



NOTICE OF OPEN MEETING
AUGUST BOARD OF TRUSTEES
NBU Board Room, 263 Main Plaza, New Braunfels, Texas 78130
August 29, 2024, at 1:00 PM
www.nbutexas.com

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE AND INVOCATION

Mayor Neal Linnartz

PUBLIC COMMENT

NBU EMPLOYEE RECOGNITIONS

1. Recognition of NBU Texas Lineman Rodeo Participants

ITEMS FROM THE CHAIR

1. Report from the Investment Committee
2. Report from the Records and Information Management Committee
3. Report from the Governance Committee
4. Any Other Items Permitted Under Section 551.0415 of the Texas Government Code

ITEMS FROM STAFF

1. CEO's Update
 - a. Texas Public Power Association Annual Conference Update
 - b. CEO Roadshow Events: New Braunfels Conservative Group, New Braunfels Jaycees, and the Retirees are Progressive Group
 - c. NBU Interns Appreciation Luncheon
 - d. NBU Cashiering Team Visits New Braunfels Library to Participate in Utility Bill Assistance Training
 - e. NBU Hosts All-Employee Meeting
 - f. Community Outreach: NBU participation at the New Braunfels Independent School District Education Expo
 - g. Leadership Announcement of New Hires and Position Changes: Chief Communications and Strategy Officer Ragan Dickens, Chief Customer Officer Sheila Lavender; Director Positions to Include: Ashley Van Booven, Director of Energy Risk, John Warren, Director of Finance, and Reagan Pena, Director of Enterprise Communications
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- h. Any Other Items Permitted Under Section 551.0415 of the Texas Government Code
2. Financial Update and Report, Including an Update on the Filing of the NBU Transmission Cost of Service Application with the Public Utility Commission of Texas
3. Update from the Community Advisory Panel on Items Discussed at Meetings Held to Date, to Include a Summary of Integrated Resource Plan Building, Modeling, Assumptions, and Base Case Scenarios
4. Quarterly Capital Improvement Plan Update

CONSENT ITEMS FOR ACTION

1. Approve Minutes of the NBU Regular Board Meeting of June 27, 2024
2. Approve the Change Order Log from May 15, 2024, through July 15, 2024
3. Approve the Reports for Water and Electric Engineering Contracts from August 1, 2023, through July 15, 2024
4. Approve the Electric Line of Business Alternative Procurements from May 15, 2024, through July 15, 2024
5. Approval of the City Transfer Payable in Fiscal Year 2025, Based on Preliminary Financial Results for Fiscal Year 2024
6. Authorize the CEO or His Designee to Negotiate and Execute a Construction Contract with C.F. McDonald Electric, Inc. for the Construction of the Emergency Preparedness Plan Generators, Phase 1 Project
7. Authorize the CEO or His Designee to Negotiate and Execute a Construction Contract with Hydro Resources Mid–Continent, Inc. for the Construction of the Aquifer Storage and Recovery D1 Well Deepening Project
8. Authorize the CEO or His Designee to Negotiate and Execute a First Amendment to the Professional Services Agreement with Freese and Nichols, Inc. for the Design of the FM 1044 Elevated Storage Tank Project
9. Authorize the CEO or His Designee to Negotiate and Execute a Professional Services Agreement with Freese and Nichols, Inc. for the Design of the FM 1101 Discharge Line Project
10. Ratify the First Amendment to the Professional Services Agreement with Freese and Nichols, Inc. for the Conrads Elevated Storage Tank (Goodwin Lane) Project, and Authorize the CEO or His Designee to Negotiate and Execute a Second Amendment to the Professional Services Agreement with Freese and Nichols, Inc. for the Design of the Conrads Elevated Storage Tank Project

11. Authorize the CEO or His Designee to Negotiate and Execute a Third Amendment to the Professional Services Agreement with Kimley-Horn and Associates, Inc. for the Design of the Interstate Highway 35 24-inch Water Line Downtown Project
12. Authorize the CEO or His Designee to Negotiate and Execute a Professional Services Agreement with Quiddity Engineering, LLC for the FM 1101 Pump Station and Ground Storage Tank Project
13. Authorize the CEO or His Designee to Negotiate and Execute a Construction Contract with Guido Construction Company for the Construction of the Aquifer Storage and Recovery EAA Interlocal Agreement Monitoring Well Site Improvements Project
14. Authorize the CEO or His Designee to Negotiate and Execute a Professional Services Agreement with Kimley-Horn and Associates, Inc. for the Design of the Central Downtown to Morningside Pressure Zone Conversion Project
15. Authorize the CEO or His Designee to Negotiate and Execute a Materials Agreement with Chemtrade Chemicals US, LLC for the Purchase of Water and Wastewater Chemicals
16. Authorize the CEO or His Designee to Negotiate and Execute a Materials Agreement with Pencco Inc. for the Purchase of Water and Wastewater Chemicals

PRESENTATION ITEMS

1. Presentation on the Gallup Employee Engagement Survey Results
2. Presentation from the NBU Employee Experience Team on the Proposed NBU Employee Engagement Action Items, Based on the Results from the Gallup Employee Engagement Survey Results
3. Presentation on the Guadalupe-Blanco River Authority's Wholesale Delivery of Gonzales Carrizo Water Supply and Its Impact on NBU
4. Presentation on the New Braunfels Utilities Aquifer Storage and Recovery Project
5. Presentation on the NBU Fiscal Year 2024 Strategic Plan Results

ITEMS FOR FUTURE ACTION

1. Review and Discuss Proposed Revisions to the NBU Board Governance Policies

ACTION ITEMS

1. Discuss and Consider Approval of the Fiscal Year 2025 Strategic Plan

EXECUTIVE SESSION

The Board of Trustees may recess into Executive Session for any purpose permitted by the Texas Open Meetings Act, including but not limited to:

1. Power Supply Resources – Competitive Matters
(Section 551.086 – Texas Government Code)
 - a. Discuss and Consider Edison Electric Institute (EEI) Resolution allowing NBU to enter into a Master Agreement related to power supply transactions
2. Consultation with Attorney Regarding Pending or Contemplated Litigation, Settlement Offer, and/or Matters Protected by Attorney-Client Privilege
(Section 551.071 – Texas Government Code)
 - a. Discuss the Effects of the San Antonio Water System's Application for Water Use Permit No. 13098 on NBU's Water Rights in the Guadalupe River Basin
 - b. Discuss Utility Construction Cost Sharing Agreement Letter Agreement Conditionally Approving Certain Subdivision Plans among NBU, Southstar at Mayfair, LLC, MNB Real Estate Investments, LLC, Southstar at Mayfair Developer, LLC, and Beaverhead NB, LLC
 - c. Discuss Proposed High-Density Multifamily Development Platted as Minor Plat
3. Consultation with Attorney Regarding Pending or Contemplated Litigation, Settlement Offer, and/or Matters Protected by Attorney-Client Privilege (Section 551.071 – Texas Government Code); Real Property (Section 551.072 – Texas Government Code)
 - a. Discuss Legal Matters Relating to Potential Eminent Domain Actions to Secure the Following Easements Regarding the McKenzie Interceptor Upgrade Project (collectively hereinafter referenced as the "McKenzie Interceptor Upgrade Project Easements"):
 - i. a 0.296 Acre Permanent Utility Easement, a 0.044 Acre Temporary Construction Easement, and a 0.213 Acre Temporary Construction Easement, on, over, across, and/or under Lot 18, Block J, Avery Park Subdivision, Unit 2 (Amended), Guadalupe County, Texas, owned by N.B. Avery Park Homeowners Association, Inc.
 - ii. a 0.632 Acre Permanent Utility Easement, on, over, across, and/or under Lots 901 and 902, Block 4, Avery Park 13, Guadalupe County, Texas, owned by N.B. Avery Park Homeowners Association, Inc.
 - iii. a 0.312 Acre Temporary Construction Easement and a 0.022 Acre Temporary Construction Easement, on, over, and/or across Lot 902, Block 4, Avery Park 13, Guadalupe County, Texas, owned by N.B. Avery Park Homeowners Association, Inc.

- iv. a 2.088 Acre Permanent Utility Easement and a 1.395 Acre Temporary Construction Easement, on, over, across, and/or under a 52.50 acre tract described in a deed recorded in Document Number 202399002975, Official Public Records, Guadalupe County, Texas, owned by Rockspring Saur LLC
- v. a 1.879 Acre Permanent Utility Easement and a 1.253 Acre Temporary Construction Easement, on, over, across, and/or under the remainder of a 32 acre tract described in a deed recorded in Volume 2502, Page 699, Official Public Records, Guadalupe County, Texas and part of a 4.307 acre tract designated as Third Tract in a deed recorded in Volume 2659, Page 759, Official Public Records, Guadalupe County, Texas, owned by MSSC Investments, LP
- vi. a 1.937 Acre Permanent Utility Easement and a 1.127 Acre Temporary Construction Easement, on, over, across, and/or under Lot 2, Block 1 of Titan Industrial NB Park Unit 2, Comal County, Texas, and Lot 3, Block 1 of Titan Industrial NB Park Unit 3, Comal County, Texas, and the remainder of a 66.182 acre tract, designated Tract 1, in a deed recorded in Document Number 202106057346, Official Public Records, Comal County, Texas, owned by GCP III St. Croix Landco, LLC
- vii. a 1.846 Acre Permanent Utility Easement and a 0.847 Acre Temporary Construction Easement, on, over, across, and/or under a 40.37 acre tract described in a deed recorded in Document Number 202206025070, Official Public Records, Comal County, Texas, owned by MP New Braunfels, LLC

4. Personnel Matters – CEO Evaluation
(Section 551.074 – Texas Government Code)

- a. Deliberate the appointment, employment, evaluation, and duties of the CEO

The Board of Trustees, upon reconvening in Open Session, will discuss and consider any action, if necessary, regarding closed session items.

RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE

ACTION ITEMS

1. Discuss and Consider Approving Utility Construction Cost Sharing Agreement Letter Agreement Conditionally Approving Certain Subdivision Plans among NBU, Southstar at Mayfair, LLC, MNB Real Estate Investments, LLC, Southstar at Mayfair Developer, LLC, and Beaverhead NB, LLC
2. Discuss and Consider Approving Resolution R-2024-186 of the New Braunfels Utilities Board of Trustees Recommending the Acquisition of the McKenzie Interceptor Upgrade Project Easements. The Acquisitions are Necessary to Advance and Achieve the Public Use of

Expanding the New Braunfels Utilities' Wastewater System to Increase Sewer Capacity to Meet Existing and Future Needs and Ensure Reliability

3. Discuss and Consider Approving Resolution R-2024-187 of the New Braunfels Utilities Board of Trustees Recommending Any Legal Action Necessary to Remove the Cemetery Dedication by MP New Braunfels, LLC Encumbering a 40.37 Acre Tract Described in A Deed from Mary Ann Scott, et. al. to MP New Braunfels, LLC, Recorded in Document Number 202206025070, Official Public Records, Comal County, Texas, and Situated in the A. M. Esnaurizar Survey, Abstract Number 1, Comal County, Texas

ADJOURN

If you require assistance in participating at a public meeting due to a disability as defined under the Americans with Disabilities Act, reasonable assistance, adaptations, or accommodations will be provided upon request. Please contact the Board Relations Coordinator at least three (3) days prior to the scheduled meeting date at (830) 629-8400 or the NBU Main Office at 263 Main Plaza, New Braunfels, Texas, for additional information.

CERTIFICATE OF POSTING

I, Ryan Kelso, Secretary to the Board of Trustees, do hereby certify that this Notice of Meeting was posted at the City of New Braunfels City Hall, 550 Landa Street, New Braunfels, Texas, and New Braunfels Utilities Main Office, 263 Main Plaza, New Braunfels, Texas, on the **23rd day of August 2024**, and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.



Ryan Kelso, Chief Executive Officer
Secretary to the Board of Trustees