



NOTICE OF OPEN MEETING
JANUARY BOARD OF TRUSTEES
NBU Board Room, 263 Main Plaza, New Braunfels, Texas 78130
January 25, 2024, at 1:00 PM
www.nbutexas.com

AGENDA

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE AND INVOCATION

Board Trustee Yvette Villanueva Barrera

NBU MISSION, VISION, AND CORE VALUES STATEMENT

Chief Strategic Communications and Safety Officer Melissa Krause

PUBLIC COMMENT

NBU EMPLOYEE RECOGNITIONS

1. Retirement Recognitions of Manuel Estrada
2. Recognition of the 2023 Rising Star Award Recipient Brian McClure

ITEMS FROM THE CHAIR

1. Report from the Governance Committee
2. Report from the Facilities Master Plan Committee
3. Report from the Community Advisory Panel Board Committee: Kick-off Agenda Planning Meeting for the NBU Integrated Resources Plan

ITEMS FROM STAFF

1. Interim CEO's Update
 - a. NBU Distributive Energy Resources Team Collaborative Meeting with San Antonio CPS Energy
 - b. NBU and New Braunfels Food Bank Collaborative Toy Drive
 - c. NBU Assistance Program Information and Update
 - d. NBU Participation in the Texas Public Power Corridor (TxPPC) Group
 - e. NBU University Kickoff
 - f. NBU Community Advisory Panel Kickoff Meeting for the NBU Integrated Resources Plan
 - g. Interim CEO Roadshow: New Braunfels Realtors Group
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- h. Update on NBU Chief Operations Officer Search
 - i. Any Other Items Permitted Under Section 551.0415 of the Texas Government Code
2. Financial Update and Report
 3. Quarterly Capital Update
 4. Power Supply Update Including Update on Winter Storm Heather

CONSENT ITEMS FOR ACTION

1. Approve Minutes of the NBU Regular Board Meeting of December 14, 2023
2. Approve Minutes of the NBU Special Board Meeting of December 18, 2023
3. Approve Minutes of the NBU Special Board Meeting of January 18, 2024
4. Approve Amended Minutes of the NBU Regular Board Meeting of May 23, 2023
5. Approve the Change Order Log from November 15, 2023, through December 15, 2023
6. Approve the Reports for Water and Electric Engineering Contracts from August 1, 2023, through December 15, 2023
7. Approve the Electric Line of Business Alternative Procurements from November 15, 2023, through December 15, 2023
8. Authorize Interim 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 Trinity Water Treatment Plant and Pump Station Expansion Project
9. Authorize Interim CEO or his Designee to Negotiate and Execute a Construction Contract with Pesado Construction Company, Inc. for the Construction of the Mission to Westpointe Connection Water Line Project
10. Authorize Interim CEO or His Designee to Negotiate and Execute a Second Amendment to the Professional Services Agreement with Kimley-Horn and Associates, Inc. for the Design of the I-35 Interceptor Project
11. Authorize Interim CEO or His Designee to Negotiate and Execute Second Amendment to the Professional Services Agreement with Periscope Holdings, Inc. for Purchasing Support Services for the NBU Purchasing Department
12. Authorize Interim CEO or His Designee to Negotiate and Execute a Professional Service Agreement with DataProse, LLC for Utility Bill Provider Services
13. Authorize Interim CEO to Execute a (i) First Amendment to the Professional Services Agreement between New Braunfels Utilities and Environmental Research Group, LLC, formerly AmaTerra

Environmental, Inc., and (ii) an Assignment of Agreement for Cultural Services for Headwaters Construction Phase II

14. Authorize Interim CEO or His Designee to Negotiate and Execute a First Amendment to the Vendor Services Agreement with Opin, LLC dba American FR for a Web-Based Uniform Purchase Program
15. Authorize Interim CEO or His Designee to Negotiate and Execute a Professional Services Agreement with Britton Strategies LLC for the Community Advisory Panel for Planning, Facilities, and Project Management Services
16. Authorize the Interim CEO or His Designee to Negotiate and Execute a Cooperative Contract with Lonestar Freightliner Group, LLC for One (1) Western Star 47X GAPVAX Unit

PRESENTATION ITEMS

1. Presentation and Update on the Status of the Amendment to the Memorandum of Agreement (MOU) with the Lower Colorado River Authority (LCRA) Regarding NBU Transmission Assets and Associated Payments

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. Power Supply Update
2. Consultation with Attorney Regarding Matters Protected by Attorney Client Privilege
(Section 551.071 – Texas Government Code)
 - a. Settlement Agreement Dated April 4, 2023 Among New Braunfels Utilities and Southerland Communities NB Land Properties, Ltd., Southerland Copper Ridge, LLC (“Southerland Defendants”), International Fidelity Insurance Company, and Harco National Insurance Company
3. Deliberation Regarding Real Property
(Section 551.072 - Texas Government Code)
 - a. Deliberate the Purchase, Exchange, Lease, or Value of Property at the Intersection of South Sycamore Avenue and 1032 West Coll Street
4. Consultation with Attorney Regarding Matters Protected by Attorney Client Privilege; Personnel Matters
(Sections 551.071 and 551.074 – Texas Government Code)
 - a. Deliberate Plan and Strategy for Implementation of Executive Employment Agreement for 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 Ratification of Letter Agreement Among New Braunfels Utilities, Southerland Communities NB Land Properties, Ltd., Southerland Copper Ridge, LLC, International Fidelity Insurance Company, and Harco National Insurance Company Pertaining to the Full Settlement Agreement Among the Same Said Parties Dated April 4, 2023
2. Discuss and Consider Approval of Executive Employment Agreement for the Chief Executive Officer

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 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 **19th day of January 2024**, 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