULARLY SCHEDULED MEETING HELD ON NOVEMBER 9, 2022 AND THE SPECIAL BUDGET REVIEW MEETING HELD ON NOVEMBER 29, 2022.

2. CONSIDERED AND APPROVED A SOLE SOURCE PURCHASE PURSUANT TO SECTION 252.022 (A)(7)(A) OF THE TEXAS LOCAL GOVERNMENT CODE WITH THERMO ELECTRON NORTH AMERICA LLC FOR TWO THERMO FISHER INTEGRION ION CHROMATOGRAPHY FOR ANIONS INSTRUMENTS IN THE ESTIMATED AMOUNT OF \$113,759.86.

3. CONSIDERED AND APPROVED THE PROPOSED DEVELOPMENT AND DEPLOYMENT OF THE FRED HERVEY WATER RECLAMATION PLANT ELECTRONIC OPERATIONS LOGGER BY PRIME CONTROLS, L.P. THROUGH GSA CONTRACT NO. GS-35F-0455W IN THE ESTIMATED AMOUNT OF \$944,336 AND AUTHORIZED THE USE OF COMMERCIAL PAPER.

4. CONSIDERED AND APPROVED AN INCREASE IN CAPACITY OF MASTER CONTRACT MC0000232 ISSUED TO AMERICHoice CONSTRUCTION LLC TO PURCHASE MAINTENANCE REPAIR EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES THROUGH ESC REGION 19 ALLIED COOPERATIVE CONTRACT NO. 22-7434 BY AN ADDITIONAL \$300,000 TO INCREASE THE CUMULATIVE AMOUNT TO \$800,000.

5. CONSIDERED AND APPROVED A PROFESSIONAL SERVICES AGREEMENT WITH HILLCO PARTNERS LLC TO PROVIDE LEGISLATIVE AND REGULATORY CONSULTING SERVICES IN AUSTIN, TEXAS, FOR AN ANNUAL AMOUNT OF \$126,000 AND AN ANNUAL AMOUNT OF UP TO \$5,000 FOR REIMBURSABLE COSTS FOR A TERM OF TWO YEARS, BEGINNING ON JANUARY 1, 2023, THROUGH DECEMBER 31, 2024, AND AN OPTION TO EXTEND THE TERM OF THE AGREEMENT FOR TWO ONE-YEAR TERMS.

6. CONSIDERED AND AWARDED A PROFESSIONAL SERVICES CONTRACT FOR RFQ 116-22 AUDIT SERVICES TO GIBSON RUDDOCK PATTERSON LLC, IN AN ESTIMATED ANNUAL AMOUNT OF \$175,000 FOR A TERM OF THREE YEARS, WITH THE OPTION FOR TWO ONE-YEAR EXTENSIONS PROVIDED THAT THE FUNDING IS AVAILABLE IN THE APPROVED BUDGET.

7. CONSIDERED AND AWARDED PROFESSIONAL ENGINEERING SERVICES CONTRACTS FOR ON-CALL PROFESSIONAL ENGINEERING SERVICES FOR WATER AND RECLAIMED WATER DISTRIBUTION PUMP STATIONS – RFQ 110-22 TO BATH GROUP, INC., BROWN & CALDWELL, CDM SMITH INC., FREESE AND NICHOLS, INC., AND GARVER, LLC FOR AN AMOUNT NOT TO EXCEED \$1,000,000 FOR EACH FIRM AND EACH WITH A TERM OF THREE YEARS AND AUTHORIZED THE USE OF COMMERCIAL PAPER.

8. CONSIDERED AND AWARDED PROFESSIONAL SERVICES CONTRACTS FOR ON-CALL SURVEYING SERVICES – RFQ 111-22 TO BROCK & BUSTILLOS INC., COBB, FENDLEY & ASSOCIATES, INC., CONDE, INC., FRANK X. SPENCER AND ASSOCIATES, INC., GRV INTEGRATED ENGINEERING SOLUTIONS LLC, H2O TERRA, LLC, HUITT-ZOLLARS, INC., AND LAND-MARK PROFESSIONAL SURVEYING INCORPORATED., EACH FOR AN AMOUNT

NOT TO EXCEED \$500,000 WITH A TERM OF THREE YEARS AND AUTHORIZED THE USE OF COMMERCIAL PAPER.

9. CONSIDERED AND APPROVED A PROFESSIONAL ENGINEERING SERVICES CONTRACT TO CAROLLO ENGINEERS, INC., FOR THE MEMPHIS PACKED TOWER AIR STRIPPER – PART 2 PROJECT FOR DESIGN PHASE SERVICES IN THE AMOUNT OF \$30,380; AUTHORIZED FUTURE TASK ORDERS OR AMENDMENTS TO BE ISSUED UNDER THIS CONTRACT FOR ADDITIONAL DESIGN AND CONSTRUCTION PHASE SERVICES IN THE ESTIMATED AMOUNT OF \$500,000, PROVIDED THAT FUNDING IS AVAILABLE IN THE APPROVED BUDGET FOR THE TASK ORDERS OR AMENDMENTS AND AUTHORIZED THE USE OF COMMERCIAL PAPER.

10. CONSIDERED AND APPROVED A PROFESSIONAL ENGINEERING SERVICES CONTRACT FOR THE AIRPORT BOOSTER STATION REPLACEMENT PROJECT – PART 2 PROJECT WITH BATH GROUP, INC. FOR CONSTRUCTION PHASES SERVICES IN THE AMOUNT OF \$650,604 AND AUTHORIZED FUTURE TASK ORDERS OR AMENDMENTS TO BE ISSUED UNDER THIS CONTRACT FOR ADDITIONAL CONSTRUCTION PHASE SERVICES IN AN ESTIMATED AMOUNT OF \$250,000 PROVIDED THAT FUNDING IS AVAILABLE IN THE APPROVED BUDGET FOR THE TASK ORDERS OR AMENDMENTS AND AUTHORIZED THE USE OF COMMERCIAL PAPER.

11. CONSIDERED AND APPROVED AMENDMENT NUMBER 1 TO THE PROFESSIONAL ENGINEERING SERVICES CONTRACTS AWARDED TO CQC TESTING AND ENGINEERING, LLC, LEC ENGINEERING, INC. DBA LOI ENGINEERS, PROFESSIONAL SERVICE INDUSTRIES, INC., AND TERRACON CONSULTANTS, INC., FOR THE ON-CALL GEOTECHNICAL SERVICES TO INCREASE THE CAPACITY OF EACH CONTRACT BY AN ADDITIONAL AMOUNT OF \$250,000 FOR THE REMAINING CONTRACT TIME AND AUTHORIZED THE USE OF COMMERCIAL PAPER.

12. CONSIDERED AND APPROVED AMENDMENT NUMBER 1 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH GARVER, LLC FOR ADDITIONAL DESIGN PHASE SERVICES FOR THE FRED HERVEY WATER RECLAMATION PLANT HEADWORKS AND FILTER IMPROVEMENTS PROJECT IN THE AMOUNT OF \$1,393,378; AUTHORIZED FUTURE TASK ORDERS OR AMENDMENTS FOR ADDITIONAL DESIGN AND CONSTRUCTION PHASE SERVICES ISSUED UNDER THIS CONTRACT IN AN ESTIMATED AMOUNT OF \$750,000 PROVIDED THAT FUNDING IS AVAILABLE IN THE APPROVED BUDGET FOR THE TASK ORDERS OR AMENDMENTS AND AUTHORIZED THE USE OF COMMERCIAL PAPER.

REGULAR AGENDA

13. 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.

There were no comments from the public for items not on the agenda.

14. 2022 SAFEST SECTION OF THE 3RD QUARTER

Christina Montoya, Marketing and Communications Manager, provided a presentation to the Board regarding this item. The safest section of the quarter plaques were received by Sergio Castro for section 650, Ralph Duchene for section 620, Hector Angulo for section 320, and Matthew Montes for section 530.

15. CONSIDERATION OF THE DIFFERENT OPTIONS FOR THE PROPOSED SUSTAINABLE INFRASTRUCTURE SURCHARGE FEE FOR WATER AND WASTEWATER TO FUND CAPITAL

PROJECTS IN NEW SERVICE AREAS AND ACTION ON WHETHER TO PLACE A FEE OPTION ON THE JANUARY 2023 REGULAR BOARD MEETING FOR A FINAL VOTE.

John Balliew, President, provided a presentation to the Board regarding this item. At the November 29th, 2022 Public Service Board (Board) budget review meeting, the Board directed staff to provide different options for the SIS fee. Mr. Balliew answered questions from the Board on this item. Mr. Ray Adauto with Builders Association, Ms. Richard Dayoub with TMC and Ms. Nicole Ruiz with the El Paso Chamber spoke on this item as public comment.

On a motion made by Mr. Intebi seconded by Mr. Morris and unanimously carried, the Board selected Option 1- approve full amount of the SIS calculated monthly fee of \$59 per month for typical residential customers, from the different options for the proposed Sustainable Infrastructure Surcharge fee for water and wastewater to fund capital projects in new service areas to place a fee option on the January 2023 regular board meeting for a final vote.

16. CONSIDERED AND AUTHORIZED THE PRESIDENT/CEO TO SIGN A FIVE-YEAR LICENSE FOR PRIVATE USE OF DISTRICT REAL PROPERTY WITH THE EL PASO COUNTY WATER IMPROVEMENT DISTRICT NO. 1, IN THE ESTIMATED ANNUAL AMOUNT OF \$1,142,864.

Gisela Dagnino, Utility Chief Operations Officer, provided a presentation to the Board regarding this item (copy on file in Central Files.) EPWater requires license agreements with El Paso County Water Improvement District No. 1 to utilize the District's drains for the discharge and conveyance of stormwater, dewatered groundwater, and the installation of water, sewer, reclaimed, and stormwater pipelines. In addition, EPWater is responsible for the maintenance and repair of drains used for these purposes. EPWater and the District worked on a license agreement that provided EPWater access to their drains; the license was approved by the Public Service Board in March of 2017 and expired in December last year. Prior to the expiration of the license, the District and EPWater agreed to allow EPWater to continue using the drains while a new license was negotiated. Ms. Dagnino answered questions from the Board on this item.

On a motion made by Mr. Morris, seconded by Mr. Intebi and unanimously carried, the Board authorized the President/CEO to sign a five-year License for Private Use of District Real Property with the El Paso County Water Improvement District No. 1, in the estimated annual amount of \$1,142,864.

17. CONSIDERED AN AMENDED THE PURCHASING AND CONTRACTS POLICY TO ALLOW FOR THE RECEIPT OF ELECTRONIC BIDS AND PROPOSALS AND ADOPTED THE RULES FOR THE ELECTRONIC RECEIPT OF BIDS AND PROPOSALS TO BE INCORPORATED INTO THE POLICY AS EXHIBIT B.

Mirtha Solis, Senior Purchasing Agent, provided a presentation to the Board regarding this item (copy on file in Central Files.) The Purchasing and Contracts bidding process is currently a manual process that requires staff to spend significant time preparing and reviewing. Staff desires to implement an e-bidding platform that will allow EPWater to simplify and automate the bidding process and attract bidders nationwide as well as those already registered in our system. Section 252.0415 of the Texas Local Government Code permits the receipt of bids and proposals through electronic submission as long as rules are adopted to ensure the identification, security, and confidentiality of electronic bids and proposals and to ensure that the electronic bids and proposals remain unopened until the proper time. This item proposes to amend the Policy to allow for the receipt of electronic bids and proposals and for the Board to adopt Rules for the Electronic Receipt of Bids and Proposals that comply with the Texas Local Government Code. If adopted, these rules will be incorporated to the Policy as Exhibit B. Ms. Solis answered questions from the Board on this item.

On a motion made by Mr. Morris, seconded by Mr. Intebi and unanimously carried, the Board amended the Purchasing and Contracts Policy to allow for the receipt of electronic bids and proposals and adopted the Rules for the Electronic Receipt of Bids and Proposals to be incorporated into the Policy as Exhibit B.

18. PRESENTATION AND DISCUSSION OF THE HOMESERVE LEAK PROTECTION PROGRAM INSURING EPWATER'S LEAK ADJUSTMENT POLICY ALLOWING CUSTOMERS

TO OBTAIN COVERAGE OF CUSTOMER BILLS FOR LEAKS, FOR A \$0.98 MONTHLY FEE FOR RESIDENTIAL CUSTOMERS AND \$1.42 PER MONTH FOR COMMERCIAL CUSTOMERS.

Brian Davis, HomeServe, provided a presentation to the Board regarding this item (copy on file in Central Files.) The current EPWater Leak Adjustment policy under Rules and Regulations No. 5 allows for a 75% reduction of the difference above standard use in a customer's bill for leaks that have been repaired. The customer is currently responsible for 25% of the high bill due to the leak. HomeServe offers insurance coverage of EPWater's Leak Adjustment policy that would allow customers to obtain 100% coverage (up to \$1,000) of their excess water consumption for leaks at a monthly rate of \$0.98 for residential and \$1.42 for commercial customers. Customers may choose to opt out of the Program with a full refund within the first 12 months of rollout. HomeServe would administer the program, including receiving the phone calls from customers in regards to leaks, which helps to reduce calls coming into our call center. EPWater would receive a check from HomeServe for 100% of the excess water consumption instead of losing the written off revenue. Mr. Davis and Ms. Marcela Navarrete answered questions from the Board on this item.

The Board took no action on this item.

18. CONSIDERED AND APPROVED THE 2023 PUBLIC SERVICE BOARD MEETING SCHEDULE.

Claudia Duran, Executive Assistant to the President and CEO, provided a presentation to the Board regarding this item (copy on file in Central Files.) The regular meetings of the Public Service Board (PSB) during the year 2023 will held the second Wednesday of each month. All meetings are posted on the EPWater website.

On a motion made by Mr. Morris, seconded by Mr. Intebi and unanimously carried, the Board approved the 2023 Public Service Board meeting schedule.

27. MANAGEMENT REPORT:

• **CONSTRUCTION CONTRACTS UPDATE**

Ivan Hernandez, Engineering Division Manager, provided the Board with a presentation on this item (copy on file in Central Files.) EDA Northwest Development Sewer Main Extension for the installation of 3,248 LF of sanitary sewer mains was bid out on August 18, 2022 and the project duration is 240 days. Four bids were received and the bid was awarded to Bain Construction for a total of \$1,476,202.15. A total of 23 projects were awarded since March 2022 for a total of \$55,453,713.45.

- **VIDEO BY COMMUNICATIONS-** Christina Montoya, Marketing and Communications Manager, provided the Board with the video regarding the WaterWise Rebate Program (copy on file in Central Files.)

EXECUTIVE SESSION

On a motion made by Mr. Morris, seconded by Mr. Intebi and unanimously carried, the Board retired into Executive Session 10:18 a.m., December 14, 2022 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. 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 \$202,000 for a term of one year and the option to renew for two one-year extensions. (551.071) (551.089)
(551.071) (551.072)

On a motion made by Mr. Morris, seconded by Ms. Uribarri-Block and unanimously carried, the Board reconvened in open session at 10:35 a.m., December 14, 2022.

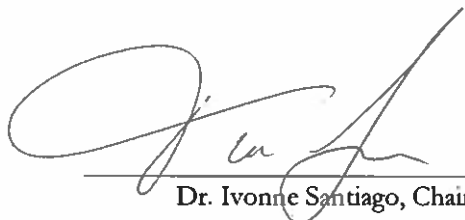
A. DELIBERATE ON THE PROCUREMENT OF CRITICAL INFRASTRUCTURE SECURITY SERVICES FROM MAINLINE INFORMATION SYSTEMS, INC., A SOLE SOURCE PROVIDER OF THE SERVICES, PURSUANT TO SECTION 252.022(A)(7) OF THE TEXAS LOCAL GOVERNMENT CODE, IN THE ANNUAL ESTIMATED AMOUNT OF \$202,000 FOR A TERM OF ONE YEAR AND THE OPTION TO RENEW FOR TWO ONE-YEAR EXTENSIONS. (551.071) (551.089)

Motion made by Mr. Intebi and seconded by Mr. Morris 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 \$202,000 for a term of one year and the option to renew for two one-year extensions.

ADJOURNMENT

On a motion made by Mr. Morris, seconded by Mr. Intebi and unanimously carried, the meeting adjourned at 10:36 a.m., December 14, 2022.

ATTEST:



Dr. Ivonne Santiago, Chair



Charlie Intebi, Secretary-Treasurer