



BROWNSVILLE  
PUBLIC UTILITIES BOARD

TO: Brownsville Public Utilities Board  
FROM: Art Rendon, Chair  
SUBJECT: Notice of a Regular Board Meeting

Date: January 6, 2023

MEETING DATE: **January 9, 2023**  
MEETING TIME: **5:30 PM**  
MEETING LOCATION: **BPUB Annex Building  
Board Room  
1425 Robinhood Drive  
Brownsville, Texas 78521**

PURSUANT TO CHAPTER 551.127, TEXAS GOVERNMENT CODE, ONE OR MORE BOARD OF DIRECTORS OR EMPLOYEES MAY ATTEND THIS MEETING REMOTELY USING VIDEOCONFERENCING TECHNOLOGY. THE VIDEO AND AUDIO FEED OF THE VIDEOCONFERENCING EQUIPMENT CAN BE VIEWED AND HEARD BY THE PUBLIC AT THE ADDRESS POSTED ABOVE AS THE LOCATION OF THE MEETING. REASONABLE SPACING BETWEEN ATTENDEES AT THE MEETING WILL BE PROVIDED. ALL ATTENDEES ARE STRONGLY REQUESTED TO WEAR MASKS, BUT ARE NOT REQUIRED BY STATE LAW. ANYONE EXPERIENCING ANY SYMPTOMS OF COVID-19 IS ASKED NOT TO ATTEND THE MEETING IN PERSON, BUT RATHER TO CALL IN TO THE MEETING. BPUB RESERVES THE RIGHT TO REQUEST ANYONE DISPLAYING COVID-19 SYMPTOMS TO LEAVE THE MEETING. IF YOU DO NOT ATTEND THE MEETING IN PERSON, YOU MAY USE THE DIAL-IN PROCEDURE BELOW.

**Dial In: 1-408-418-9388**  
**Access Code: 2489 032 2937 #**

Members of the public may listen to the meeting as it is being held by dialing one of the numbers listed below (same access code above). Because of technology limitations, only a limited number of callers will be allowed to call in, however, a recording of the meeting will be made available to the public after the meeting on BPUB's website at: <https://www.brownsville-pub.com/events/board-of-directors-meeting-2-2023-01-09/>

Dial by your location: 1-408-418-9388 (US Toll)	
1-617-315-0704 (Boston)	1-312-535-8110 (Chicago)
1-469-210-7159 (Dallas)	1-720-650-7664 (Denver)
1-904-900-2303 (Jacksonville)	1-213-306-3065 (Los Angeles)
1-646-992-2010 (New York City)	1-602-666-0783 (Phoenix)
1-206-207-1700 (Seattle)	1-202-860-2110 (Washington, DC)

DISCUSSION AND POSSIBLE ACTION ON THE FOLLOWING MATTERS:

**MEETING AGENDA**

**Call Open Meeting to Order at 5:30 PM**

CONFIRMATION OF A QUORUM

PLEDGE OF ALLEGIANCE

**MOMENT OF SILENCE**

**PUBLIC COMMENTS**

*Please note the following:*

**PUBLIC COMMENTS WILL ONLY BE ACCEPTED IN WRITING NO LATER THAN ONE (1) HOUR IN ADVANCE OF THE MEETING BY SENDING THEM TO NORMA SANCHEZ AT [PublicComments@brownsville-pub.com](mailto:PublicComments@brownsville-pub.com). In the body of the email please include date, your name, your address, phone number, agenda item number, if applicable, or subject of discussion, and your comments.**

- **THERE IS A FIVE (5)-MINUTE TIME LIMIT PER SPEAKER. THE PRESIDING OFFICER MAY, BUT IS NOT REQUIRED TO, ALLOW ADDITIONAL TIME TO A SPEAKER.**
- **THE SPEAKER MUST IDENTIFY BY NAME, ADDRESS, AND ORGANIZATIONAL AFFILIATION (IF ANY) BEFORE SPEAKING.**
- **QUESTIONS AND COMMENTS SHOULD BE ADDRESSED TO THE BOARD AS A WHOLE, NOT TO INDIVIDUAL BOARD MEMBERS, THE CEO, OR MEMBERS OF THE AUDIENCE.**
- **IF AN ISSUE ADDRESSED IS NOT INCLUDED ON THE AGENDA, NO FORMAL ACTION WILL BE TAKEN.**

**CONSENT AGENDA**

1. Consideration and Approval of Minutes of the October 17, 2022 Special Meeting
2. Consideration and Approval of a Resolution by the Brownsville Public Utilities Board of Directors Relating to an Update of the Brownsville Public Utilities Board's Investment Policy and Investment Strategies as Required by the Provisions of Chapter 2256, as Amended, Texas Government Code to Include Hedging Contracts—Miguel Perez
3. Consideration and Possible Action for Bid Award for the Purchase of a 125 HP Motor and Single Stage Propeller Backwash Waste Pump—Jaime Estrada
4. Consideration and Possible Action for Approval of Bid Award for the Annual Supply of Sludge Dewatering Polymer for the Belt Press System at the Wastewater Treatment Plants—Jaime Estrada
5. Consideration and Possible Action to Purchase Two John Deere, Model 410 P, Closed Cab Backhoe Loader with Extended Boom—Jaime Estrada

**ITEMS FOR INDIVIDUAL CONSIDERATION**

1. General Manager's Report:
  - a. December 2022 Artic Outbreak: Summary of Events—Marilyn D. Gilbert
  - b. Board Calendar—Marilyn D. Gilbert
  - c. Financial Report—Monica Cavazos
  - d. Engineering and Legal Fees Monthly Expenses—Monica Cavazos
  - e. Procurement Summary—Monica Cavazos
  - f. City of Brownsville Capital Work Orders Report—Monica Cavazos
  - g. Aid to Brownsville Public Utilities Board Customers—Eddy Hernandez
2. Presentation and Discussion of Timeline Regarding the Brownsville Public Utilities Board's Bond Ordinance Section 33L Special Covenants on the Disposition of the System or Any Significant or Substantial Part Thereof Related to Proposed Uses/or Distribution of the Tenaska Equity Fund—Miguel Perez
3. Consideration and Possible Action of a Resolution Amending Designation of Certain Officers as Authorized Signatories to Drafts Drawn on Account of the Brownsville Public Utilities Board at the Wells Fargo Bank—Miguel Perez
4. Consideration and Possible Action to Approve the Upgrade and Replacement of Unit 10 Turbine Control Retrofit at the Silas Ray Power Plant—Rolando Lozano

5. Consideration and Possible Action to Approve the Proposed Work for the Emerson Ovation Distributed Control System (DCS) Upgrade at the Silas Ray Power Plant—Rolando Lozano
6. Consideration and Possible Action on Closeout of Supplement Power Supply and Generation Request for Purchase P039-22—Marilyn D. Gilbert
7. Consideration and Possible Action to Purchase Two New McLaughlin VX50-800 Vacuum Excavators—Jaime Estrada
8. Discussion and Possible Action to Approve Two New Positions for In-House Counsel Staff—Miguel Perez
9. Discussion, Recommendation, and Possible Action on Amending the Management Policy GMR-1002, Related to the Performance Evaluation of the General Manager and Chief Executive Officer and Frequency of Independent Review—Marilyn D. Gilbert

RECESS TO CLOSED MEETING to Consider Matters Pursuant to Tex. Government Code Chapter 551, et seq.

### **CLOSED MEETING**

*At this time the items on the Agenda designated for Closed Meeting will be considered. If there is an approved motion to go into Closed Meeting the listeners will be placed on “hold” until the Board returns to Open Meeting.*

1. Meeting with Board’s legal counsel for advice about contemplated and pending court and administrative litigation and on matters in which the duty of the attorney under the Texas Disciplinary Rules of Professional Conduct conflicts with Chapter 551 (Sec. 551.071), including among other matters the CRI Forensic Examination Report, any new and/or additional information received regarding the Forensic Examination Report, and possible retention of professional consultant regarding the Forensic Examination Report.
2. Meeting with Board’s legal counsel for advice about contemplated and pending court and administrative employment litigation and on matters in which the duty of the attorney under the Texas Disciplinary Rules of Professional Conduct conflicts with Chapter 551 (Sec. 551.071), including, among other matters, legal issues related to Lee Roy Atkinson v. Brownsville Public Utilities Board and Xavier Torres v. Brownsville Public Utilities Board.
3. Discussion and consultation with Board Counsel of any pending litigation against Brownsville Public Utilities Board (Sec 551.071).
4. Discussion and possible action to authorize an independent management review to evaluate the progress, or lack of, management (Sec. 551.074).
5. Consideration of separation from employment of Chief Executive Officer and possible agreement relating to same. (Sec. 551.074 and 551.071).
6. Discussion and possible action to authorize staff to develop a Request for Qualifications for an independent consultant to review the management structure of the organization (Sec. 551.074).
7. Consideration and possible action on BPUB acquisition of right-of-way and easements for the Cross Valley Pipeline Project, including pending condemnation lawsuit, Cause No. 2014-CCL-00700, City of Brownsville, Texas v. 85 Jacaranda Limited Partnership A/K/A 85 Jacaranda Partnership, County Court at Law No.2 of Cameron County, Texas. (Sec. 551.071 & Sec. 551.072).

RECONVENE OPEN MEETING

### **CONTINUATION – ITEMS FOR INDIVIDUAL CONSIDERATION**

10. Consideration and Possible Action on Items Discussed in Closed Meeting
11. Discussion and/or Requests for Future Agenda Items

  
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Art Rendon, Chair

Joseph Hollmann for Art Rendon

/nls

c: City Commission  
Marjory Batsell  
John Davidson  
City Manager  
File

*The meeting will be conducted in accordance with Board Resolution No. A2009-1012 (IC10), the "Amended Rules of the Public Utilities Board." Once the Meeting is convened with a quorum present, the Presiding Officer may change the order of business for purposes of accommodation of the Board members or participants and to permit a more orderly consideration of related agenda items.*

*The BPUB reserves the right to adjourn into executive session at any time to discuss any of the matters listed above, as authorized by Texas Government Code § 551.071 (Consultation with Attorney), § 551.072 (Deliberations about Real Property), § 551.074 (Personnel Matters), § 551.076 (Deliberations about Security Devices), § 551.086 (Public Utility Competitive Matters), § 551.087 (Economic Development), and § 551.089 (Department of Information Resources).*

I certify that a copy of the January 9, 2023 agenda of items to be considered by the BPUB was posted on the BPUB website.

ATTEST:

  
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Norma L. Seachee, Recording Secretary