



NOTICE OF OPEN MEETING
DECEMBER BOARD OF TRUSTEES
NBU Board Room, 263 Main Plaza, New Braunfels, Texas 78130
December 14, 2023, at 1:00 PM
www.nbutexas.com

AGENDA

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE AND INVOCATION

Board Vice President Judith Dykes-Hoffmann

PUBLIC COMMENT

NBU EMPLOYEE RECOGNITIONS

1. Presentation of Years of Service Pins to Employees Teresa Bracey (20 years) and Gretchen Reuwer (25 years)
2. Recognition of Kevin Self for Assisting a Community Member
3. Recognition of the 2023 Rising Star Award Recipients
4. Recognition of the 2023 Innovation Award Recipient
5. Recognition of the 2023 Ian Taylor Ethics Award Recipient
6. Recognition of the 2023 Outstanding Achievement Award Recipient

ITEMS FROM THE CHAIR

1. Dissolution of NBU Board Committee
 - a. Ad hoc Committee - Board Compensation Committee
2. NBU Board Committee Assignments
3. Report from the Audit Committee
4. Report from the Investment Committee
5. Report from the Community Advisory Panel (CAP) Board Committee

ITEMS FROM STAFF

1. Interim CEO's Update
 - a. 2023 Downtown Spooktacular
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- b. Pumpkin Patch Community Resource Fair
 - c. Government Finance Officers Association (GFOA) Certificate of Achievement Award for Excellence in Financial Reporting
 - d. New Braunfels Utilities and New Braunfels Food Bank Joint Food Drive Partnership & Thanksgiving Meal Distribution Event
 - e. Emergency Management Tabletop Exercise
 - f. New Braunfels Utilities Ethics Week
 - g. Community Road Show Update
 - h. Veterans Day Celebration and Parade
 - i. American Public Power Association - Excellence in Communication Web Social Submittal Award
 - j. State of NBU Presentation to New Braunfels City Council
 - k. Annual Holiday Tree Lighting
 - l. New Braunfels Food Bank Volunteer Activity for NBU Leadership Team
 - m. NBU University Update
 - n. One Water Logo Winners
 - o. Leadership Announcements
 - p. Other Items Permitted Under Section 551.0415 of the Texas Government Code
2. Financial Update and Report
 3. Quarterly Investment Report
 4. Quarterly Update on the Headwaters at the Comal
 5. NBU Winter Weather Preparedness and Regulatory Update

CONSENT ITEMS FOR ACTION

1. Approve Minutes of the NBU Special Board Meeting of October 19, 2023
2. Approve Minutes of the NBU Regular Board Meeting of October 26, 2023
3. Approve Minutes of the NBU Special Board Meeting of November 29, 2023
4. Approve the Change Order Log from September 15, 2023, through November 15, 2023
5. Approve the Reports for Water and Electric Engineering Contracts from August 1, 2023, through November 15, 2023
6. Approve the Electric Line of Business Alternative Procurements from September 15, 2023, through November 15, 2023

7. Approve 2023 Second Quarter Charge-Off Accounts
8. Approve the Guadalupe-Blanco River Authority Canyon Hydroelectric Cost Reconciliation for Fiscal Year 2023
9. Authorize Proposed Changes to the NBU Financial Policy
10. Authorize Interim CEO or His Designee to Negotiate and Execute a Second Amendment to the Professional Services Agreement with Arcadis U.S., Inc. for the Water Resource Planning Project
11. Authorize Interim CEO or His Designee to Negotiate and Execute a Third Amendment to the Professional Services Agreement with Arcadis U.S., Inc for the Design of Phase 4 - Aquifer Storage and Recovery Support Project
12. Authorize Interim CEO or His Designee to Negotiate and Execute a Cooperative Contract with Holt Texas, Ltd., to Purchase One (1) Skid Steer Loader; One (1) Excavator; Three (3) Backhoe Loaders; and Two (2) Backhoe Loaders with Extended Boom
13. Authorize Interim CEO or His Designee to Negotiate and Execute a Cooperative Contract with Reliance Truck and Equipment, LLC. for One (1) Prebuilt 1050 TVO 2024 Closed Circuit TV Truck
14. Authorize Interim CEO or His Designee to Negotiate and Execute a Professional Services Agreement with Freese and Nichols, Inc. for Program Management and Staff Augmentation for Engineering and Engineering Related Services in Support of New Braunfels Utilities' Water and Wastewater Capital Improvement Plan
15. Authorize Interim CEO or His Designee to Negotiate and Execute a Reuse Water Supply Contract with Sundance Property Owners Associations, Inc. for the Use of Reuse Water Provided by New Braunfels Utilities
16. Authorize Interim CEO or His Designee to Negotiate and Execute a Professional Services Agreement with Wallgren Environmental Service, Inc. DBA Pollution Control Services for Laboratory Testing Services for New Braunfels Utilities' Water and Wastewater Facilities in Connection with Regulatory and Compliance Testing Requirements
17. Authorize Interim CEO or His Designee to Negotiate and Execute a Professional Services Agreement with Guadalupe-Blanco River Authority for Biomonitoring Testing Services for New Braunfels Utilities' Water and Wastewater Facilities in Connection with Regulatory and Compliance Testing Requirements
18. Authorize Interim CEO or His Designee to Negotiate and Execute a First Amendment to the Professional Services Agreement with Freese and Nichols, Inc. for Owner's Representative Services for the New Braunfels Utilities' Headquarters Project
19. Authorize Resolution #2023-180 Approving Revisions to the Records and Information Management Policy, Appointing the New Braunfels Utilities Records Manager as Records Management Officer Pursuant to the Local Government Records Act, and Approving Other Matters in Connection Therewith

20. Authorize Interim CEO or His Designee to Negotiate and Execute an AIA Amendment to the Professional Services Agreement with Marmon Mok Architecture for Architectural Design Services for the New Braunfels Utilities' Headquarters Project
21. Authorize Interim CEO or His Designee to Negotiate and Execute an AIA Agreement with SpawGlass Contractors, Inc., Including Contingency, for the NBU Annex Facility Renovation Design Build
22. Authorize Interim CEO or His Designee to Negotiate and Execute a Cooperative Contract with Waypoint Business Solutions, LLC for the Replacement of Servers Within the Consolidated VxRail Cluster and the Backup System
23. Authorize Interim CEO or His Designee to Negotiate and Execute a Cooperative Agreement with SHI International Corp. for the Renewal of Microsoft EA Licensing to Maintain Critical Software Usage for NBU Staff
24. Approve Appointment of Stuart Blythin as Vice Chair of the Community Advisory Panel and Other Matters in Connection Therewith

ACTION ITEMS

1. Discuss and Consider Approval of the NBU Annual Comprehensive Financial Report and Red Flag and Cybersecurity Incidents Report
2. Discuss and Consider Adopting Resolution #2023-181 Relating to the Issuance of the "City of New Braunfels, Texas Utility System Revenue and Refunding Bonds, Series 2024" and Resolving Other Matters Related Thereto
3. Discuss and Consider Approval and Authorization to Select the Underwriting Team for the City of New Braunfels, Texas, Utility System Revenue and Refunding Bonds, Series 2024
4. Discuss and Consider Approval of a Professional Services Agreement with GHD, Inc. DBA GHD Consulting Inc. for Asset Management Support Services

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)
2. Consultation with Attorney Regarding Matters Protected by Attorney Client Privilege
(Section 551.071 – Texas Government Code)
 - a. Utility Construction Cost Sharing Agreement Among New Braunfels Utilities, Southstar at Mayfair, LLC, MNB Real Estate Investments, LLC, Southstar at Mayfair Developer, LLC, and Beaverhead NB, LLC

3. Personnel Matters
(Section 551.074 – Texas Government Code)
 - a. Deliberate the Appointment, Employment, and Duties of the Chief Executive Officer
 - b. Deliberate the Appointment, Employment, and Duties of the Interim Chief Executive Officer

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 Authorizing the Interim CEO or His Designee to Negotiate and Execute an Amended and Restated Utility Construction Cost Sharing Agreement Among New Braunfels Utilities, Southstar at Mayfair, LLC, MNB Real Estate Investments, LLC, Southstar at Mayfair Developer, LLC, and Beaverhead NB, LLC, Amending Provisions of the Utility Construction Cost Sharing Agreement Dated February 8, 2022, Among the Same Parties
2. Discuss and Consider Authorizing the Interim CEO or His Designee to Negotiate and Execute a Construction Contract with Landmark Structures I, L.P. for the Construction of the Conrads Elevated Storage Tank Project

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 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 Open 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 **8th day of December, 2023**, and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.



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