**MINUTES**
**PUBLIC SERVICE BOARD**
**CITY OF EL PASO**
**April 10, 2024**

The regular meeting of the Public Service Board was held in person, Wednesday, April 10, 2024

**PSB MEMBERS PRESENT**
Dr. Ivonne Santiago, Chair
Charlie Intebi, Secretary-Treasurer
Bryan Morris, Vice-Chair
Dr. Anna Gitter, Member
Lisa Saenz, Member
Mayor Oscar Leeser
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
Gilbert Trejo, Vice President
Art Duran, Chief Financial Officer
Claudia Duran, Chief of Staff
Edith Lara, Executive Assistant to the President/CEO
Alberto Gomez, Support Services I
Sol Cortez, Deputy General Counsel
Jeff Tepsick, Utility Assistant Chief Financial Officer
Rebecca Hart, Utility Treasury and Property Control Manager
Ruben Rodriguez, Chief Water Quality Compliance Officer
Gisela Dagnino, Chief Operations Officer- Stormwater
Lisa Rosendorf, Chief Communications & Government Affairs Officer
Rose Guevara, Purchasing and Contracts Manager
Geoffrey Espineli, Engineer Division Manager
Gustavo Hurtado, Fiscal Operations Manager
Melinda Becker, Assistant General Counsel
Denis Arras, PC/LAN Specialist I
Brian Reyes, Systems Administrator I
Elizabeth Acosta, Business & Customer Service Assistant Manager
Elmer Beeler, Chief Support & Logistics Officer
Alex Fashing, Water Conservation Specialist
Jennifer Barr, Water Conservation/TechH2O Manager
Martin Noriega, Chief Operations Officer
Martha Koester, Lead Public Affairs Coordinator
Noelia Saenz, Utility Call Center Assistant Manager & Consultant
Ivan Hernandez, Engineer Division Manager

**GUESTS**
Marin Gomez, GRV
Jon Rezendes, Frontera Land Alliance
Mario Reyes
Maria Urbina

**MEDIA**
None

The Public Service Board meeting was called to order by Dr. Santiago at 8:02 a.m. A quorum of its members was present.

After a moment of silence, those in attendance joined Mrs. Rose Guevara in reciting the Pledge of Allegiance.

On a motion made by Mr. Morris and seconded by Mayor Leeser, items 4 was pulled from the Consent Agenda and placed into the Regular Agenda.

On a motion made by Ms. Saenz and seconded by Mayor Leeser, items 6 was pulled from the Consent Agenda and placed into the Regular Agenda

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

**CONSENT AGENDA**

**1. CONSIDERED AND APPROVED THE MINUTES OF THE REGULARLY SCHEDULED MEETING HELD ON MARCH 13, 2024.**

**2.CONSIDERED AND APPROVED THE CONSENT TO ASSIGNMENT OF THE CONTRACT FOR LICENSE, SUPPORT, MAINTENANCE, AND OTHER ADDITIONAL SERVICES RELATED TO THE AQUADVANCE ADVANCED ENERGY OPTIMIZATION AND AQUADVANCED ENERGY MONITORING SOFTWARE FROM DERCETO, INC. TO SES NORTH AMERICA, INC.**

**3. CONSIDERED AND APPROVED THE CONSENT TO ASSIGNMENT OF THE CONTRACT FOR LICENSE, SUPPORT, MAINTENANCE, AND OTHER ADDITIONAL SERVICES RELATED TO THE AQUADVANCE ADVANCED ENERGY OPTIMIZATION AND AQUADVANCED ENERGY MONITORING SOFTWARE FROM DERCETO, INC. TO SES NORTH AMERICA, INC.**

**5. CONSIDERED AND APPROVED A MASTER CONTRACT WITH INSITUFORM TECHNOLOGIES, LLC THROUGH BUYBOARD PURCHASING COOPERATIVE CONTRACT NUMBER 730-24 FOR CURED IN PLACE PIPE (CIPP) FOR PIPELINE REHABILITATION IN THE ANNUAL AMOUNT OF $5,000,000 AND AUTHORIZED THE ISSUANCE OF FUTURE MASTER CONTRACTS TO INSITUFORM TECHNOLOGIES, LLC, INC. IN THE ANNUAL AMOUNT OF $5,000,000 FOR AS LONG AS THE TERM OF THE BUYBOARD PURCHASING COOPERATIVE CONTRACT NUMBER 730-24 IS IN PLACE.**

**7. CONSIDERED AND RATIFIED CHANGE ORDER NO. 2 BID NO. 12-22 MONTANA EAST 36-INCH WATER LINE EXTENSION PHASE II (HOMESTEAD, RANCHOS REAL PUMP STATION TO EDGEMERE BOULEVARD) TO OSCAR RENDA CONTRACTING, INC. INCREASING THE CONTRACT AMOUNT BY $269,039.94 AND EXTENDING THE CONTRACT DURATION BY 191 DAYS.**

**8. CONSIDERED AND APPROVED AMENDMENT NUMBER 1 TO AGREEMENTS FOR ON-CALL PROFESSIONAL ENGINEERING SERVICES FOR WASTEWATER TREATMENT PLANTS AWARDED TO ARCADIS U.S., INC., BROWN AND CALDWELL DBA BROWN AND CALDWELL, INC., CAROLLO ENGINEERS, INC., CDM SMITH INC., H2O TERRA, LLC, HAZEN AND SAWYER, P.C., AND PARKHILL, SMITH & COOPER, INC., TO INCREASE CAPACITY OF EACH CONTRACT BY AN ADDITIONAL AMOUNT OF $1,000,000 FOR A TOTAL CUMULATIVE AMOUNT OF $2,000,000 FOR EACH FIRM AND AUTHORIZED THE USE OF COMMERCIAL PAPER.**

**9. CONSIDERED AND AWARDED PROFESSIONAL ENGINEERING CONTRACTS FOR ON-CALL STORMWATER ENGINEERING SERVICES – RFQ SW78-23 TO AECOM DBA AECOM INC., CEA ENGINEERING GROUP, INC., FREESE AND NICHOLS, INC., GARVER, LLC, GRV INTEGRATED ENGINEERING SOLUTIONS LLC, HUITT - ZOLLARS, INC. AND MORENO CARDENAS, INC., FOR AN AMOUNT NOT TO EXCEED $1,000,000 FOR EACH FIRM FOR A TERM OF TWO YEARS.**

**10. CONSIDERED AND AUTHORIZED THE PRESIDENT/CEO TO SIGN A DEVELOPER PARTICIPATION AGREEMENT WITH B&B SOCORRO LLC FOR THE INSTALLATION OF A PROPOSED WATER MAIN ASSOCIATED WITH THE PEACEFUL VALLEY SUBDIVISION WITH AN EPWATER PARTICIPATION IN THE ESTIMATED AMOUNT OF $112,832 AND AUTHORIZED THE PRESIDENT/CEO OR DESIGNEE TO APPROVE CHANGE ORDERS WITHOUT FURTHER**

**APPROVAL OF THE PSB, THAT DO NOT INCREASE EPWATER'S PARTICIPATION AMOUNT BY MORE THAN 20% OF THE CURRENT ESTIMATED AMOUNT.**

## REGULAR AGENDA

**4. CONSIDERED AND APPROVED A SOLE SOURCE CONTRACT WITH PINNACLE DATA SYSTEMS DBA DOXIM INC. FOR EPWATER BILL PRINTING AND MAILING SERVICES PURSUANT TO SECTION 252.022(A)(7)(A) OF THE TEXAS LOCAL GOVERNMENT CODE FOR SIX MONTHS IN THE ESTIMATED AMOUNT OF $800,000.**

Juan Cervantes, Utility Data Business Administrator, provided a presentation to the Board regarding this item (copy on file in Central Files.) Pinnacle Data Systems dba Doxim Inc. (Pinnacle) has provided the printing and mailing services for EPWater since 2017 pursuant to RFP 09-17. On October 11, 2023, RFP No. 18-23 EPWater Bill Prinit and Mailing Services was awarded to Info Send, Inc. To assist with the transition of services to a new vendor, the PSB also approved an extension of Pinnacle's contract for six months. Pinnacle receives billing files and/or notices files to be processed, printed, folded, inserted, sorted, and mailed. On average, 250,000 water bills, notices, and other letters to customers are processed and distributed. Due to the redesign of the new bill and all technical components involved, an additional service from Pinnacle are needed under a new agreement pursuant to Section 252.022(a)(7)(A) of the Texas Local Government Code. Mr. Cervantes answered questions from the Board on this item.

On a motion made by Ms. Block Uribarri, seconded by Ms. Saenz, and unanimously carried, the Board approved an agreement with an with Pinnacle Data Systems dba Doxim Inc. for EPWater bill printing and mailing services, pursuant to Section 252.022(a)(7)(A) of the Texas Local Government Code for six months in the estimated amount of $800,000.

**6. CONSIDERED AND APPROVED AN INCREASE IN THE CAPACITY OF MASTER CONTRACT MC00000802 ISSUED TO SHI GOVERNMENT SOLUTIONS, INC. FOR ADOBE AND MICROSOFT SOFTWARE PRODUCTS AND RELATED SERVICES THROUGH TEXAS DIR COOPERATIVE CONTRACT NUMBER NO. DIR-CPO-5237 BY AN ADDITIONAL AMOUNT OF $1,000,000 TO INCREASE THE EXISTING MASTER CONTRACT TO A CUMULATIVE AMOUNT OF $1,500,000 AND AUTHORIZED THE ISSUANCE OF FUTURE MASTER CONTRACTS IN THE ANNUAL AMOUNT OF $1,500,000 TO SHI GOVERNMENT SOLUTIONS, INC. FOR AS LONG AS THE TERM OF TEXAS DIR COOPERATIVE CONTRACT NO. DIR-CPO-5237 IS IN PLACE.**

Alfredo Solano, Chief Information Officer, provided a presentation to the Board regarding this item (copy on file in Central Files.) A master contract was issued through the Texas DIR Cooperative Contract No. DIR-CPO-5237 to SHI Government Solutions, Inc. pursuant to the delegated authority of the President/CEO or designee to issue master contracts with awarded vendors participating in approved Cooperative Purchase Programs for an estimated annual contract amount of $500,000 per individual master contract without further Public Service Board (PSB) approval. At this time, additional capacity in the amount of $1,000,000 is needed to purchase Adobe and Microsoft software products and related services. SHI Government Solutions, Inc. is the premier authorized reseller for Adobe and Microsoft. Adobe Professional is a comprehensive PDF software that allows end users to create, edit, sign, and manage PDF documents with advanced capabilities. The Microsoft Office 365 purchase includes a large set of on-premises and cloud productivity tools as well as collaboration, reporting, dashboard presentation, enterprise data, and custom development environments. On a motion made by Dr. Santiago, seconded by Dr. Gitter, and unanimously carried, the Board approved an increase in the capacity of master contract MC00000802 issued to SHI Government Solutions, Inc. for Adobe and Microsoft software products and related services through Texas DIR Cooperative Contract Number No. DIR-CPO-5237 by an additional amount of $1,000,000 to increase the existing master contract to a cumulative amount of $1,500,000 and authorized the issuance of future master contracts in the annual amount of $1,500,000 to SHI Government Solutions, Inc. for as long as the term of Texas DIR Cooperative Contract No. DIR-CPO-5237 is in place. Mr. Solano answered questions from the Board on this item.

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

- **GOVDEALS MILESTONE**
- **UPDATE ON FUNDING FLOOD WARNING SYSTEM**

**12. MANAGEMENT REPORT:**

- **CONSTRUCTION UPDATE**

- **LEAK ADJUSTMENT PROGRAM PRESENTATION**
- **UPDATE 2024 DRAINAGE REFUNDING BONDS**

**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.**

Mr. Jon Rezendes, Frontera Land Alliance, and Mr. Mario Reyes, signed up to speak.

**14. CONSIDERED AND ADOPTED A RESOLUTION AMENDING RULES AND REGULATIONS NO. 17 FOR THE APPROVAL OF THE REVISED EPWATER DROUGHT CONTINGENCY PLAN.**

Jennifer Barr, Water Conservation Manager, provided a presentation to the Board regarding this item (copy on file in Central Files.) The Texas Administrative Code, Title 30, Part 1, Chapter 288 requires retail and wholesale public water suppliers to review and update, as appropriate, their drought contingency plans at least every five years. EPWater's drought contingency plan is established through R&Rs No. 17. EPWater's Conservation Team worked on an updated EPWater Drought Contingency Plan that complies with the applicable rules of the Texas Administrative Code, the Texas Commission on Environmental Quality (TCEQ), and the Texas Water Development Board (TWDB). The Drought Contingency Plan is to be submitted to the TWDB on May 1, 2024. The purpose of this Drought Contingency Plan is to: Provide a framework to identify and manage a drought or water emergency; conserve the available water supply; protect and preserve public health, welfare, and safety; and minimize the adverse impacts of water supply shortage or other water supply emergency conditions. With this Plan, El Paso Water sets regulations and restrictions on the delivery and consumption of water under certain drought or emergency conditions. Ms. Barr answered questions from the Board on this item.

On a motion made by Mayor Leeser, seconded by Mr. Morris, and unanimously carried, the Board adopted a Resolution amending Rules and Regulations No. 17 and approved the revised EPWater Drought Contingency Plan with the revision to define recreational use of potable water under Stage 4 to include water parks and splash pads.

**15. CONSIDERED AND ADOPTED A RESOLUTION APPROVING THE ADOPTION OF EPWATER'S FIVE-YEAR 2024 WATER CONSERVATION PLAN**.

Jennifer Barr, Water Conservation Manager, provided a presentation to the Board regarding this item (copy on file in Central Files.) The Texas Administrative Code, Title 30, Part 1, Chapter 288 requires the preparation of a Water Conservation Plan for public water and wholesale water suppliers. The EPWater Water Conservation Plan (Plan) is due to be submitted to the Texas Water Development Board on May 1, 2024. The proposed Plan complies with the applicable rules of the Texas Administrative Code, the Texas Commission on Environmental Quality (TCEQ), and the Texas Water Development Board (TWDB). The Water Conservation Plan describes both EPWater's long-term commitment to conserving water for future generations and the need to manage water demands during short-term supply limitations. The objectives of the 2024 Water Conservation Plan are to: continue to reduce per capita water consumption through efficient water use practices; protect the integrity of water supplies, particularly in regard to public health; extend the life of current water supplies; reduce water loss; reduce water waste; improve efficiency in water use; minimize the adverse impacts of water supply shortages or other water supply emergencies; and meet TCEQ water conservation plan requirements. Ms. Barr answered questions from the Board on this item.

On a motion made by Ms. Saenz, seconded by Mr. Intebi, and unanimously carried, the Board adopted a resolution approving the adoption of EPWater's five-year 2024 Water Conservation Plan.

**16. CONSIDERED AND AWARDED COMPETITIVE SEALED PROPOSAL NUMBER 08-24, HEATH DE LEON PUMP STATION REPLACEMENT, TO THE SOLE OFFEROR, SMITHCO CONSTRUCTION, INC., IN THE AMOUNT OF $20,316,180.**

Geoffrey Espineli, Engineer Division Manager, provided a presentation to the Board regarding this item (copy on file in Central Files.) The Heath De Leon Pump Station is an in-line booster station built in 1979 and is located in northwest El Paso. The Texas Commission on Environmental Quality (TCEQ) no longer allows in-line booster stations and it currently has an exception from TCEQ. This project will construct a new booster station and a 1-million-gallon storage tank which

will comply with current TCEQ requirements. The existing booster station will be decommissioned once the new tank and booster station are in service. Mr. Espineli answered questions from the Board on this item.

On a motion made by Mayor Leeser, seconded by Mr. Morris, and unanimously carried, the Board awarded Competitive Sealed Proposal Number 08-24, Heath De Leon Pump Station Replacement, to the sole offeror, Smithco Construction, Inc., in the amount of $20,316,180.

**17. DEEMED LOS FIERRO CONSTRUCTION INC AS NON-RESPONSIVE AND CONSIDERED AND AWARDED COMPETITIVE SEALED PROPOSAL 12-24, ON CALL WATER DISTRIBUTION SYSTEM CONSTRUCTION CONTRACT FY 24-25, AND ON-CALL SANITARY SEWER CONSTRUCTION CONTRACT FY 24-25 TO THE HIGHEST-RANKED, RESPONSIVE, RESPONSIBLE BIDDER, KARLSRUHER, INC. DBA CSA CONSTRUCTORS FOR AN ESTIMATED ANNUAL AMOUNT OF $5,643,685.70 FOR A TERM OF ONE YEAR, WITH THE OPTION OF TWO ONE-YEAR EXTENSIONS.**

Geoffrey Espineli, Engineer Division Manager, provided a presentation to the Board regarding this item (copy on file in Central Files.) Urgent and emergency repairs of existing water distribution and sanitary sewer infrastructure require contractors to be ready to replace water and sanitary pipelines, valves, and manholes as requested by EPWater to prevent adverse impacts to the traveling public or private property. Staff is requesting these on-call contractors to be able to respond in a timely manner to prevent these events. Mr. Espineli answered questions from the Board on this item.

On a motion made by Mayor Leeser, seconded by Mr. Intebi, and unanimously carried, the Board deemed Los Fierro Construction Inc as non-responsive and considered and awarded CSP12-24, On Call Water Distribution System Construction Contract FY 24-25, and On-Call Sanitary Sewer Construction Contract FY 24-25 to the highest-ranked, responsive, responsible bidder, CSA Constructors for an estimated annual amount of $5,643,685.70 for a term of one year, with the option of two one-year extensions.

**18. CONSIDERED AND APPROVED A GUARANTEED MAXIMUM PRICE AMENDMENT TO THE CONSTRUCTION MANAGEMENT AT RISK (CMAR) CONSTRUCTION CONTRACT WITH SMITHCO CONSTRUCTION, INC. FOR THE BACKUP POWER GENERATORS AND DIESEL FUEL STORAGE AND DISPENSING SYSTEMS PROJECT AND ACCEPTED THE GUARANTEED MAXIMUM PRICE NUMBER 3 IN THE AMOUNT OF $49,224,001.55.**

Geoffrey Espineli, Engineer Division Manager, provided a presentation to the Board regarding this item (copy on file in Central Files.) EPWater has a capital improvement program to install new backup power generators at the following critical facilities: Fred Hervey Water Reclamation Plant, John T. Hickerson Water Reclamation Facility, Haskell R. Street Wastewater Treatment Plant, and Jonathan Rogers Water Treatment Plant. In addition, Senate Bill 3, enacted by the State of Texas during the 87th legislative session, required EPWater to submit an Emergency Preparedness Plan (EPP) to the Texas Commission on Environmental Quality (TCEQ) requiring that water pressure be maintained indefinitely during extreme events. To meet this requirement, the EPP identified that generators are needed at additional facilities that already have back up power generators; this includes three pump stations and 16 well sites. Further, to maintain the operation of the generators and increase resiliency of the system, two 50,000-gallon above-ground diesel fuel storage tanks with fuel unloading and dispensing systems will be installed at two different sites. TCEQ approved the EPP, and the implementation period deadline is July 1, 2028. These projects are being delivered using the CMAR method. In August 2023, the Public Service Board (PSB) approved a CMAR construction agreement with Smithco Construction, Inc. (Smithco) and accepted GMP 1 to procure long lead-time generators and electrical equipment. In October 2023, PSB approved GMP 2 for additional early procurement package for long lead time generator sets for 16 well sites, pump stations, and additional electrical equipment. GMP 3 is for construction work packages for site and civil improvements and to install the generators and additional electrical equipment. Mr. Espineli 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 a Guaranteed Maximum Price Amendment to the Construction Management at Risk (CMAR) Construction Contract with Smithco Construction, Inc. for the Backup Power Generators and Diesel Fuel Storage and Dispensing Systems project and accepted the Guaranteed Maximum Price Number 3 in the amount of $49,224,001.55.

**19. CONSIDERED AND AUTHORIZED THE PRESIDENT/CEO TO ENTER INTO THE FOLLOWING CONTRACTS RELATED TO THE EMERGENCY REPLACEMENT TO THE AIRWAY BLVD. 12-INCH CAST IRON WATER DISTRIBUTION MAIN PROJECT: 1) A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH THE MOST QUALIFIED FIRM, CDM SMITH INC. IN AN ESTIMATED AMOUNT OF $250,000 PURSUANT TO THE REQUIREMENTS OF CHAPTER 2254 OF THE GOVERNMENT CODE; AND 2) A CONSTRUCTION CONTRACT WITH BAIN CONSTRUCTION, INC. IN AN ESTIMATED AMOUNT OF $5,400,000 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 AND SECTION 252.022(A)(3) OF THE TEXAS LOCAL GOVERNMENT CODE, PROCUREMENT NECESSARY BECAUSE OF UNFORESEEN DAMAGE TO PUBLIC MACHINERY, EQUIPMENT, OR OTHER PROPERTY.**

Ivan Hernandez, Engineer Division Manager, provided a presentation to the Board regarding this item (copy on file in Central Files.) During construction of an on-going water transmission replacement project near the intersection of Viscount Blvd. and Airway Blvd, it was confirmed that an existing 12-inch diameter cast iron line has been leaking at the intersection. The existing cast iron line is suspected to have deteriorated beyond repair due to pipeline age and corrosion and needs to be replaced. This water distribution main is critical to the system as it supplies water to the heavily trafficked commercial corridor. Due to the high risk, high consequence of failure nature of this segment of the water distribution system, an emergency action is needed authorizing work to permanently replace this 12-inch cast-iron pipeline. Mr. Hernandez answered questions from the Board on this item.

On a motion made by Mr. Morris , seconded by Ms. Saenz, and unanimously carried, the Board authorized the President/CEO to enter into the following contracts related to the Emergency Repairs to the Airway Blvd. 12-inch Cast Iron Water Distribution Main: 1) a Professional Engineering Services Agreement with the most qualified firm, CDM Smith in an estimated amount of $250,000 pursuant to the requirements of Chapter 2254 of the Government Code; and 2) a construction contract with Bain Construction in an estimated amount of $5,000,000, pursuant to Section 252.022(a)(2) of the Texas Local Government Code, procurement necessary to preserve and protect the public health or safety of the municipality's residents and Section 252.022(a)(3) of the Texas Local Government Code, procurement necessary because of unforeseen damage to public machinery, equipment, or other property.

**20. CONSIDERED AND APPROVED A SIX-MONTH EXTENSION TO THE EMERGENCY LABORATORY SERVICES CONTRACTS WITH PACE ANALYTICAL SERVICES, LLC, MC00000715, AND EUROFINS XENCO, LLC, MC00000716, FOR A TOTAL TERM OF ONE YEAR, AND INCREASED EACH OF THE TWO CONTRACTS BY AN ESTIMATED AMOUNT OF $500,000, FOR A CUMULATIVE AMOUNT OF $1,000,000 EACH, ACCORDING TO SECTION 252.022(A)(2) OF THE TEXAS LOCAL GOVERNMENT CODE, PROCUREMENT NECESSARY TO PRESERVE OR PROTECT THE PUBLIC HEALTH AND 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.) The EPWater International Water Quality Laboratory (IWQL) currently utilizes two contract labs to provide analysis of samples to meet permit and regulatory requirements: Pace Analytical Services, LLC and Eurofins Xenco, LLC. In October 2023, the Public Service Board approved emergency contracts pursuant to Section 252.022(a)(2) of the Texas Local Government Code with both vendors for a period of six months while a new contract was bid because the former contract had reached capacity. Compared to previous bids for these services, the format of the bid has been updated to better define all the required samples and their parameters along with the contract terms and conditions. For these reasons along with perpetual staffing shortages, the estimated time to develop the bid documents was underestimated. Additional time is needed to complete the bidding process and award the new contracts. Mr. Rodriguez answered questions from the Board on this item.

On a motion made by Mr. Morris, seconded by Dr. Gitter, with Ms. Block Uribarri abstaining, by, the Board approved a six-month extension to the emergency laboratory services contracts with Pace Analytical Services, LLC, MC00000715, and Eurofins Xenco, LLC, MC00000716, for a total term of one year, and increased each of the two contracts by an estimated amount of $500,000, for a cumulative amount of $1,000,000 each, according to Section 252.022(a)(2) of the Texas Local Government Code, procurement necessary to preserve and protect the public health and safety of the municipality's residents.

**21. CONSIDERED AND ADOPTED A RESOLUTION REQUESTING THE CITY OF EL PASO CITY COUNCIL TO (1) AUTHORIZED THE ESTABLISHMENT OF THE WATER AND WASTEWATER UTILITY SYSTEM EXTENDABLE COMMERCIAL PAPER PROGRAM TO ISSUE NOTES IN AN AMOUNT NOT TO EXCEED $300,000,000; (2) APPROVED THE SELECTION OF MORGAN STANLEY & CO. LLC AS THE DEALER OF THE NOTES FOR THE EXTENDABLE COMMERCIAL PAPER PROGRAM; AND (3) AUTHORIZED EPWATER'S PRESIDENT/CEO, OR AUTHORIZED DESIGNEES, TO NEGOTIATE ANY NECESSARY AGREEMENTS IN CONNECTION WITH THE ESTABLISHMENT OF THE WATER AND WASTEWATER UTILITY SYSTEM EXTENDABLE COMMERCIAL PAPER PROGRAM AND THE ISSUANCE OF NOTES, INCLUDING AN AGREEMENT BETWEEN THE CITY AND MORGAN STANLEY & CO. LLC, AS DEALER OF THE NOTES.**

Art Duran, Chief Financial Officer, provided a presentation to the Board regarding this item (copy on file in Central Files.) Currently, EPWater has an $80 million Commercial Paper Program with Bank of America, N.A., to fund a portion of the Water and Wastewater Capital Improvement Program (CIP) projects. The contract with Bank of America, N.A., will expire on August 21, 2026. The Extendable Commercial Paper (ECP) Program is a new financing product of up to $300 million that will augment the current Commercial Paper Program offering flexibility in financing for the Utility.

On a motion made by Ms. Saenz, seconded by Mr. Morris, opposed by Mayor Leeser, the Board adopted a resolution requesting the City of El Paso City Council to (1) authorized the establishment of the Water and Wastewater Utility System Extendable Commercial Paper Program to issue Notes in an amount not to exceed $300,000,000; (2) approved the selection of Morgan Stanley & Co. LLC as the dealer of the Notes for the Extendable Commercial Paper Program; and (3) authorized EPWater's President/CEO, or authorized designees, to negotiate any necessary agreements in connection with the establishment of the Water and Wastewater Utility System Extendable Commercial Paper Program and the issuance of Notes, including an agreement between the City and Morgan Stanley & Co. LLC, as dealer of the Notes.

**22. CONSIDERED AND ADOPTED A RESOLUTION REQUESTING THE CITY OF EL PASO CITY COUNCIL TO ADOPT AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO $303,000,000 OF CITY OF EL PASO, TEXAS, WATER AND SEWER REVENUE REFUNDING BONDS TO PAY OFF UP TO $300,000,000 OF OUTSTANDING EXTENDABLE COMMERCIAL PAPER NOTES AND FUND RELATED TRANSACTION COSTS, PROVIDED THAT CERTAIN PRICING PARAMETERS SET FORTH IN SUCH ORDINANCE ARE MET.**

Art Duran, Chief Financial Officer, provided a presentation to the Board regarding this item (copy on file in Central Files.) Currently, EPWater has an $80 million Commercial Paper Program with Bank of America, N.A., to fund a portion of the Water and Wastewater Capital Improvement Program (CIP) projects. The contract with Bank of America, N.A. will expire on August 21, 2026. The Extendable Commercial Paper (ECP) program is a new financing program of up to $300 million that will ultimately replace the prior program and offers greater financing capacity to support the Capital Improvement Program. The ECP program is structured with the expectation that the El Paso City Council will annually approve a parameters ordinance that will authorize the City to issue City of El Paso, Texas, Water and Sewer Revenue Refunding Bonds in the amount necessary to pay off any outstanding ECP Notes on their maturity date if the specified parameters in the ordinance are met.

On a motion made by Ms. Saenz, seconded by Dr. Gitter, and opposed by Mayor Leeser, the Board adopted a resolution requesting the El Paso City Council to adopt an ordinance authorizing the issuance of up to $303,000,000 of City of El Paso, Texas, Water and Sewer Revenue Refunding Bonds to pay off up to $300,000,000 of outstanding Extendable Commercial Paper Notes and fund related transaction costs, provided that certain pricing parameters set forth in such ordinance are met.

**23. CONSIDERED AND ADOPTED A RESOLUTION REQUESTING THE CITY OF EL PASO CITY COUNCIL TO ADOPT AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO $61,200,000 OF CITY OF EL PASO, TEXAS, MUNICIPAL DRAINAGE UTILITY SYSTEM REVENUE REFUNDING BONDS TO PAY OFF UP TO $60,000,000 OF EXTENDABLE COMMERCIAL PAPER NOTES AND FUND RELATED TRANSACTION COSTS, PROVIDED THAT CERTAIN PRICING PARAMETERS OUTLINED IN SUCH ORDINANCE ARE MET.**

Art Duran, Chief Financial Officer, provided a presentation to the Board regarding this item (copy on file in Central Files.) The Extendable Commercial Paper (ECP) program is a financing program with a capacity of up to $60,000,000. The ECP program requires an annual parameters resolution ordinance approved by the City of El Paso City Council to

approve the issuance of up to $61,200,000 of City of El Paso, Texas, Municipal Drainage Utility System Revenue Refunding Bonds to pay off up to $60,000,000 of outstanding ECP Notes, and to fund related transaction costs. Mr. Duran answered questions from the Board on this item.

On a motion made by Ms. Saenz, seconded by Mr. Morris, and opposed by Mayor Leeser, the Board adopted a resolution requesting that the El Paso City Council authorize the issuance of up to $61,200,000 of City of El Paso, Texas, Municipal Drainage Utility System Revenue Refunding Bonds to pay off up to $60,000,000 of Extendable Commercial Paper Notes and fund-related transaction costs, provided that certain pricing parameters outlined in such ordinance are met.

**24. CONSIDERED AND ADOPTED A RESOLUTION REQUESTING THE CITY OF EL PASO CITY COUNCIL TO ADOPT AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO $40,480,000 OF CITY OF EL PASO, TEXAS, WATER AND SEWER REVENUE REFUNDING BONDS TO REFUND UP TO $39,335,000 OF SERIES 2015A AND 2015C WATER AND SEWER REVENUE BONDS AND TO FUND RELATED TRANSACTION COSTS, PROVIDED THAT CERTAIN PRICING PARAMETERS OUTLINED IN SUCH ORDINANCE ARE MET.**

Art Duran, Chief Financial Officer, provided a presentation to the Board regarding this item (copy on file in Central Files.) EPWater is requesting that the City Council approve the issuance of up to $40,480,000 of City of El Paso Water and Sewer Revenue System Refunding bonds to refund Water and Sewer Revenue Series 2015A bonds in the principal amount of $11,060,000 and Series 2015C bonds in the principal amount $28,275,000 which are callable on March 1, 2025. This transaction will create an estimated present value interest savings of $2,800,000.

On a motion made by Ms. Block Uribarri, seconded by Ms. Saenz, and opposed by Mayor Leeser, the Board adopted a resolution requesting that the El Paso City Council authorize the issuance of up to $40,480,000 of City of El Paso, Texas, Water and Sewer Revenue Refunding Bonds to refund up to $39,335,000 of Series 2015A and 2015C Water and Sewer Revenue Bonds and to fund related transaction costs, provided that certain pricing parameters outlined in such ordinance are met.

**25. CONSIDERED AND ADOPTED A RESOLUTION REQUESTING THE CITY OF EL PASO CITY COUNCIL TO ADOPT AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO $14,000,000 OF CITY OF EL PASO, TEXAS, MUNICIPAL DRAINAGE UTILITY SYSTEM REVENUE REFUNDING BONDS TO REFUND UP TO $13,490,000 OF THE CURRENTLY OUTSTANDING MUNICIPAL DRAINAGE UTILITY REVENUE SYSTEM BONDS SERIES 2015 AND TO FUND RELATED TRANSACTION COSTS, PROVIDED THAT CERTAIN PRICING PARAMETERS OUTLINED IN SUCH ORDINANCE ARE MET.**

Art Duran, Chief Financial Officer, provided a presentation to the Board regarding this item (copy on file in Central Files.) EPWater is requesting that the City Council approve the issuance of up to $14,000,000 of City of El Paso Municipal Drainage Utility Revenue System Refunding Bonds to refund Municipal Drainage Utility Revenue Bonds, Series 2015, in the principal amount of up to $13,490,000 which are callable March 1, 2025. This transaction will create an estimated present value interest savings of $1,257,000.

On a motion made by Ms. Block Uribarri, seconded by Ms. Saenz, and opposed by Mayor Leeser, the Board adopted a resolution requesting that the El Paso City Council authorize the issuance of up to $14,000,000 of City of El Paso, Texas, Municipal Drainage Utility System Revenue Refunding Bonds to refund up to $13,490,000 of the currently outstanding Municipal Drainage Utility Revenue System Bonds Series 2015 and to fund interest and related transaction costs provided that certain pricing parameters outlined in such ordinance are met.

**26. PRESENTATION AND DISCUSSION OF EPWATER'S FOURTH QUARTER AND FISCAL YEAR-ENDING INVESTMENT REPORT FOR THE PERIOD ENDING FEBRUARY 29, 2024, AND CONSIDERED AND ADOPTED A RESOLUTION AMENDING RULES AND REGULATIONS NO. 10, ESTABLISHING THE INVESTMENT POLICY, WHICH INCLUDES THE PROPOSED LIST OF AUTHORIZED BROKERS AND DEALERS AND CERTIFIED INVESTMENT TRAINING FIRMS.**

Rebecca Hart, Utility Treasury and Property Control Manager provided a presentation to the Board regarding this item (copy on file in Central Files.) The Public Funds Investment Act (PFIA) requires a quarterly investment report to be submitted and an annual review of the entity's Investment Policy. Ms. Hart answered questions from the Board on this item.

On a motion made by Mayor Leeser, seconded by Dr. Gitter, and unanimously carried, the Board adopted a resolution amending Rules & Regulations No. 10, establishing the Investment Policy, which includes the proposed list of authorized brokers and dealers and certified investment training firms.

**27. PRESENTATION AND DISCUSSION OF EPWATER'S FOURTH QUARTER PRELIMINARY FINANCIAL AND PERFORMANCE MEASURES REPORT FOR THE FISCAL YEAR 2023-24, PERIOD ENDING FEBRUARY 29, 2024.**

Gustavo Hurtado, Fiscal Operations Manager provided a presentation to the Board regarding this item (copy on file in Central Files.) The Public Service Board requires regular financial reporting from the President/CEO and staff on the financial condition of the Utility. Mr. Hurtado answered questions from the Board on this item.

No action was taken by the Board on this item.

**28. CONSIDERED AND DELIBERATED ON THE APPEAL OF A CUSTOMER, JOSE LUIS BARRON, REGARDING A BILLING DISPUTE PURSUANT TO RULES AND REGULATIONS NO. 8.**

Mr. Jose Barron signed up to speak on item 28 and was given ten minutes to present his appeal. Mr. Barron answered questions from the Board on this item.

On a motion made by Mr. Morris, seconded by Mayor Leeser and unanimously carried, the Board moved item 28 into Executive Session.

**29. CONSIDERED AND APPROVED THE PROPOSED TIMELINE FOR THE SELECTION OF A NEW PSB MEMBER IN THE AREA OF ENVIRONMENTAL OR HEALTH**

On a motion made by Mayor Leeser, seconded by Ms. Saenz and unanimously carried, the Board approved the proposed timeline for the selection of a new PSB member in the area of environmental or health.

**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.**

On a motion made by Mr. Morris, seconded by Ms. Saenz, the Board reconsidered public comment on any item not on the agenda. The Chair may impose reasonable time limits for each speaker.

Ms. Michelle Mergili was signed up to speak.

**EXECUTIVE SESSION**

On a motion made by Mr. Morris, seconded by Ms. Saenz and unanimously carried, the Board retired into Executive Session 11:08 a.m., April 10, 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:**

**28. CONSIDERED AND DELIBERATED ON THE APPEAL OF A CUSTOMER, JOSE LUIS BARRON, REGARDING A BILLING DISPUTE PURSUANT TO RULES AND REGULATIONS NO. 8.**

On a motion made by Mr. Intebi, seconded by Mr. Morris and unanimously carried, the Board deliberated that the March 20, 2024, determination of the Administrative Committee was consistent with El Paso Water's Rules and Regulations, policies and

practices and in accordance with applicable law. Therefore, the decision of the President/CEO regarding Jose Luis Barron's billing dispute was affirmed and Mr. Barron's demand for $1,000 was denied. This decision by the Public Service Board on an appeal was final and non-appealable further.

**a) THE BOARD DELIBERATED REGARDING WHETHER THE FOLLOWING PROPERTY CAN BE DECLARED INEXPEDIENT TO THE STORMWATER SYSTEM, THE PROPERTY IS LEGALLY DESCRIBED AS LOTS 22, 23, 24, 25, 26, 27, 28 AND 29, BLOCK D, MONTOYA TOWNSITE IN EL PASO COUNTY, TEXAS, ACCORDING TO THE SUPPLEMENTAL MAP ON FILE IN THE FRONT OF BOOK 451 OF THE DEED RECORDS OF EL PASO COUNTY, TEXAS, CONSISTING OF APPROXIMATELY 0.4727 ACRES. (551.071) (551.072)**

On a motion made by Mr. Intebi, seconded by Ms. Saenz, the Board deliberated that the property be declared inexpedient to the stormwater system and that any portions of the property reserved or excepted from a future sale shall remain a part of the El Paso Water system, as applicable.

**b) LEGAL AND PROPERTY CONSIDERATIONS FOR THE PROVISION OF UTILITY SERVICES TO PROPERTY LOCATED NORTH OF MONTANA AVENUE AND SOUTH OF SPUR 601. (551.071) (551.072)**

No action was taken on this item.

On a motion made by Ms. Saenz, seconded by Mr. Morris and unanimously carried, the Board reconvened in open session at 12:07 p.m., April 10, 2023. Mayor Leeser was absent for Executive Session.

**ADJOURNMENT**

On a motion made by Dr. Santiago, seconded by Mr. Morris and unanimously carried, the meeting adjourned at 12:08 p.m., April 10, 2024.

ATTEST:

Dr. Ivonne Santiago, Chair

Mr. Charlie Intebi, Secretary-Treasure