

**NEW BRAUNFELS UTILITIES**  
**JUNE BOARD OF TRUSTEES**  
**NBU BOARD ROOM, 263 MAIN PLAZA, NEW BRAUNFELS, TEXAS 78130**  
**THURSDAY, JUNE 27, 2024 AT 3:00 PM**

**MINUTES**

Board President John Harrell opened the meeting at 1:01 pm. A quorum of the NBU Board was present.

**PRESENT**

Board President John Harrell, Board Vice President Judith Dykes-Hoffmann, Board Trustee Bob Gray, Board Trustee Atanacio Campos, and Mayor Rusty Brockman

**ABSENT**

None

**NBU PERSONNEL**

Ian Taylor, Ryan Kelso, Dawn Schriewer, Connie Lock, Melissa Krause, Robin Britton, Janice Jessen, and David Hubbard

**NBU CONSULTANTS**

None

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE AND INVOCATION**

Board Trustee Yvette Villanueva Barrera

**NBU MISSION**

Greg Brown, Chief Technology Officer

**PUBLIC COMMENT**

**ITEMS FROM THE CHAIR**

1. American Public Power Association (APPA) National Conference and Day of Giving Update
2. Any Other Items Permitted Under Section 551.0415 of the Texas Government Code

**ITEMS FROM STAFF**

1. CEO's Update
  - APPA National Conference and Day of Giving Update
  - Reliability Recognition from APPA
  - NBU All - Retiree Luncheon

## Control Center Recognition Week

Leadership Announcement of New Hires: Mark Steelman, Chief Operations Officer, and Neil Borne, Cyber Security Manager

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. Water Supply Fee Report

## **CONSENT ITEMS FOR ACTION**

1. Approve Minutes of the NBU Board Budget Workshop of May 30, 2024
2. Approve Minutes of the NBU Regular Board Meeting of May 30, 2024
3. Approve the Change Order Log from April 15, 2024, through May 15, 2024
4. Approve the Reports for Water and Electric Engineering Contracts from August 1, 2023, through May 15, 2024
5. Approve the Electric Line of Business Alternative Procurements from April 15, 2024, through May 15, 2024
6. Authorize CEO or His Designee to Negotiate and Execute a Professional Services Agreement with Raftelis Financial Consultants, Inc. DBA Raftelis for a Water, Wastewater, and Electric Rate Design Review
7. Authorize CEO or His Designee to Negotiate and Execute a First Amendment to the Professional Services Agreement with Pawelek and Moy, Inc. for the Design of the Sewer Infrastructure Replacement Package Two Project for Four Construction Locations, Including Landa Street, Fredericksburg Road, Sundance Parkway, and Elizabeth Avenue, New Braunfels, Texas
8. Authorize CEO or His Designee to Negotiate and Execute a Second Amendment to the Professional Services Agreement with Arcadis U.S. Inc. for the Design of the NBU Surface Water Treatment Plant Expansion Project
9. Authorize CEO or His Designee to Negotiate and Execute a Fifth Amendment to the Work Authorization with Quiddity Engineering, LLC, for the Design of the Kuehler Water Reclamation Facility Expansion Project
10. Authorize CEO or His Designee to Negotiate and Execute a Professional Services Agreement with Terracon Consultants, Inc. for Cultural Services for the Water and Wastewater Capital Improvements Program
11. Authorize CEO or His Designee to Negotiate and Execute a Construction Contract with MGC Contractors, Inc. for Construction of the North Kuehler Interceptor Odor Control Facility Project

12. Authorize CEO or His Designee to Negotiate and Execute a Grant Agreement for Fiscal Year 2025 between New Braunfels Utilities and Headwaters at the Comal
13. Authorize CEO or His Designee to Execute a Change Order to the Guaranteed Maximum Price Amendment with Thos. S. Byrne, Inc. for the Headwaters at the Comal Master Plan, Phase 2 Sitework and Envelope
14. Authorize the CEO or His Designee to Execute a Guaranteed Maximum Price Amendment with Thos. S. Byrne, Inc. for the Headwaters at the Comal Master Plan, Phase 2 for Additional Site Improvements and Fencing
15. Authorize CEO or His Designee to Negotiate and Execute a Purchase Order Standard Terms and Conditions with Virginia Transformer Corp. for the Manufacture, Delivery, Assembly, and Testing of Three (3) Substation Power Transformers
16. Authorize CEO or His Designee to Negotiate and Execute a Construction Contract with Lambda Construction I, LTD for Construction of the Hueco Springs Substation and Henne Substation Breaker Additions Project
17. Authorize CEO or His Designee to Negotiate and Execute a Services and Goods Agreement with Environmental Improvements, Inc. for Water and Wastewater Systems Chlorine and Sulfur Dioxide Repair, Maintenance, and Replacement Services
18. Authorize CEO or His Designee to Negotiate and Execute Professional Services Agreements with (i) Allen, Williford, and Seale, Inc.; (ii) Lowery Property Advisors, LLC; (iii) Titan Commercial Valuation, LLC; and (iv) Dugger Grafe Swanson, Inc., DBA Valbridge Property Advisors/San Antonio, Inc. for Real Property and Easement Appraisal Services for New Braunfels Utilities Capital Improvement Projects
19. Authorize CEO or His Designee to Negotiate and Execute a Professional Services Agreement with Public Relations Advertising Company dba Vladimir Jones for Communication and Marketing Support Services
20. Authorize CEO or His Designee to Negotiate and Execute a Cooperative Agreement with SHI/Government Solutions, Inc. for the Renewal of Microsoft EA Licensing to Maintain Critical Software Usage
21. Authorize CEO or His Designee to Negotiate and Execute a Construction Contract with Spiess Construction Co., Inc. for the Construction of the Infrastructure Replacement Package 1 Project
22. Approve Resolution #2024-185 Authorizing (i) the Transfer of .4388 Acres of Real Property Located at 1032 W. Coll Street, New Braunfels, Texas to the City of New Braunfels (the “City”) in Exchange for .581 Acres of Real Property Located along FM 1044, New Braunfels, Texas (near the intersection of Old Marion Road and FM 1044) from the City to NBU for Construction and Operation of an Elevated Storage Tank (the “EST”); (ii) Acceptance of an Access Easement, Utility Easement, Drainage Easement, and Temporary Construction Easements from the City for Construction and Operation of the EST; (iii) Execution of Any and All Documents Necessary to Effectuate the Conveyances; and (iv) Other Matters in Connection Therewith

23. Ratification of the Statement of Intent to Change Transmission Cost of Service and Wholesale Transmission Rates Application, and in Support Thereof, on April 11, 2024

## **ACTION ITEMS**

1. Discuss and Consider Approval of the Fiscal Year 2025 Budget and Five-Year Operating 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 Credit Risk Management Waiver
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); Section 551.072 Real Property – Texas Government Code)
  - a. Discuss Legal Options Relating to Status of Real Estate Negotiations to Secure Easements Regarding the McKenzie Interceptor Upgrade Project:
    - i. a 0.296 Acre Permanent Utility Easement, a 0.044 Acre Temporary Construction Easement, and a 0.213 Acre Temporary Construction Easement, all being situated in the A. M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, over and across Lot 18, Block J, Avery Park Subdivision, Unit 2 (Amended), as recorded in Volume 7, Page 267 of the Map and Plat Records of Guadalupe County, Texas (Guadalupe County Parcel No. 125092)
    - ii. a 0.632 Acre Permanent Utility Easement, situated in the A. M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, over and across Lots 901 and 902, Block 4, Avery Park 13, as recorded in Document Number 201899025604 of the Map and Plat Records of Guadalupe County, Texas (Guadalupe County Parcel Nos. 171818 and 171819)
    - iii. a 0.312 Acre Temporary Construction Easement, and a 0.022 Acre Temporary Construction Easement, both being situated in the A. M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, over and across Lot 902, Block 4, Avery Park 13, as recorded in Document Number 201899025604 of the Map and Plat Records of Guadalupe County, Texas (Guadalupe County Parcel No. 171819)
    - iv. a 0.763 Acre Permanent Utility Easement, and a 0.500 Acre Temporary Construction Easement, both being situated in the A. M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, over and across the remainder of a 60.36 Acre Tract described in a Deed recorded in Volume 3037, Page 741 of the Official Public Records of Guadalupe County, Texas (Guadalupe County Parcel No. 55555)

- v. a 0.415 Permanent Utility Easement, a 0.028 Acre Temporary Construction Easement, and a 0.258 Acre Temporary Construction Easement, all being situated in the A. M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, over and across a 12.500 Acre Tract described in a Deed recorded in Volume 1783, Page 833 of the Official Public Records of Guadalupe County, Texas (Guadalupe County Parcel No. 55553)
- vi. a 1.079 Permanent Utility Easement, 0.702 Acre Temporary Construction Easement, 0.107 Acre Access Easement, all being situated in the A. M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, over and across the remainder of a 32.77 Acre Tract described in a Deed recorded in Volume 670, Page 801 of the Official Public Records of Guadalupe County, Texas (Guadalupe County Parcel No. 56231)
- vii. a 0.563 Acre Temporary Construction Easement, situated in the A. M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, over and across a 105.316 Acre tract described in a Deed recorded in Document Number 202199040676 and also recorded in Document Number 202399020238 of the Official Public Records of Guadalupe County, Texas (Guadalupe County Parcel No. 55904)
- viii. a 1.827 Acre Permanent Utility Easement, and a 1.025 Acre Temporary Construction Easement, both being situated in the A. M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, over and across that 34.27 acre tract described in a Common Area deed recorded in Document Number 202399024397 of the Official Public Records of Guadalupe County, Texas (Guadalupe County Parcel No. 56337)
- ix. a 2.088 Acre Permanent Utility Easement, and a 1.395 Acre Temporary Construction Easement, both being situated in the A. M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, over and across a 52.50 Acre Tract described in a Deed recorded in Document Number 202399002975 of the Official Public Records of Guadalupe County, Texas (Guadalupe County Parcel Nos. 191564 and 108128)
- x. a 0.209 Acre Permanent Utility Easement, and a 0.162 Acre Temporary Construction Easement, both being situated in the A. M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, over and across a 10.37 Acre Tract described in a Deed recorded in Document Number 202399003051 of the Official Public Records of Guadalupe County, Texas (Guadalupe County Parcel Nos. 56079 and 106382)
- xi. a 1.879 Acre Permanent Utility Easement, and a 1.253 Acre Temporary Construction Easement, both being out of the A. M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, and being over part of that remainder of a 32 acre tract described in a deed recorded in Volume 2502, Page 699, Official Public Records of Guadalupe County, Texas and being over part of that 4.307 acre tract, designated as Third Tract, described in a deed recorded in Volume 2659, Page 759, Official Public Records of Guadalupe County, Texas (Guadalupe County Parcel Nos. 54767; 54768; and 56414)
- xii. a 1.937 Acre Permanent Utility Easement, and a 1.127 Acre Temporary Construction Easement, both being situated in the A. M. Esnaurizar Survey, Abstract Number 1, Comal County, Texas, over and across Lot 2, Block 1 of Titan Industrial NB Park Unit 2, as recorded in Document Number 201806048472 of the Map and Plat Records of Comal County, Texas, Lot 3, Block 1 of Titan Industrial NB Park Unit 3, as recorded in Document Number 201906003134 of the said Map and Plat Records, and the remainder of a 66.182 Acre tract, designated Tract 1, in

a Deed recorded in Document Number 202106057346 of the Official Public Records of Comal County, Texas, and described in a Deed as recorded in Document Number 201506039028 of the Official Public Records, Comal County Texas (Comal County Parcel Nos. 421640; 422735; and 441204);

xiii. a 1.846 Acre Permanent Utility Easement, and a 0.847 Acre Temporary Construction Easement, both being situated in the A. M. Esnaurizar Survey, Abstract Number 1, Comal County, Texas, over and across a 40.37 Acre tract described in a Deed recorded in Document Number 202206025070 of the Official Public Records of Comal County, Texas (Comal County Parcel No. 71650)

3. Consultation with Attorney Regarding 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

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**

**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 **21st day of June 2024**, and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

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