



NOTICE OF OPEN MEETING
OCTOBER BOARD OF TRUSTEES
NBU Board Room, 263 Main Plaza, New Braunfels, Texas 78130
October 26, 2023 at 1:00 PM
www.nbutexas.com

AGENDA

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE AND INVOCATION

Board Trustee John Harrell

PUBLIC COMMENT

ITEMS FROM THE CHAIR

1. Election of Officers for the NBU Board of Trustees for the Offices of President, Vice President, and Secretary
2. Report Related to the NBU Board Annual Self-Evaluation
3. Report from the Community Advisory Panel Board Committee

ITEMS FROM STAFF

1. Interim CEO Update
 - a. Interim CEO Roadshow
 - b. Public Power Week
 - c. FY 2025 Strategic Planning Workshop and Timeline
 - d. Food Bank Activation
 - e. Customer Service Week
 - f. 4th Annual Texas Public Power Corridor Event
 - g. National Night Out
 - h. Texas Public Power Corridor Emergency Management Tabletop Exercise
 - i. Volunteering at Habitat for Humanity
 - j. International Lineman's Rodeo
 - k. Imagine a Day Without Water
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- l. Spooktacular Community Event
 - m. United Way Employee Giving Campaign Results
 - n. Headwaters at the Comal Pollinator Electric Power Up Award Runner-Up
 - o. NBU Leadership Promotions and New Hires
 - p. Other Items Permitted Under Section 551.0415 of the Texas Government Code
2. Financial Update and Report
 3. Personnel Staffing Level Update

CONSENT ITEMS FOR ACTION

1. Approve Minutes of the NBU Regular Board Meeting of September 28, 2023
2. Approve the Change Order Log from August 15, 2023, through September 15, 2023
3. Approve the Reports for Water and Electric Engineering Contracts from August 15, 2023, through September 15, 2023
4. Approve the Electric Line of Business Alternative Procurements from August 15, 2023, through September 15, 2023
5. Authorize Interim CEO or His Designee to Negotiate and Execute a Professional Services Agreement with Freese and Nichols, Inc. for the Design of the Loop 337 Ground Storage and County Line Road Standpipe Water Tank Rehabilitations, and an Additional Twelve Tank Sites Identified for Facility Improvements – Phase 1 Project
6. Authorize Interim CEO or His Designee to Negotiate and Execute a Construction Contract with Hunter Demolition and Wrecking Corporation for the Construction of the Veramendi Elevated Storage, West Coll Street Standpipe, and Sunset Drive Standpipe Tank Decommission Project
7. Authorize Interim CEO or His Designee to Negotiate and Execute a First Amendment to the Professional Services Agreement with Residuals Transport Corporation to Provide Biosolids and Debris Disposal Services for the Surface Water Treatment Facility, North Kuehler Wastewater Treatment Facility, South Kuehler Wastewater Treatment Facility, Gruene Road Water Reclamation Facility, and McKenzie Water Reclamation Facility
8. Authorize Interim CEO or His Designee to Negotiate and Execute an AIA Amendment to the Professional Services Agreement with R.E. Lamb for Site Selection, Design, Engineering Services, and Construction Administration of the Proposed Backup Operations Center
9. Authorize Interim CEO or His Designee to Negotiate and Execute a Construction Contract with Power Standard, LLC for Construction of the Comal CO14 and Freiheit FR22 Breaker Additions Project

10. Approval and Adoption of Resolution #R2023-179 Authorizing the Interim Chief Executive Officer to Execute a Special Warranty Deed Selling a Certain Tract of Real Property Located at 1493 Gruene Road, New Braunfels, Comal County, Texas, 78130 Being Tract 2 of William E. Field Subdivision as Recorded in Volume 5, Page 39 of the Map and Plat Records of Comal County, Texas, and Other Matters in Connection Therewith

ACTION ITEMS

1. Discuss and Consider Authorizing the Bylaws for the Community Advisory Panel and Other Matters in Connection Therewith
2. Discuss and Consider Appointing Members to the Community Advisory Panel, Including Naming the Chair and Other Matters in Connection Therewith

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
 - b. Purchase of the Proposed NBU Headquarters Site on 76.618 Acres Located South of the Intersection of Krueger Canyon Road and FM 482 and Northwest of the Intersection of Engel Road and IH-35 in Comal County, Texas and Related Contracts
 - c. Construction of the Proposed NBU Headquarters Facility on 76.618 Acres Located South of the Intersection of Krueger Canyon Road and FM 482 and Northwest of the Intersection of Engel Road and IH-35 in Comal County, Texas and Related Contracts
3. Consultation with Attorney Regarding Matters Protected by Attorney Client Privilege; Personnel Matters
(Section 551.071 and Section 551.074 – Texas Government Code)
 - a. Deliberate Plan and Strategy for Implementation of Executive Employment Agreement for Chief Executive Officer
4. 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 a Second Letter Agreement Extending Developer Payment Deadlines for Certain Improvements Outlined in the Utility Construction Cost Sharing Agreement Dated February 8, 2022, and the Related First Amendment all among New Braunfels Utilities, Southstar at Mayfair, LLC, MNB Real Estate Investments, LLC, Southstar at Mayfair Developer, LLC, and Beaverhead NB, LLC

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's Executive Assistant 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 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 **20th day of October, 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