



**PUBLIC SERVICE BOARD MEETING
AGENDA ITEM
REGULAR MEETING**

Wednesday, July 14, 2021

SUBJECT

Resolution for Emergency City-Wide Repairs to the Stormwater System

BACKGROUND

On the week of June 27 through July 5, 2021, severe rain events impacted the entire city. In some areas, the rain intensity surpassed the intensities from the monsoonal storms in 2006, precipitating as much as 6 inches of rain. These rain events caused significant stormwater runoff, overflows, blockages, and water stagnation, resulting in property damage to real estate and facilities belonging to EPWater. While damage to the stormwater system is still being assessed, facilities known to have been damaged include but are not limited to: Sam Snead Storm Drain System, the High Ridge Channel, Mesa Park Dr Arroyo (Flow Path 20A), Hickerson WRF, Ojo De Agua Channel, Keystone Dam Access Road, Magdalena Pond, Franklin Crest Flume, Canterbury Channel (Flow Path 21A).

STRATEGIC OBJECTIVES SUPPORTED

Improve Infrastructure

EVALUATION PROCESS

The monsoon season is expected to last through September, and imminent threat of severe weather conditions is expected to continue. EPWater must take actions necessary to protect the public and infrastructure.

Various contractors and consultants must be selected to perform the necessary repairs. Where contractors are already mobilized, they will be used to complete the repairs. Areas where no contractors are mobilized, selection will be based on their past experience and qualifications to complete the work, as well as ability to mobilize immediately.

Urgent public necessity exists to take action for certain procurements, purchases and contracts in order to immediately construct, repair and maintain EPWater's facilities and property to mitigate flooding and damage to property or the loss of life. It is advisable to position the Utility to exercise an exemption to the State's bidding statutes under Texas Local Government Code Section 252.022(a), exempting procurements made to preserve and protect the health and safety of the customers of EPWater, from adherence to competitive bidding statutes.

FINANCIAL IMPLICATIONS

Sufficient funds are available from various accounts.

PROPOSED ACTION REQUESTED

Consider and adopt a Resolution accepting the report regarding stormwater runoff, surface water overflows and surface water stagnation during the 2021 monsoon season and authorizing the President/CEO or designee to contract and purchase without further action of the Public Service Board, pursuant to allowable exemptions to the bid statute under section 252.022(a) of the Texas Local Government Code, including Texas Local Government Code Section 252.022(a)(2) procurements made to preserve and protect the public health and safety of the residents of El Paso and Texas Local Government Code Section 252.022(a)(3) procurement necessary because of unforeseen damage to public machinery, equipment, or other property.

SUPPORTING DOCUMENTATION PROVIDED

- Resolution

RESOLUTION

A RESOLUTION OF THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD ACCEPTING A REPORT REGARDING STORM WATER RUNOFF, SURFACE WATER OVERFLOWS AND SURFACE WATER STAGNATION DURING THE 2021 MONSOON SEASON AND AUTHORIZING THE PRESIDENT/CEO OR DESIGNEE TO CONTRACT AND PURCHASE WITHOUT FURTHER ACTION OF THE PSB BOARD, PURSUANT TO ALLOWABLE EXEMPTIONS TO THE BID STATUTE UNDER SECTION 252.022(a) OF THE TEXAS LOCAL GOVERNMENT CODE, INCLUDING TEXAS LOCAL GOVERNMENT CODE SECTION 252.022(a)(2) PROCUREMENTS MADE TO PRESERVE AND PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS OF EL PASO AND TEXAS LOCAL GOVERNMENT CODE SECTION 252.022(a)(3) PROCUREMENTS MADE BECAUSE OF UNFORSEEN DAMAGE TO PUBLIC MACHINERY, EQUIPMENT, OR OTHER PROPERTY.

WHEREAS, the City of El Paso, Texas (“City”) established the Municipal Drainage Utility System under Ordinance 016668 and vested complete authority and control of the management and operation of the Drainage System in the Public Service Board (“Board”) for El Paso Water Utilities (“El Paso Water”) to ensure that management and control of storm water adequately protects the health, safety and welfare of the residents of the City; and

WHEREAS, severe monsoon season storms in the past three weeks have caused significant storm water runoff, surface water overflows and surface water stagnation, resulting in property damage to the real estate and facilities belonging to El Paso Water; and

WHEREAS, the monsoon season is traditionally expected to last from June 15 through September, and an imminent threat of continuing severe weather conditions is expected to continue, such procurements are necessary to prevent hazard or danger to the public; and

WHEREAS, an urgent public necessity exists to take action for certain procurements in order to immediately construct, repair and maintain El Paso Water’s facilities and property to mitigate flooding and damage to property or the loss of life; and

WHEREAS, the Board finds that certain purchases and contracts are necessary to preserve and protect the public health and safety of the residents of the City and to immediately repair unforeseen damage to Utility property.

NOW, THEREFORE, BE IT RESOLVED by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas:

Section 1. That the findings and recitations set out in the preamble to this Resolution are found to be true and correct and are hereby adopted by the Public Service Board (PSB Board) and made a part of this Resolution for all purposes.

Section 2. That, pursuant to this Resolution, the President/CEO or designee is hereby authorized to take such action and make such procurements related to emergency stormwater relief, both in facilities and contracts, without further PSB Board action, so as to ensure necessary and essential collection of storm water runoff and to protect the health, safety

and welfare of the residents of the City from storm water overflows and stormwater stagnation. The President/CEO is directed to take whatever action in his judgement is necessary, to include, but not by way of limitation, design, construction, repair and maintenance to facilities and property of El Paso Water Utilities that resulted from the severe monsoon season storms of 2021. Because of the emergency situation, the President/CEO or designee is further authorized to enter into contracts and make purchases in accordance with the exemption to the State competitive bidding statutes as allowed under Texas Local Government Code Section 252.022(a), including Texas Local Government Code Sections 252.022(a)(2) and 252.022(a)(3), 252.022(a)(4) and 252.022(a)(7).

Section 3. That, pursuant to this Resolution, the President/CEO or designee is authorized to enter into contracts for professional engineering services, without further PSB Board action, with the most qualified professional service provider pursuant to Chapter 2254 Texas Government Code, without a need to follow the Architect and Engineer Selection Policy procedures.

Section 4. This Resolution and its authorization shall continue in full force and effect until October 31, 2021. Any and all related actions such as the negotiation and signing of contracts are hereby authorized to protect the best interests of the Drainage System and the residents of El Paso.

Section 5. The President/CEO will report to the El Paso Water Utilities Public ServiceBoard periodically on the progress made and actions taken.

Section 6. This Resolution shall become effective immediately upon its adoption and passage.

PASSED AND APPROVED at the regular meeting of the El Paso Water Utilities Public ServiceBoard of the City of El Paso, Texas, this 14th day of July, 2021, at which meeting a quorum was present and which was held in accordance with the provisions of V.T.C.A. Government Code, Sections 551.001, et. Seq.

**EL PASO WATER UTILITIES
PUBLIC SERVICE BOARD**

Kristina Mena, Chair

ATTEST:

Christopher Antcliff, Secretary/Treasurer

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Daniel Ortiz, General Counsel

Gilbert Trejo, Chief Technical Officer