

**MINUTES  
PUBLIC SERVICE BOARD  
CITY OF EL PASO  
November 8, 2023**

The regular meeting of the Public Service Board was held in person, Wednesday, November 8, 2023

**PSB MEMBERS PRESENT**

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

**PSB MEMBERS ABSENT**

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  
Irazema Rojas, Chief Technical Officer  
Ciara Grier, Support Services II  
Luz Holguin, Assistant Chief Financial Officer  
Christina Montoya, Communications and Marketing Manager  
Elmer Beeler, Chief Support & Logistics Officer  
Eric Lugo, Computer Programmer  
Alberto Gomez, Support Services I  
Sol Cortez, Deputy General Counsel  
Luz Holguin, Utility Assistant Chief Financial Officer  
Alberto Hernandez, Engineering Division Manager  
Ruben Rodriguez, Chief Water Quality Compliance Officer

**GUESTS**

Scott Salmon, TMI Coatings Item#22  
Anna Gitter, UT Health  
Serena Harper

**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 Lisa Rosendorf in reciting the Pledge of Allegiance.

On a motion made by Mr. Morris and seconded by M. Lesser, items 12 and 13 were pulled from the Consent Agenda and placed into the Regular Agenda.

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

#### **REGULAR AGENDA**

##### **1. ELECTION OF THE PUBLIC SERVICE BOARD CHAIR, VICE-CHAIR AND SECRETARY-TREASURER OFFICERS.**

**On a motion made by Mr. Morris seconded by Mayor Leeser and unanimously carried, the Board appointed Dr. Santiago as Public Service Board Chair.**

**On a motion made by Dr. Mena, seconded by Mayor Leeser and unanimously carried, the Board appointed Mr. Morris as the Public Service Board Vice-Chair.**

**On a motion made by Mr. Morris, seconded by Mayor Leeser and unanimously carried, the Board appointed Mr. Intebi as Secretary/Treasurer.**

**Board members Lisa Saenz and Stefanie Block Uribarri, were absent from the meeting.**

#### **CONSENT AGENDA**

##### **2. CONSIDERED AND APPROVED THE MINUTES OF THE REGULARLY SCHEDULED MEETING HELD ON OCTOBER 11, 2023.**

**3. CONSIDERED AND APPROVED AN INCREASE IN CAPACITY OF MASTER CONTRACT MC00000658 ISSUED TO AMERICHoice CONSTRUCTION LLC FOR TRENCHLESS TECHNOLOGY THROUGH ESC REGION 19 ALLIED STATES COOPERATIVE CONTRACT NO. 23-7465 BY AN ADDITIONAL AMOUNT OF \$1,000,000 INCREASING THE EXISTING MASTER CONTRACT TO A CUMULATIVE AMOUNT OF \$1,500,000; AND AUTHORIZE THE ISSUANCE OF FUTURE ANNUAL MASTER CONTRACTS IN THE AMOUNT OF \$1,500,000 FOR AS LONG AS THE TERM OF ESC REGION 19 ALLIED STATES COOPERATIVE CONTRACT NO. 23-7465 IS IN PLACE PROVIDED THAT FUNDING IS AVAILABLE IN THE APPROVED BUDGET.**

**4. CONSIDERED AND APPROVED AN INCREASE IN CAPACITY OF MASTER CONTRACT MC00000614 ISSUED TO 4 RIVERS EQUIPMENT, JOHN DEERE'S AUTHORIZED INDEPENDENT DEALER, THROUGH SOURCEWELL COOPERATIVE CONTRACT NO. 011723-JDC, BY AN ADDITIONAL AMOUNT OF \$500,000 TO INCREASE THE EXISTING MASTER CONTRACT TO A CUMULATIVE AMOUNT TO \$1,000,000; AND AUTHORIZE THE ISSUANCE OF FUTURE ANNUAL MASTER CONTRACTS IN THE AMOUNT OF \$1,000,000 TO 4 RIVERS EQUIPMENT FOR AS LONG AS THE TERM OF SOURCEWELL COOPERATIVE**

CONTRACT NO. 011723-JDC IS IN PLACE PROVIDED FUNDING IS AVAILABLE IN THE APPROVED BUDGET.

5. CONSIDERED AND APPROVED AN INCREASE IN CAPACITY OF MASTER CONTRACT MC00000380 ISSUED TO C.L. NORTH COMPANY THROUGH ESC REGION 19 ALLIED STATES COOPERATIVE CONTRACT NUMBER 22-7434, FOR THE PURCHASE OF MAINTENANCE, REPAIRS AND OPERATION EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES BY AN ADDITIONAL AMOUNT OF \$1,000,000 TO INCREASE THE MASTER CONTRACT CUMULATIVE AMOUNT TO \$2,000,000; AND AUTHORIZE THE ISSUANCE OF FUTURE ANNUAL MASTER CONTRACTS IN THE AMOUNT OF \$2,000,000 TO C.L. NORTH COMPANY UNDER ESC REGION 19 ALLIED STATES COOPERATIVE CONTRACT NO. 22-7434 FOR AS LONG AS THE TERM OF THE CONTRACT IS IN PLACE PROVIDED FUNDING IS AVAILABLE IN THE APPROVED BUDGET.

6. CONSIDERED AND APPROVED AN INCREASE IN CAPACITY OF MASTER CONTRACT MC00000547 ISSUED TO B&M MACHINERY THROUGH ESC REGION 19 ALLIED STATES COOPERATIVE CONTRACT NO. 23-7457, FOR THE PURCHASE OF MAINTENANCE, REPAIR AND OPERATION (MRO) EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES, BY AN ADDITIONAL AMOUNT OF \$1,500,000 TO INCREASE THE EXISTING MASTER CONTRACT TO A CUMULATIVE AMOUNT TO \$2,000,000; AND AUTHORIZE THE ISSUANCE OF FUTURE ANNUAL MASTER CONTRACTS IN THE AMOUNT OF \$2,000,000 TO B&M MACHINERY UNDER ESC REGION 19 ALLIED STATES COOPERATIVE CONTRACT NO. 23-7457 FOR AS LONG AS THE CONTRACT IS IN PLACE PROVIDED FUNDING IS AVAILABLE IN THE APPROVED BUDGET.

7. CONSIDERED AND APPROVED AN INCREASE IN CAPACITY OF MASTER CONTRACT MC00000548 ISSUED TO A2Z SUPPLIES THROUGH ESC REGION 19 ALLIED STATES COOPERATIVE CONTRACT NO. 23-7457 FOR THE PURCHASE OF MAINTENANCE, REPAIR AND OPERATION (MRO) EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES, BY AN ADDITIONAL AMOUNT OF \$750,000 TO INCREASE THE EXISTING MASTER CONTRACT TO A CUMULATIVE AMOUNT TO \$1,000,000; AND AUTHORIZE THE ISSUANCE OF FUTURE ANNUAL MASTER CONTRACTS IN THE AMOUNT OF \$1,000,000 TO A2Z SUPPLIES UNDER ESC REGION 19 ALLIED STATES COOPERATIVE CONTRACT NO. 23-7457 FOR AS LONG AS THE TERM OF THE CONTRACT IS IN PLACE PROVIDED FUNDING IS AVAILABLE IN THE APPROVED BUDGET.

8. CONSIDERED AND APPROVED AN INCREASE IN CAPACITY OF MASTER CONTRACT MC00000699 ISSUED TO BLACK STALLION CONSTRUCTION, INC. FOR THE MAINTENANCE AND REPAIR OF STORMWATER INFRASTRUCTURE THROUGH ESC REGION 19 ALLIED STATES COOPERATIVE CONTRACT NUMBER 23-7457 BY AN ADDITIONAL AMOUNT OF \$2,500,000 TO INCREASE THE EXISTING MASTER CONTRACT TO A CUMULATIVE AMOUNT TO \$3,000,000; AND AUTHORIZE THE ISSUANCE OF FUTURE ANNUAL MASTER CONTRACTS TO BLACK STALLION CONSTRUCTION, INC. IN THE AMOUNT OF \$3,000,000 FOR THE TERM OF ESC REGION 19 ALLIED STATES COOPERATIVE CONTRACT 23-7457 FOR AS LONG AS THE TERM OF THE CONTRACT IS IN PLACE PROVIDED THAT FUNDING IS AVAILABLE IN THE APPROVED BUDGET.

9. CONSIDERED AND APPROVED AN INCREASE IN CAPACITY OF SOLE SOURCE MASTER CONTRACT MC00000188 WITH JAMES COOKE AND HOBSON INC. FOR THE PURCHASE OF MAINTENANCE, REPAIR, AND OPERATION (MRO) EQUIPMENT, SUPPLIES,

MATERIAL, AND SERVICES BY AN ADDITIONAL AMOUNT OF \$500,000 TO A CUMULATIVE ANNUAL AMOUNT TO \$1,510,000 AND AUTHORIZE THE ISSUANCE OF A NEW SOLE SOURCE MASTER CONTRACT PURSUANT TO SECTION 252.022(A)(7)(A) AND (D) OF THE TEXAS LOCAL GOVERNMENT CODE IN THE ESTIMATED ANNUAL AMOUNT OF \$2,000,000 FOR A TERM OF ONE YEAR WITH THE OPTION OF FOUR ONE-YEAR EXTENSIONS CONTINGENT UPON JAMES COOKE AND HOBSON INC. PROVIDING YEARLY DOCUMENTATION ATTESTING THEIR SOLE SOURCE STATUS AND THAT FUNDING IS AVAILABLE IN THE APPROVED BUDGET.

10. CONSIDERED AND AWARDED BID NUMBER 16-23, LIQUID OXYGEN STORAGE TANKS TO THE SOLE, RESPONSIVE, RESPONSIBLE BIDDER, SYOXSA INC., IN THE ESTIMATED AMOUNT OF \$682,146.31.

11. CONSIDERED AND AWARDED BID 71-23, CARTRIDGE FILTERS TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, AMERICAN MELT BLOWN & FILTRATION INC., IN THE ESTIMATED ANNUAL AMOUNT OF \$372,932 FOR A TERM OF ONE YEAR, WITH THE OPTION FOR FOUR, ONE-YEAR EXTENSIONS, PROVIDED FUNDING IS AVAILABLE IN THE APPROVED BUDGETS.

14. CONSIDERED AND APPROVED CHANGE ORDER NUMBER 1 FOR BID NUMBER 19-22, EDA NORTHWEST DEVELOPMENT SEWER MAIN EXTENSION WITH BAIN CONSTRUCTION, INC. IN THE AMOUNT OF \$294,169 AND INCREASE THE CONTRACT TIME BY 105 DAYS; AND AUTHORIZE THE USE OF COMMERCIAL PAPER.

15. CONSIDERED AND APPROVED AMENDMENT NUMBER 1 TO THE PROFESSIONAL ENGINEERING SERVICES CONTRACTS AWARDED TO COBB, FENDLEY AND ASSOCIATES, INC., FRANK X. SPENCER AND ASSOCIATES INC., AND H2O TERRA, LLC FOR THE ON-CALL PROFESSIONAL ENGINEERING SERVICES FOR SUBSURFACE UTILITY ENGINEERING TO INCREASE CAPACITY OF EACH CONTRACT BY AN ADDITIONAL AMOUNT OF \$750,000 FOR THE REMAINING CONTRACT TIME AND AUTHORIZE THE USE OF COMMERCIAL PAPER.

16. CONSIDERED AND APPROVED A PROFESSIONAL ENGINEERING SERVICES CONTRACT FOR THE PUMPING SYSTEMS FURNISH, INSTALLATION, AND MAINTENANCE PART 2 PROJECT WITH CDM SMITH, INC. FOR CONSTRUCTION MANAGEMENT SERVICES IN THE ESTIMATED AMOUNT OF \$4,000,000 FOR A TERM OF THREE YEARS PROVIDED THAT FUNDING IS AVAILABLE IN THE APPROVED BUDGET FOR THE TASK ORDERS OR AMENDMENTS.

#### REGULAR AGENDA

12. CONSIDERED AND APPROVED CHANGE ORDER NUMBER 3 – GMP1 FOR THE EPWATER MAIN ADMINISTRATION BUILDING PROJECT WITH HENSEL PHELPS CONSTRUCTION CO., INCREASING THE CONTRACT AMOUNT BY \$174,915 AND INCREASING THE CONTRACT TIME BY 36 CALENDAR DAYS.

Laura Foster, Chief Architect provided a presentation to the Board regarding this item (copy on file in Central Files.) In January 2023, the Public Service Board approved a Construction Manager-At Risk (CMAR) construction

contract with Hensel Phelps Construction Co. for the EPWater Main Administration Building project with a Guaranteed Maximum Price Number 1 (GMP1) for the parking structure and site work. As the site transitions to the next phase, the project team determined that the safest, most efficient route for employees from the upper parking lot to the lower lot is through construction of a stairway along with other necessary pedestrian related site work within EPWater's property. Change Order 3 amends GMP1 to provide the time, material, and labor necessary for this owner-requested access plan during construction. Change Order 3 increases the GMP1 contract amount by \$174,915, which is a 2.25% increase in the cost of the work that increases GMP1 from \$7,753,921 to \$7,928,836. Change Order 3 also increases the contract time by 36 calendar days, changing the GMP1 substantial completion date from December 11, 2023, to January 16, 2024. Ms. Foster 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 Change Order Number 3 – GMP1 for the EPWater Main Administration Building project with Hensel Phelps Construction Co., increasing the contract amount by \$174,915 and increasing the contract time by 36 calendar days.

**13. CONSIDERED AND APPROVED CHANGE ORDER NO. 1 BID NUMBER CSP 50-22, RANCHOS REAL 6.1 MGD PUMP STATION AND AIRPORT BOOSTER STATION REPLACEMENT WITH SMITHCO CONSTRUCTION, INC. INCREASING THE CONTRACT AMOUNT BY \$898,497.86; EXTENDING THE CONTRACT DURATION BY 180 DAYS; AND AUTHORIZE THE USE OF COMMERCIAL PAPER.**

Ivan Hernandez, Utility Engineer Division Manager provided a presentation to the Board regarding this item (copy on file in Central Files.) In September 2022, the Public Service Board (PSB) awarded a construction bid to Smithco Construction, Inc. to construct the new Ranchos Real pump station located on John Hayes Street in far east El Paso. The Ranchos Real pump station was designed as a 6.1 million gallons per day (MGD) pump station with the ability to upsize to 21 MGD in the future. However, recent needs encountered by EPWater Operations have led to the decision to expand the pump station to its full capacity of 21 MGD. These needs include installing three additional pumps and the electrical and piping necessary to complete the full expansion of the pump station. This would also benefit EPWater by taking advantage of established bid items and pricing and the mobilized contractor. This change order increases the contract amount by \$898,497.86 (4.7% increase to total contract price) and adds 180 days to the contract time. Mr. Hernandez answered questions from the Board on this item.

On a motion made by Brian Morris, seconded by Mr. Lesser, and unanimously carried, the Board approved Change Order No. 1 for Bid Number CSP 50-22, Ranchos Real 6.1 MGD Pump Station and Airport Booster Station Replacement with Smithco Construction, Inc. increasing the contract amount by \$898,497.86 and extending the contract duration by 180 days; and authorize the use of commercial paper.

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

- **EMPLOYEE SURVEY**
- **HASKELL PLANT 100TH ANNIVERSARY**
- **SOUTHWEST WOMEN'S LEADERSHIP INSTITUTE "ADVOCATE FOR WOMEN LEADERS" AWARD**

**18. MANAGEMENT REPORT:**

- **PEOPLESOFT PHASE 2 – STATUS REPORT**
- **STRATEGIC PLAN UPDATE**
- **CONSTRUCTION UPDATE**
- **UPDATE ON LOCATION FOR FUTURE PSB MEETINGS**
- **VIDEO FROM COMMUNICATIONS**

**19. 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.**

**20. CONSIDERED AND ADOPT A RESOLUTION AUTHORIZING THE PRESIDENT/CEO TO SIGN AND SUBMIT A GRANT APPLICATION TO THE U.S. BUREAU OF RECLAMATION UNDER FUNDING OPPORTUNITY R23AS00464 "WATERSMART: TITLE XVI WIIN ACT WATER RECLAMATION AND REUSE PROJECTS FOR FISCAL YEARS 2023 AND 2024" FOR AN ESTIMATED AMOUNT OF \$2,750,000 TO COMPLETE CONSTRUCTION OF THE ENHANCED ARROYO PHASE OF THE AQUIFER STORAGE AND RECOVERY PROJECT IN EL PASO, TEXAS AND TO AUTHORIZE EPWATER'S COMMITMENT TO ALLOCATE THE ESTIMATED AMOUNT OF \$8,250,000 TO THE PROJECT IF GRANT FUNDS ARE AWARDED; AND TO FURTHER AUTHORIZE THE PRESIDENT/CEO TO PROVIDE AND SIGN ANY OTHER DOCUMENTS IN CONNECTION WITH THE GRANT APPLICATION, ACCEPTANCE OF THE GRANT AND GRANT AGREEMENT ASSOCIATED WITH THE PROJECT.**

Lisa Rosendorf, Chief Communications & Government Affairs 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 documents for the grant applications. EPWater had previously applied for Enhanced Arroyo funding and received \$3,250,000, which was 25% of the original estimated project cost of \$13,000,000. The total project cost for the Enhanced Arroyo is now estimated to be \$24,000,000. USBR has indicated EPWater could apply for additional construction funding for the Enhanced Arroyo, even though funding has already been awarded. The total additional estimated project cost is \$11,000,000, and EPWater will request estimated funding in the amount of \$2,750,000. The funding opportunity under "Title XVI WIIN (Water Infrastructure Improvements for the Nation Act) Water Reclamation and Reuse Projects" is available to those projects that have an associated water reuse feasibility study approved by the USBR. The ASR project has an approved feasibility study. Ms. Rosendorf answered questions from the Board on this item.

On a motion made by Kristina Mena, seconded by Mr. Leeser, and unanimously carried, the Board adopted a resolution authorizing the President/CEO to sign and submit a grant application to the U.S. Bureau of Reclamation under Funding Opportunity R23AS00464 "WaterSMART: Title XVI WIIN Act Water Reclamation and Reuse Projects for Fiscal Years 2023 and 2024" for an estimated amount of \$2,750,000 to complete construction of the Enhanced Arroyo phase of the Aquifer Storage and Recovery project in El Paso, Texas and to authorize EPWater's commitment to allocate the estimated amount of \$8,250,000 to the project if grant funds are awarded; and to further authorize the President/CEO to provide and sign any other documents in connection with the grant application, acceptance of the grant and grant agreement associated with the project.

**21. CONSIDERED AND AWARDED BID NUMBER 39-23, WET AND DRY SAND AND SILT REMOVAL FOR LINE ITEMS 1, 2, 3B OPTION 2 AND 4 TO G.R.A.C.E. CONSTRUCTION, THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, IN THE ESTIMATED ANNUAL AMOUNT OF \$736,500, FOR A TERM OF ONE YEAR, WITH THE OPTION FOR FOUR ONE-YEAR EXTENSIONS, PROVIDED FUNDING IS AVAILABLE IN THE APPROVED BUDGETS. (ATTACHMENT)**

Martin Noriega, Utility Chief Operations Officer provided a presentation to the Board regarding this item (copy on file in Central Files.) The Johathan Rogers Water Treatment Plant (JRWTP) uses detention ponds for removal of sediment, sand, and silt from river water as part of its pretreatment process. Removing these sediments reduces the amount of chemicals needed to treat the water in addition to reducing the wear and tear on pumps. This

contract will enable dredging the ponds and removal of the accumulated sediment, returning the pond capacity to its intended volume.

The previous contract was awarded April 2020. This new bid increased by 10% compared to the previous bid and also includes an owner's allowance line item for \$100,000 for unanticipated services. In addition, staff recommends to award line item 3b Option 2: removal, transport and delivery of dry sand and silt from JRWTP transfer point to the contractors disposal site; which is also a scope addition compared to the 2020 bid award. Mr. Noriega answered questions from the Board on this item.

On a motion made by Kristina Mena, seconded by Mr. Leeser, and unanimously carried, the Board awarded Bid Number 39-23, Wet and Dry Sand and Silt Removal for line items 1, 2, 3b., option 2 and 4 to G.R.A.C.E. Construction, the lowest responsive, responsible bidder, in the estimated annual amount of \$736,500, for term of one year, with the option for four one-year extensions, provided funding is available in the approved budgets.

**22. DEEMED VIKING PAINTING, LLC AS NON-RESPONSIBLE, CONSIDERED AND AWARDED BID NUMBER 60-23, NORTHWEST AND NORTHEAST RECLAIMED TANKS REHABILITATION TO THE LOWEST, RESPONSIVE, RESPONSIBLE BIDDER, TMI COATINGS, INC. IN THE ESTIMATED AMOUNT OF \$7,125,500, AND AUTHORIZED THE USE OF COMMERCIAL PAPER.**

Ivan Hernandez, Utility Engineer Division Manager provided a presentation to the Board regarding this item (copy on file in Central Files.) The Northwest and Northeast Reclaimed Tanks Rehabilitation project will rehabilitate five reclaimed water storage tanks. These welded steel storage tanks are located in northwest and northeast El Paso. These tanks provide reclaimed water to various industrial and commercial users. Annual inspections revealed that the tanks were exhibiting signs of deterioration due to age and corrosion and required rehabilitation. As part of this project, a cathodic protection system will be added to each of these tanks along with coating of the interior and exterior tank walls. Existing hardware will also be replaced with corrosion resistant materials. Mr. Hernandez answered questions from the Board on this item.

On a motion made by Kristina Mena, seconded by Mr. Morris, and unanimously carried, the Board awarded Bid Number 60-23, Northwest and Northeast Reclaimed Tanks Rehabilitation to the lowest, responsive, responsible bidder, TMI Coatings, Inc. in the estimated amount of \$7,125,500 and authorize the use of commercial paper.

**23. CONSIDERED AND APPROVED A GUARANTEED MAXIMUM PRICE AMENDMENT TO THE STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONSTRUCTION MANAGER AS CONSTRUCTOR WITH HENSEL PHELPS CONSTRUCTION CO., FOR THE EPWATER MAIN ADMINISTRATION BUILDING PROJECT AND ACCEPT THE GUARANTEED MAXIMUM PRICE NUMBER 2 (GMP2) IN THE AMOUNT OF THE AMOUNT OF \$16,819,063.**

Irazema Rojas, Chief Technical Office – Technical Services provided a presentation to the Board regarding this item (copy on file in Central Files.) In June 2022, the Public Service Board (PSB) approved a Preconstruction services agreement for the new main administration building with Hensel Phelps Construction Co. Subsequently, the project team recommended implementing construction of the project with multiple work packages each with a guaranteed maximum price (GMP). In January 2023, the PSB approved a Construction Manager-At-Risk (CMAR) construction contract with Hensel Phelps Construction Co. for the EPWater main administration building project and accepted GMP1 for the parking structure and site work.

GMP2 is the second of three CMAR work packages needed to complete the new main administration building. GMP2 scope includes grading, construction of underground plumbing, foundations, the building structure, as well

as procurement of longer lead-time items for the next phase. GMP3, the final work package, will be presented for consideration at the January PSB meeting. Ms. Rojas answered questions from the Board on this item.

On a motion made by Kristina Mena, seconded by Mr. Leeser, and unanimously carried, the Board approved a Guaranteed Maximum Price Amendment to the Standard Form of Agreement Between Owner and Construction Manager as Constructor with Hensel Phelps Construction Co., for the EPWater Main Administration Building project and accept the Guaranteed Maximum Price Number 2 in the amount of the amount of \$16,819,063.

**24. PRESENTATION AND DISCUSSION ON THE PROPOSED UPDATES TO CAPITAL IMPROVEMENTS PLAN RELATED TO THE 2024 IMPACT FEES UPDATE.**

Gilbert Trejo, Vice President Operation and Technical Services provided a presentation to the Board regarding this item (copy on file in Central Files.) The Impact Fees are assessed to new growth development areas. The intended purpose of Impact Fees is to establish a process in which new development contributes payments towards its share of the cost of water and wastewater facilities needed for growth within an established Impact Fee service area. Impact Fees were initially adopted by the City of El Paso City Council (“City Council”) on May 12, 2009. The Impact Fees currently assessed remain at the rate approved in 2009.

Texas Local Government Code 395 requires the Land Use Assumptions (LUA) and the Capital Improvements Plan (CIP) to be updated at least every five years. This process includes the preparation of updated LUA developed by City staff in coordination with EPWater staff. The LUA is then provided to EPWater staff to prepare a water and wastewater CIP to meet these future demands. The CIP estimated costs and the LUA are used to calculate the proposed updated Impact Fees. The updated CIP, LUA, and Impact Fees will be presented to the City Council at a public hearing.

This agenda item will present the proposed update to the CIP needed to meet the LUA update provided by City staff related to the 2024 Impact Fees development. The proposed 2024 Impact Fees update will be presented at a future PSB meeting. Mr. Trejo answered questions from the Board on this item.

No action was taken on this item.

**25. CONSIDERED AND ADOPTED A RESOLUTION ACCEPTING MAGUMO DARWIN, LLC.’S OFFER TO PURCHASE APPROXIMATELY 7.006 ACRES OF EPWATER PROPERTY, LEGALLY DESCRIBED AS A PORTION OF TRACTS 3A AND 5A, NOW KNOWN AS TRACTS 3A3 AND 5A1, BLOCK 7, YSLETA GRANT, IN THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, FOR THE AMOUNT OF \$875,000 AND AUTHORIZE THE PRESIDENT/CEO TO FORWARD THE RECOMMENDATION TO CITY COUNCIL AND TO SIGN ANY AND ALL DOCUMENTS NECESSARY TO COMPLETE THE SALE.**

Alejandro Vidales, Assistant Utility Land And Water Rights Manager provided a presentation to the Board regarding this item (copy on file in Central Files.) On September 27, 2006, the Public Service Board (PSB) determined the land totaling approximately 7.006 acres, and legally described as a portion of Tracts 3A and 5A, now known as Tracts 3A3 and 5A1, Block 7, Ysleta Grant, in the City of El Paso, El Paso County, Texas, to be inexpedient to the water and wastewater systems. Mr. Vidales answered questions from the Board on this item.

On a motion made by Oscar Leeser, seconded by Ms. Mena, and unanimously carried, the Board adopted a resolution accepting the offer from Magumo Darwin, LLC., for the sale of approximately 7.006 acres, and legally described as a portion of Tracts 3A and 5A, now known as Tracts 3A3 and 5A1, Block 7, Ysleta Grant, in the City of El Paso, El Paso County, Texas, to Magumo Darwin, LLC., in the amount of \$875,000, and authorize the



President/CEO to forward the recommendation to City Council and to sign any and all documents necessary to complete the sale.

**26. CONSIDERED AND ADOPTED A RESOLUTION ACCEPTING RE SHIPPING CONTAINERS, LLC.'S OFFER TO PURCHASE APPROXIMATELY 0.11 ACRES OF EPWATER PROPERTY, LEGALLY DESCRIBED AS THE NORTH 40 FEET OF LOTS 12 TO 16, MAP NO. 3, BLOCK 99, BASSETT'S ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FOR THE AMOUNT OF \$30,500 AND AUTHORIZE THE PRESIDENT/CEO TO FORWARD THE RECOMMENDATION TO CITY COUNCIL AND TO SIGN ANY AND ALL DOCUMENTS NECESSARY TO COMPLETE THE SALE.**

Alejandro Vidales, Assistant Utility Land And Water Rights Manager provided a presentation to the Board regarding this item (copy on file in Central Files.) On January 13, 2021, the Public Service Board (PSB) determined the land totaling approximately 0.11 acres, and legally described as the North 40 feet of Lots 12 to 16, Map No. 3, Block 99, Bassett's Addition, City of El Paso, El Paso County, Texas, to be inexpedient to the water and wastewater systems.

On a motion made by Kristina Menda, seconded by Mr. Morris, and unanimously carried, the Board adopted a resolution accepting the offer from RE Shipping Containers, LLC., for the sale of approximately 0.11 acres, and legally described as the North 40 feet of Lots 12 to 16, Map No. 3, Block 99, Bassett's Addition, City of El Paso, El Paso County, Texas, to RE Shipping Containers, LLC., in the amount of \$30,500, and authorize the President/CEO to forward the recommendation to City Council and to sign any and all documents necessary to complete the sale.

**27. CONSIDERED AND ADOPTED A RESOLUTION ACCEPTING RAYMUNDO J. HINOJOS' OFFER TO PURCHASE APPROXIMATELY 0.025 ACRES OF EPWATER PROPERTY, LEGALLY DESCRIBED AS LOT 25, BLOCK 3, COLONIA MIRAMONTE, ADDITION UNIT ONE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FOR THE AMOUNT OF \$8,000 AND AUTHORIZE THE PRESIDENT/CEO TO FORWARD THE RECOMMENDATION TO CITY COUNCIL, AND TO SIGN ANY AND ALL DOCUMENTS NECESSARY TO COMPLETE THE SALE.**

Alejandro Vidales, Assistant Utility Land And Water Rights Manager provided a presentation to the Board regarding this item (copy on file in Central Files.) On January 13, 2021, the Public Service Board (PSB) determined the land totaling approximately 0.025 acres, and legally described as Lot 25, Block 3, Colonia Miramonte Addition Unit One, City of El Paso, El Paso County, Texas, to be inexpedient to the water system. In May 2023, the City Council approved a Purchase and Sale Agreement for the same 0.025 acres to a different buyer and the sale was terminated prior to closing pursuant to the terms of the Agreement. Mr. Vidales answered questions from the Board on this item.

On a motion made by Oscar Leaser, seconded by Mr. Mena, and unanimously carried, the Board adopted a resolution accepting Raymundo J. Hinojos's offer to purchase approximately 0.025 acres of EPWater property, legally described as Lot 25, Block 3, Colonia Miramonte Addition Unit One, City of El Paso, El Paso County, Texas, for the amount of \$8,000 and authorize the President/CEO to forward the recommendation to City Council, and to sign any and all documents necessary to complete the sale.

**28. CONSIDERED AND ADOPTED A RESOLUTION ACCEPTING TYSON AND MEGAN STRAIN'S OFFER TO PURCHASE APPROXIMATELY 16.2097 ACRES OF EPWATER PROPERTY, LEGALLY DESCRIBED AS A PORTION OF SECTION 9, TOWNSHIP 27 SOUTH,**

**RANGE 3 EAST, NEW MEXICO PRINCIPLE MERIDIAN, DOÑA ANA CONTY, NEW MEXICO, FOR THE AMOUNT OF \$360,000 AND AUTHORIZE THE PRESIDENT/CEO TO FORWARD THE RECOMMENDATION TO CITY COUNCIL, AND TO SIGN ANY AND ALL DOCUMENTS NECESSARY TO COMPLETE THE SALE.**

Alejandro Vidales, Assistant Utility Land And Water Rights Manager provided a presentation to the Board regarding this item (copy on file in Central Files.) On December 9, 2020, the Public Service Board (PSB) determined the land totaling approximately 16.21 acres, and legally described as a Portion of Section 9, Township 27 South, Range 3 East, New Mexico Principle Meridian, Doña Ana County, New Mexico, to be inexpedient to the System. This land is located at the southeast corner of Foster Rd. and Westside Rd.

On a motion made by Oscar Leeser, seconded by Mr. Mena, and unanimously carried, the Board adopted a resolution accepting the offer from Tyson and Megan Strain., for the sale of approximately 16.21 acres, legally described as a Portion of Section 9, Township 27 South, Range 3 East, New Mexico Principle Meridian, Doña Ana Conty, New Mexico, to Tyson and Megan Strain., in the amount of \$360,000, and authorize the President/CEO to forward the recommendation to City Council, and to sign any and all documents necessary to complete the sale.

**29. 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 NOT INCREASE THE PURCHASE BEYOND ESTIMATED ANNUAL \$5,000,000 AND AUTHORITY TO TERMINATE THE RELATED PURCHASE CONTRACT.**

Rose Guevara, Utility Purchasing & Contracts Manager provided a presentation to the Board regarding this item (copy on file in Central Files.) 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 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 the legal requirement for competitive bids for the purchase of goods and services by participating in purchasing cooperative programs, which 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. Ms. Guevara answered questions from the Board on this item.

On a motion made by Oscar Leeser, seconded by Dr. Mena, and unanimously carried, the Board tabled the agenda item to the next board meeting on December 13, 2023.

### EXECUTIVE SESSION

On a motion made by Brian Morris, seconded by Mr. Intebi and unanimously carried, the Board retired into Executive Session 10:14 a.m., November 8, 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. CONSULTATION WITH ATTORNEY REGARDING SPECIAL EVENT LICENSES ON EPWATER PROPERTY. (551.071)**

No action was taken on this item.

**B. IN RE: AQUEOUS FILM-FORMING FOAMS PRODUCTS LIABILITY LITIGATION – UNITED STATES JUDICIAL PANEL ON MULTI-DISTRICT LITIGATION – MDL NO. 2873 (551.071)**

On a motion made by Mr. Intebi, seconded by Mr. Morris and unanimously carried the board approved:

- (1) “There is a substantial need for legal services.
- (2) The legal services cannot be adequately performed by attorneys and supporting personnel of EPWater; and
- (3) The legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the matter for which the services will be obtained or because EPWater does not have funds to pay the estimated amounts required under a contract providing only for the payment of hourly fees

**C. ANNUAL PERFORMANCE REVIEW AND EMPLOYMENT AGREEMENT FOR THE PRESIDENT/CEO, JOHN E. BALLIEW. (551.071) (551.074)**

### ADJOURNMENT

On a motion made by Mr. Leeser, seconded by Mr. Morris and unanimously carried, the meeting adjourned at 11.41 a.m., November 8, 2023.

ATTEST:

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Dr. Ivonne Santiago, Chair

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Charlie Intebi, Secretary-Treasurer

**SPECIAL BUDGET REVIEW MEETING MINUTES OF THE  
PUBLIC SERVICE BOARD**

**November 29, 2023**

The special meeting of the Public Service Board was held in person on Wednesday, November 29, 2023.

**PSB MEMBERS PRESENT**

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

**PSB EMPLOYEES PRESENT**

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

**EPWU EMPLOYEES PRESENT**

Ana Sanchez, VP of Financial and Management Services  
Lisa Rosendorf, Chief Communications and Government Affairs Officer  
Art Duran, Chief Financial Officer  
Gilbert Trejo, Chief Technical Officer  
Edith Lara, Executive Assistant to President/CEO  
Claudia Duran, Chief of Staff  
Christina Montoya, Marketing & Communications Manager  
Adriana Castillo, Engineering Division Manager  
Luz Holguin, Assistant Chief Financial Officer  
Irazema Rojas, Capital Improvement Program Manager  
Ciara Grier, Support Services I  
Nicadam A. Keese, Support Services I  
Gisela Dagnino, Chief of Operations Officer  
Rene Leon, Intergovernmental Affairs Coordinator  
Denise Parra, Public Affairs Officer  
Elmer Beeler, Chief of Support and Logistics officer  
Cecilia Bertolli, Capital Improvements Program Manager  
Lidia Carranco, Assistant Chief Financial Officer

**MEDIA**

KFOX/CBS4  
KTDO Telemundo  
KINT Univision

**GUESTS**

The Public Service Board meeting was called to order by Dr. Santiago at 6:08 p.m. A quorum of its members was present.

**REGULAR AGENDA**

**1. PRESENTATION AND DISCUSSION REGARDING THE BUDGET WORKSHOP – FY 2024-2025 BUDGET OVERVIEW; FY 2024-2025 STORMWATER OPERATING AND CAPITAL IMPROVEMENT BUDGET; FY 2024-2025 WATER, WASTEWATER & RECLAIMED WATER OPERATING AND CAPITAL IMPROVEMENT BUDGET; PROPOSED RULES AND REGULATIONS CHANGES, INCLUDING RATE AND FEE ADJUSTMENTS.**

Mr. John Balliew, President & CEO, provided a presentation to the Board on this item (copy on file in Central Files). The budget and rate workshop for FY24-25 includes CIP needs assessment, internal review, and prioritization, PSB rate presentation and public hearing, additional PSB budget meeting (if needed,) and PSB meeting and final decision set for January 10, 2024. El Paso Water at a glance for 2023- \$\$.005 is the average cost per gallon of water delivered, \$2.4 billion in total assets, 8 treatment plants, 508 stormwater ponds, dams and basins, and 110 million gallons of water delivered daily.

Mr. Balliew presented the Financial Plan for FY2023-24 and projected the following rate increases for FY2024-25. Current percentages are water 12%, wastewater 17%, stormwater fee is 15%. The proposed for FY2024-25 is water 4%, wastewater 4% and stormwater fee 13%. He also spoke about the impacts of inflation and price variances of goods over the last two fiscal years. Mr. Balliew spoke about the comparison of past and current expectations for future annual increases to common expense types the difference from the last 14 years 2008-2022 from the survey average is salaries, 21% benefits, -1%, chemicals 33%, contract services 16%, energy 23%, equipment 38%, supplies and materials 22%.

Mr. Balliew spoke about water and wastewater capital improvements and shared a map of EPWater's pipeline distribution systems total 5,400 miles that need to be maintained which are 43 years old for wastewater and 46 years old for water. Combined water and wastewater CIP totals \$558 million. Key components of the FY24-25 CIP for water resources is \$58 million, \$45 million for pumping systems, \$159 million for water treatment plants and \$132 million for other major capital projects. Mr. Balliew spoke of the largest CIP project- the Bustamante Wastewater Treatment Plant expansion. The expansion is needed to the 31-year-old plant due to increased service area demand. The capacity increase at this time is triggered by TCEQ rules and extensive rehabilitation is also required. The estimated costs over 5 years is \$730 million and the plant will go from 39MGD to 51MGD. The major CIP projects include wastewater treatment plants improvements of \$109 million combined for Bustamante, Haskell, Fred Hervey, new advanced water purification plant of for 25 million and other main projects like Main administration building for \$ 52 million. CIP priorities is the infrastructure reliability \$363 million for Bustamante, future water supply \$52 million, growth \$99 million and transportation, technology and other \$44 million.

The water, wastewater and reclaimed water capital and operating budget saw a 35% increase in utilities and a 20% increase in salaries due to retention and new positions. Including personnel services, materials, maintenance, utility and miscellaneous, the FY23-24 budget was \$144 million and the projected FY24-25 budget is \$173 million. Mr. Balliew discussed the recommended rates explaining that a 36% reduction in customer use would achieve the target. The current bill is at \$70.36 and the proposed rate is \$2.80, the bill would only go up to \$73.16. Proposed water rate changes for FY24-25 for residential customers is water 4%, wastewater 4% and stormwater fee 13%.

Stormwater capital improvements for FY24-25 total \$71 million, which include \$14 million in conveyance, \$49 million in storage ponds and facilities and \$8 million for other. With input from City Council, PSB acted in FY23-24 to accelerate stormwater master plan implementation with completion expected in 10 years. Key components of FY24-25 CIP include \$44 million for new stormwater ponds and improvements to ponds.

Mr. Balliew discussed the plan for the Sustainable Infrastructure Surcharge and shifting the burden of the cost of a growing city. As the City grows in every direction, all current customers pay for infrastructure to serve those areas. To keep rates affordable, it is time to start shifting the costs to those who need the new service. The new surcharge would be for all new metered homes and businesses in the outlying areas that were depicted in the photo shown (copy available in Central Files.) The fee would exclude traditional infill areas and current

customers would not see the surcharge. New surcharge provides funding to pay for new infrastructure. Key SIS elements include- recovers costs for new water and wastewater infrastructure, surcharge collected via monthly bill, fixed fee by meter size, 30- year timeline, March 1, 2023 implementation and update every 5 years.

Mr. Balliew spoke on the efforts to reduce impact to customers. EPWater is actively pursuing state and federal infrastructure funding. This year, EPWater secured \$22 million, most of which was for the Advanced Water Purification Facility and over \$50 million in grant funding requests are still pending. Water conservation saves money- a water supply replacement charge is waived for customers who use less than 4 CCFs per month. In FY22, an average of 50,000 bill per month received the waiver; \$9.6 million annually was saved by high-conserving customers. Water efficient customers will keep their bills down. In addition, EPWater has a WaterWise Business Rebate Program that can rebate up to \$15,000. Assistance was provided to customers through Project Bravo, AguaCares and Amistad. In FY21, 2,821 customers were assisted for a total of \$1,732,023 and in FY22 a projected 5,500 customers were assisted for a total of \$1,608,469, FY2023 projected 5,800 customers assisted for a projected total \$2,400,000.

Mr. Balliew covered the proposed changes to the Rules and Regulations. Rules and Regulations 3- update language for clarity. Rules and Regulations 1 update language to match City code (properties/panhandle) update fee for removal of water connections. Rules and Regulations 2, update language for clarity, Rules and Regulations 3, update language for clarity, Rules and Regulations 5, update water and wastewater annexation fees tables, added language for fire hydrant tampering, Rules and Regulations 6 update water and wastewater annexation fees tables, Rules and Regulations 7 update connection charges, refund rates, and line extension charges, update language for clarity, Rules and Regulations 11 update language to match City code (properties/panhandle)

There are opportunities for public comment- Members of the public may show up at Public Service Board meetings to provide public comment- Wednesday, December 13, 8:00 a.m. and Wednesday, January 10, 8:00 a.m. This year, we are adding an email option for public comment. Comments will be accepted until January 10, 2024. A summary of the comments received will be provided at the January 10 PSB meeting; [PSBcomments@epwater.org](mailto:PSBcomments@epwater.org) Emails received by December 12 will be shared with the Board. Emails received by January 9 will be shared with the Board.

### **EXECUTIVE SESSION**

The Board did not enter into Executive Session.

### **ADJOURNMENT**

On a motion made by Dr. Santiago seconded by Dr. Mena and unanimously carried, the meeting adjourned at 7:27 p.m., November 29, 2023.

ATTEST:

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Chair, Dr. Ivonne Santiago

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Charlie Intebi, Secretary-Treasurer

**MINUTES  
PUBLIC SERVICE BOARD  
CITY OF EL PASO  
December 04, 2023**

The regular meeting of the Public Service Board was held in person, Monday, December 4, 2023

**PSB MEMBERS PRESENT**

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

**PSB MEMBERS ABSENT**

Stefanie Block Uribarri, 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  
Edith Lara, Executive Assistant to the President/CEO  
Adriana Castillo, Engineering Division Manager  
Denis Arras, PC/LAN Specialist I  
Christina Montoya, Communications and Marketing Manager  
Eric Lugo, Computer Programmer  
Alberto Gomez, Support Services I  
Lisa Rosendorf, Chief Communications & Gov't Affairs Officer

**GUESTS**

City Council Representative Joe Molinar  
Marcos Delgado, Borderplex  
John Barrela, CEO Borderplex

**MEDIA**

None

The Special Public Service Board meeting was called to order by Dr. Santiago at 5:33 p.m. A quorum of its members was present.

**REGULAR AGENDA**

1. **CONSIDERED AND APPROVED A WATER AND WASTEWATER AGREEMENT WITH WURLDWISE LLC, DBA STATUE LLC, FOR THE PROVISION OF WATER AND WASTEWATER SERVICES AND AUTHORIZED THE PRESIDENT/CEO TO SIGN THE AGREEMENT AND ANY RELATED DOCUMENTS.**



John Balliew, President and CEO, provided a presentation to the Board regarding this item (copy on file in Central Files.) Wurldwide, LLC, a Delaware limited liability company, dba Statue LLC, proposes to establish a multi-year, large-scale project (Project) on approximately 1,000 acres located in Northeast El Paso (Stan Roberts Drive, west of US54). The Project will include buildings for the use of data centers and/or other facilities. In order for the Project brought to the City of El Paso's (City) Economic Development Department by the Borderplex Alliance to be successful, it requires long-term commitment and the careful integration of public water and wastewater capital infrastructure, schedules, and phasing of the development of the Project. Ms. Castillo answered questions from the board on this item.

On a motion made by Mayor Leeser, seconded by Mr. Morris, and unanimously carried, the board approved a Water and Wastewater Agreement with Wurldwide LLC, dba Statue LLC, for the provision of water and wastewater services and authorized the President/CEO to sign the Agreement and any related documents.

### EXECUTIVE SESSION

On a motion made by Mayor Lesser, seconded by Mr. Morris and unanimously carried, the Board retired into Executive Session 5:48 p.m., December 4, 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:

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

#### Discussion and action on the following:

- a. Annual Performance Review and Employment Agreement for the President/CEO, John E. Balliew. (551.071) (551.074)

On a motion made by Mayor Leeser, seconded by Mr. Morris and unanimously carried, the Board reconvened in open session at 6:30 p.m., December 4, 2023.

- a. **ANNUAL PERFORMANCE REVIEW AND EMPLOYMENT AGREEMENT FOR THE PRESIDENT/CEO, JOHN E. BALLIEW. (551.071) (551.074)**

On a motion made by Ms. Saenz, seconded by Mr. Morris, the board deliberated on the performance of the President/CEO and determined that the President/CEO has performed above average and exceeded the Board's expectations.

### **ADJOURNMENT**

On a motion made by Mr. Leeser, seconded by Mr. Morris and unanimously carried, the meeting adjourned at 6:33 p.m., December 4, 2023.

ATTEST:

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Dr. Ivonne Santiago, Chair

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Charlie Intebi, Secretary-Treasurer