



**BROWNSVILLE  
PUBLIC UTILITIES BOARD**

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

**Date:** April 10, 2023

**MEETING DATE: April 10, 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: 2480 217 3376#**

**Passcode: BPUB or 2782 (for phones and video systems)**

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-3-2023-04-10/>

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 FOR U.S. FLAG AND TEXAS FLAG

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 [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 January 9, 2023 Regular Meeting
2. Consideration and Possible Action on Brownsville Public Utilities Board Committees Charters
  - a. Audit Committee Charter
  - b. Compensation Committee Charter
  - c. Facilities/Program Committee Charter
  - d. Finance Committee Charter
  - e. Regulatory/Policy Committee Charter
3. Consideration and Possible Action to Approve the Purchase of Brownsville Public Utilities Board Employee Workwear—Diane Solitaire
4. Consideration and Possible Action to Extend the Annual Supply of Water-Soluble in Emulsion Polymer for Resaca Sediment Dewatering—Jaime Estrada
5. Consideration and Possible Action to Approve the Rental of Portable Diesel Generators for Hurricane Preparedness and for Year-Round Backup Power for Water Plants No. 1 and No. 2—Jaime Estrada
6. Consideration and possible action for rejecting and re-soliciting the Request for Qualifications for Local Board Counsel—Miguel A. Perez

**ITEMS FOR INDIVIDUAL CONSIDERATION**

1. General Manager's Report:
  - a. Board Calendar—Marilyn D. Gilbert
  - b. Financial Report—Monica Cavazos
  - c. Engineering and Legal Fees Monthly Expenses—Monica Cavazos
  - d. City of Brownsville Capital Work Orders Report—Monica Cavazos
  - e. Procurement Summary—Diane Solitaire
  - f. Aid to Brownsville Public Utilities Board Customers—Eddy Hernandez
2. Presentation and Possible Action to Select a Firm for Special Utility Counsel—Marilyn D. Gilbert
3. Discussion and Possible Action to Amend the Fiscal Year 2023 Budget—Miguel A. Perez
4. Consideration and Possible Action of the Addition of Interest Earned on the Tenaska Equity Fund to the Pool Available to be Returned to Customers—Miguel A. Perez

5. Consideration and Possible Action to Approve Fiscal Year 2023 Outstanding City of Brownsville Work Order Requests at No Charge Contrary to Bond Ordinance Section 33E—Miguel A. Perez
6. Presentation and Discussion of Timeline regarding the Brownsville Public Utilities Board's Bond Ordinance Section 33L Special Covenants of the System or any Significant or Substantial Part thereof related Proceed Uses/or Distribution of the System or any Significant or Substantial Part thereof related to Proposed Uses/or Distribution of the Tenaska Equity Fund—Miguel A. Perez
7. Discussion and Possible Action to Add Two Full-Time Equivalent Positions to the Fiscal Year 2023 Approved Personnel Budget—Miguel Perez
8. Consideration and Possible Action to Approve Proposal Award for the Customer Service Inspection for Brownsville Public Utilities Board Cross Connection and Backflow Prevention Program for the Second Year—Albert Gomez, Jr
9. Consideration and Possible Action to Approve Proposal Award for the Rental of a Specialized Drinking Water Laboratory Trailer—Albert Gomez, Jr
10. Consideration and Possible Action to Approve the Professional Engineering and Surveying Services Contract with Freese Nichols for the Brownsville Public Utilities Board Rio Grande River Pump Station Project, Phase I—Marie C. Leal

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).
2. Discussion and consultation with Board Counsel of any pending litigation against Brownsville Public Utilities Board (Sec. 551.071).
3. Information and possible direction regarding current assessment of network security for SCADA (Sec. 551.076, Sec. 551.089, and Tx. Gov't Code Sec. 418.177).
4. Presentation, discussion, and possible recommendation of information upon pricing of purchased power, generation, and fuel and their impact upon the Fuel, Purchased Energy, and Marketing Charge and possible discussion (Sec. 551.086).
5. Presentation and discussion related to the World Trade Center Industrial Park and Estrella Land Plan, pursuant to Texas Government Code, Chapter 551 (Sec. 551.087, Sec. 551.086, and Sec. 551.071).
6. Discussion and consultation with Board Counsel of class action lawsuits stemming from Winter Storm URI (Sec. 551.071).
7. Consideration and possible action on qualifications and contract to retain legal services for the completion of acquisition of right-of-way and easements for the Cross-Valley Pipeline Project (Sec. 551.074 and Sec. 551.071).
8. Presentation and possible action to select a firm for Special Utility Counsel (Sec. 551.074 and Sec. 551.071).
9. Discussion and possible action on terms and conditions of an employment agreement with the current General Manager & Chief Executive Officer (Sec. 551.072 and Sec. 551.074).
10. Presentation, discussion, and possible action regarding the reclassification of positions and personnel (Sec. 551.074).

RECONVENE OPEN MEETING

**CONTINUATION – ITEMS FOR INDIVIDUAL CONSIDERATION**

11. Consideration and Possible Action on Items Discussed in Closed Meeting

12. Discussion and/or Requests for Future Agenda Items

Adjournment



Art Rendon, Chair

/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 April 10, 2023 agenda of items to be considered by the BPUB was posted on

4/6/23.

ATTEST:

Norma L. Sanchez  
Norma L. Sanchez, Recording Secretary