



BROWNSVILLE  
**PUBLIC UTILITIES BOARD**

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

Date: February 10, 2023

MEETING DATE: **February 13, 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: 2487 787 2858#**

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-3-2023-02-13/>

Dial by your location: <b>1-408-418-9388 (US Toll)</b>	
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 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:
  - a. April 26, 2022 Special Meeting
  - b. October 24, 2022 Special Meeting
  - c. November 14, 2022 Regular Meeting
2. Consideration and Possible Action to Approve Brownsville Public Utilities Board Travel in Accordance with the Statement of Policy and Travel by Members of the Board of Directors of the Brownsville Public Utilities Board—Marilyn D. Gilbert
3. Consideration and Possible Approval of a Sponsorship Request from the Children’s Museum of Brownsville—Estrella Solorzano
4. Consideration and Possible Action on Commercial Paper Funding Adjustments to Reimburse Expenditures for Electric, Water, and Wastewater Capital Improvement Projects for the Period of January 2023 through March 2023—Miguel A. Perez
5. Consideration and Possible Approval of an Amendment to the Brownsville Public Utilities Board Strategic Planning Support Services Contract—Dr. Emilia Guerra
6. Consideration and Possible Action to Award the Annual Supply of Liquid Aluminum-Based Water Treatment Coagulant—Jaime Estrada
7. Consideration and Possible Action to Award Bid for the Purchase of Vehicles—Jaime Estrada
8. Consideration and Possible Action to Ratify the Replacement of Two Auto Transformer Bushings Located at Silas Ray Power Plant—Cesar A. Cortinas
9. Consideration and Possible Action to Approve the Professional Engineering Services Contract Amendment No. 2 with Freese Nichols, Inc. for the Brownsville Public Utilities board Southmost 2.0 MG Elevated Storage Tank Project—Marie C. Leal
10. Consideration and Possible Approval of Fiscal Year 2022-2023 Sponsorship Requests—Ryan Greenfeld

### **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. Aid to Brownsville Public Utilities Board Customers—Eddy Hernandez
2. Discussion on the Quarterly Investment Activity Report for Period Ended December 31, 2022, Pursuant to Chapter 2256.023 of the Public Funds Investment Act—Jorge Santillan
  3. Consideration and Possible Action to Ratify the Approval of an Agreement for Engineering Services for Evaluation of Electrical System Capabilities—Miguel A. Perez
  4. Consideration and Approval of the Annual Comprehensive Financial Report for the Period Ending September 30, 2022—Miguel A. Perez
  5. Consideration and Possible Action of a Resolution Approving the Adoption of the Public Agencies Post-Retirement Health Care Plan Trust Administered by Public Agency Retirement Services—Miguel A. Perez
  6. Consideration and Possible Action for Approval of Proposal Award for the Purchase of a Customer Engagement Portal—Eddy E. Hernandez
  7. Consideration and Possible Action to Approve the Professional Engineering and Surveying Services Contract with Freese Nichols for the Brownsville Public Utilities Board Water and Wastewater Master Plan—Marie C. Leal
  8. Presentation, Discussion, and Possible Recommendation on Increased Improvement Costs and Brownsville Public Utilities Board’s Matching Share for the Resacas, in the Vicinity of the City of Brownsville, Texas Ecosystem Restoration Project Managed by the U.S. Army Corps of Engineers and Related Resaca Fee Funding—Rene Mariscal

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. Presentation and discussion related to “Large Scale Business Development and Key Account Expansion” pursuant to Texas Government Code, Chapter 551 (Sec. 551.087, Sec. 551.086, and Sec. 551.071).
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. Discussion and possible action on the Request for Qualifications for Special Utility Counsel (Sec. 551.074 and Sec. 551.071).
6. Discussion and possible action on the Request for Qualifications for Local Board Counsel (Sec. 551.074 and Sec. 551.071).
7. Presentation and Update regarding a proposed amendment to the water utility Certificate of Convenience and Necessity held by the Brownsville Public Utilities Board (Sec. 551.071).

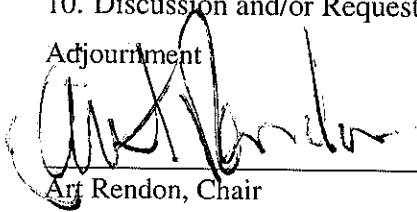
8. Deliberations regarding the board meeting discussion of the Silas Ray Plant (Sec. 551.071 and Sec. 551.086).
9. Consideration and possible action on Brownsville Public Utilities Board acquisition of right-of-way and easements for the Cross Valley Pipeline Project, including pending condemnation lawsuit, 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, Cameron County, Texas (Sec. 551.071 and Sec. 552.072).
10. Discussion of the Brownsville Public Utilities Board's Progress on Natural Gas Hedging Strategies and Power Supply (Sec. 551.086).
11. Presentation and possible action on approval to deviate from the Brownsville Public Utilities Board "Competitive Matters" Resolution to publicly disclose Brownsville Public Utilities Board Integrated Resource Plans (Sec. 551.071 and Sec. 551.086).
12. 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.
13. Discussion and possible action on terms and conditions of an employment agreement with the current Interim General Manager and CEO and possible appointment as General Manager and CEO. (Sec. 551.071 and Sec. 551.074).
14. Discussion and possible action to form a board committee to consider BPUB's strategies for future water/wastewater, electrical and gas operations. (Sec. 551.071 and Sec. 551.086).

RECONVENE OPEN MEETING

**CONTINUATION – ITEMS FOR INDIVIDUAL CONSIDERATION**

9. Consideration and Possible Action on Items Discussed in Closed Meeting
10. 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 February 13, 2023 agenda of items to be considered by the BPUB was posted on  
2/10/23.

ATTEST:

David L. Jach  
Norma C. Sobcz, Recording Secretary