

Board of Trustees

September 26, 2019

3:00 p.m.

A. Pledge of Allegiance and Invocation – Mayor Barron Casteel

B. Public Comment

C. Items from the Chair

D. Items from Staff

1. CEO's Update
2. Financial Update and Report with Quarterly Investment and Capital Reports

E. Consent Items for Action

1. Approve Minutes of the NBU Regular Board Meeting of August 29, 2019
2. Approve the Change Order Log from July 15, 2019, through August 15, 2019
3. Authorize CEO to Negotiate and Execute a Professional Services Agreement with Freese and Nichols, Inc. for the Water and Wastewater Master Plan Update Project
4. Authorize CEO to Negotiate and Execute a Professional Services Agreement with Urban Civil, LLC for the Castell Avenue East Water and Wastewater Main Rehabilitation Project
5. Authorize CEO to Negotiate and Execute a Professional Services Agreement with Kimley Horn and Associates, Inc. for the Interstate Highway 35 24-inch Water Line Downtown Project
6. Authorize CEO to Negotiate and Execute a Professional Service Agreement with Freese and Nichols, Inc. for the Castell Avenue West Water and Wastewater Rehabilitation Project
7. Authorize CEO to Negotiate and Execute a Construction Contract Agreement with RP Constructors, Inc. for the Replacement of Clarifier Drive #1 Project
8. Authorize CEO to Negotiate and Execute the First Amended and Restated Interlocal Cooperative Contract with the Edwards Aquifer Authority for the NBU Aquifer Storage and Recovery Project
9. Authorize CEO to Negotiate and Execute a Professional Services Agreement with Merrick & Company for the Hydraulic Model Analysis Project
10. Authorize CEO to Negotiate and Execute a Professional Services Agreement with Merrick & Company for the Green Valley Interconnect Project
11. Authorize CEO to Negotiate and Execute a Professional Services Agreement with Freese & Nichols, Inc. for Construction Management and Inspection Services for the Weltner Road Ground Storage Tank and Pump Station Project

F. Action Items

1. Discuss and Consider Adopting Resolution #2019-127 by the Board of Trustees of New Braunfels Utilities Approving (i) Amendments to Chapter 130, Article IV, Section 130-167 of the Code of Ordinances of the City of New Braunfels Relating to Water Rates; (ii) an Addition to Chapter 130,

Article IV, Section 130-172 of the Code of Ordinances of the City of New Braunfels Relating to a Water Supply Fee; and (iii) Presentation of Same to the City Council of New Braunfels for Its Consideration and Passage

2. Discuss and Consider Adopting Resolution #2019-128 by the Board of Trustees of New Braunfels Utilities (i) Approving Proposed Amendments to Chapter 130, Article V, Section 130-257 of the Code of Ordinances of the City of New Braunfels Relating to Sewer Rates, and (ii) Authorizing Presentation of Same to the City Council of New Braunfels for Its Consideration and Passage

G. 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. Discussion Regarding the Lease, Value, Purchase, or Disposition of Real Property for Utility Purposes
 - b. Discussion regarding a Real Estate Sales Contract for an approximately 48.575 acre tract of land, more or less, in the WILLIAM MOCKFORD SURVEY, ABSTRACT 393 and the S.A. & M.G. RAILROAD CO. SURVEY, ABSTRACT 590, situated in Comal County, Texas, being a portion of a called 100.000 acre tract of land, described in Document No. 9506480763, of the Official Public Records of Comal County, Texas
3. Consultation with Attorney Regarding Pending or Contemplated Litigation and Other Matters Protected by Attorney Client Privilege
(Section 551.071 – Texas Government Code)
 - a. Case No. 18-50655, *League of United Latin American Citizens (LULAC), Maria Martinez; Jesse Alaniz, Jr.; and Ramiro Nava v. Edwards Aquifer Authority; City of San Marcos; City of Uvalde; Uvalde County; New Braunfels Utilities, also known as NBU; Guadalupe-Blanco River Authority*, in the United States Court of Appeals for the Fifth Circuit
4. Real Property
(Section 551.072 – Texas Government Code)
 - a. Discussion Regarding the Lease, Value, Purchase, or Disposition of Real Property for Utility Purposes
 - b. Discussion regarding a Real Estate Sales Contract for an approximately 48.575 acre tract of land, more or less, in the WILLIAM MOCKFORD SURVEY, ABSTRACT 393 and the S.A. & M.G. RAILROAD CO. SURVEY, ABSTRACT 590, situated in Comal County, Texas, being a portion of a called 100.000 acre tract of land, described in Document No. 9506480763, of the Official Public Records of Comal County, Texas
5. Personnel Matters – CEO Evaluation
(Section 551.074 – Texas Government Code)

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

H. Reconvene into Open Session and Take Any Necessary Action Relating to the Executive Session as Described Above

I. Action Items

1. Discuss and Consider Adopting Resolution #2019-129 by the Board of Trustees of New Braunfels Utilities Approving (i) the Purchase of 48.575 Acres of Real Property Near Westpointe Drive, (ii) Execution of Any and All Documents Necessary to Purchase Such Real Property, and (iii) Other Matters in Connection Therewith

The real property is more particularly described as follows:

Being a 48.575 acre tract of land, more or less, in the WILLIAM MOCKFORD SURVEY, ABSTRACT 393 and the S.A. & M.G. RAILROAD CO. SURVEY, ABSTRACT 590, situated in Comal County, Texas, being a portion of a called 100.000 acre tract of land, described in Document No. 9506480763, of the Official Public Records of Comal County, Texas

K. 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 East Main Plaza, New Braunfels, Texas, for additional information.

CERTIFICATE OF POSTING

I, Ian Taylor, 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 E. Main Plaza, New Braunfels, Texas, on the 20th day of September, 2019, and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.



Ian Taylor, Chief Executive Officer
Secretary to the Board of Trustees