

January 30, 2020

1:00 p.m.

A. Pledge of Allegiance and Invocation – Board President John Harrell

B. Public Comment

C. Employee Recognitions

D. Items from the Chair

E. Items from Staff

1. CEO's Update
2. Financial Update and Report

F. Consent Items for Action

1. Approve Minutes of the NBU Special Board Meeting of December 11, 2019
2. Approve Minutes of the NBU Regular Board Meeting of December 12, 2019
3. Approve the Change Order Log from October 15, 2019, through December 15, 2019
4. Approve the Reports for Water and Electric Engineering Contracts from August 1, 2019, through December 15, 2019
5. Authorize the Purchase of a Wastewater Easement from Grand Cypress Apartments, LLC for the North Kuehler 42-Inch Interceptor Project
6. Approve the Pole Attachment Fee of \$14.63 Per Attachment Per Year for Calendar Year 2020
7. Authorize CEO to Negotiate and Execute a Professional Services Agreement with Alan Plummer Associates, Inc. for Construction Management and Inspection Services for the North Kuehler 30 and 33-inch Interceptor Replacement Project
8. Authorize CEO to Negotiate and Execute a Third Amendment with Urban Civil, LLC, for the Avery Park 30- inch Water Main Project (Previously known as the Avery Park 20-inch Water Main Addition Project)
9. Authorize CEO to Negotiate and Execute Task Order No. 45 with TRC Engineering, Inc. for the Gruene Water Reclamation Facility Project
10. Authorize CEO to Negotiate and Execute a Professional Services Agreement with Arcadis U.S. Inc., for the NBU Surface Water Treatment Plant Expansion Design

11. Authorize CEO to Negotiate and Execute an Amendment to the Professional Services Agreement with RedMane Technology LLC for the Design and Implementation of the Big Data Analytics Platform Project
12. Ratify past purchases of a Dual Data Center and Backup Solution with Unique Digital Inc. as a Reseller of Dell Technologies in the amount of \$1,800,000
13. Authorize CEO to Negotiate and Execute a Mutual Cooperation Agreement between the City of New Braunfels and New Braunfels Utilities for Police Services
14. Authorize and Approve the Proposed Changes to the NBU Service Conditions Policy to Become Effective April 1, 2020
15. Authorize CEO to Negotiate and Execute a Cooperative Agreement with Dell Marketing L.P. for the Purchase of Computer Hardware

G. Action Items

1. Discuss and Consider Authorizing CEO to Negotiate and Execute a Construction Contract Agreement with MGC Contractors, Inc. for the Construction of the Green Valley Interconnect Project

ACTION ITEMS 2 & 3 WILL BE DISCUSSED AFTER ITEM I. EXECUTIVE SESSION

2. Discuss and Consider Approval and Adoption of Resolution #2020-129 Recommending the Use of Eminent Domain Proceedings to Acquire the Following:
 - a. a 1.254 Acre Utility Easement, a 1.769 Acre Temporary Construction Easement, and a 0.139 Acre Temporary Construction Easement, on, under, and across that Certain Parcel Owned by Kreuzler, LTD., as Described and Recorded in Volume 2693, Page 571 and 569, Respectively, of the Official Public Records of Guadalupe County, Texas, to Advance and Achieve the Public Use of the New Braunfels Utilities 30” Water Main Extension Project in the Southeastern Extent of the Water Territory at Avery Park to Allow the Utility System to Meet the Current and Future Utility Supply Needs of Property Owners in the Area
3. Discuss and Consider Approval and Adoption of Resolutions Recommending the Use of Eminent Domain Proceedings to Acquire the Following:
 - a. Resolution #2020-130, a 0.228 Acre Sanitary Sewer Permanent Easement, a 0.125 Acre Temporary Construction Easement, and a 0.003 Acre Temporary Construction Easement on, under, and across that Certain Parcel Owned by Faust Street Bridge River Venue LLC, as Described and Recorded in Document No. 201906015732 of the Official Public Records of Comal County, Texas
 - b. Resolution #2020-131,
 - (i) a 0.206 Sanitary Sewer Permanent Easement, a 0.160 Acre Sanitary Sewer Permanent Easement, a 0.090 Acre Temporary Construction Easement, a 0.238 Acre Temporary Construction Easement, a 0.006 Acre Temporary Construction Easement, a 0.080 Acre Temporary Construction Easement, and a 0.068 Acre Temporary Construction Easement on, under, and across that Certain Parcel Owned by DRT-PMP Land LLC, Being a Portion Out of a 11.79 Acre Tract of Land Situated in the City of New

Braunfels, Comal County, Texas, and as Described and Recorded in Document No. 201606029905 of the Official Public Records of Comal County, Texas;

- (ii) a 0.048 Acre Sanitary Sewer Permanent Easement and a 0.006 Acre Temporary Construction Easement, on, under and across that Certain Parcel Owned by DRT-PMP Land LLC, Being a Portion Out of Lot 1 of the River Mill Power and Dam Subdivision, according to the Plat Thereof as Described and Recorded in Document No. 200806029517 of the Map and Plat Records of Comal County, Texas, and as Described and Recorded in Document No. 201606029905 of the Official Public Records of Comal County, Texas; and
 - (iii) a 0.406 Acre Sanitary Sewer Permanent Easement, 0.248 Acre Temporary Construction Easement, and a 0.003 Acre Temporary Construction Easement on, under and across that Certain Parcel Owned by DRT-PMP Land LLC, Being a Portion Out of a 14.262 Acre Tract of Land Out of the Henry Foster Survey No. 34, Abstract No, 154, Situated in the City of New Braunfels, Comal County, Texas, as Described and Recorded in Document No. 201706034425 of the Official Public Records of Comal County, Texas
- c. Resolution #2020-132, a 0.700 Acre Sanitary Sewer Permanent Easement, 0.462 Acre Temporary Construction Easement, and a 0.570 Acre Temporary Construction Easement, on, under, and across that Certain Parcel Owned by Myrtle Marie Properties LLC, Being a Portion Out of a 16.551 Acre Tract of Land Out of the Henry Foster Survey No. 34, Abstract No. 154, Situated in the City of New Braunfels, Comal County, Texas, as Described and Recorded in Document No. 201806047340 of the Official Public Records of Comal County, Texas
- d. Resolution #2020-133,
- (i) a 0.145 Acre Sanitary Sewer Permanent Easement and a 0.097 Acre Temporary Construction Easement, on, under, and across that Certain Parcel Owned by Joshua Owens Being a Portion Out of a 5.31 Acre Tract of Land Out of the Henry Foster Survey No. 34, Abstract No. 154 in the City of New Braunfels, Comal County, Texas, as Described and Recorded in Document No. 201606014208 of the Official Public Records of Comal County, Texas;
 - (ii) a 0.143 Acre Sanitary Sewer Permanent Easement and a 0.098 Acre Temporary Construction Easement, on, under, and across that Certain Parcel Owned by Joshua Owens, Being a Portion out of a 5.317 Acre tract of Land out of the Henry Foster Survey No. 34, Abstract No. 154 in the City of New Braunfels, Comal County, Texas, as, Described and Recorded in Document No. 201506030346 of the Official Public Records of Comal County, Texas;
 - (iii) a 0.192 Acre Sanitary Sewer Permanent Easement and a 0.131 Acre Temporary Construction Easement, on, under, and across that Certain Parcel Owned by Joshua Owens, Being a Portion out of a 5.404 Acre Tract of Land out of the Henry Foster Survey No. 34, Abstract No. 154 in the City of New Braunfels, Comal County, Texas, and as Described and Recorded in Document No. 201506030346 of the Official Public Records of Comal County, Texas; and

- (iv) a 0.139 Acre Sanitary Sewer Permanent Easement and a 0.095 Acre Temporary Construction Easement on that Certain Parcel Owned by Joshua Owens, Being a Portion out of a 3.374 Acre Tract of Land out of the Henry Foster Survey No. 34, Abstract No. 154 in the City of New Braunfels, Comal County, Texas, as Described and Recorded in Document No. 201606044826 of the Official Public Records of Comal County, Texas

to Advance and Achieve the Public Use of the New Braunfels Utilities North Kuehler 42” Wastewater Interceptor Upgrade and Extension Project, Which is Necessary to Meet the Current and Future Sanitary Sewer Capacity Needs in the New Braunfels Area and Which Will Replace the Existing Sanitary Sewer Main with a Larger-Diameter Pipeline along the Same Route

H. Presentation Items

1. Presentation Regarding the Sale of 263 E. Main Plaza and Construction of a New Facility
2. Presentation Regarding the Collaboration with the City of New Braunfels for the Temporary Relocation of Fire Station #3
3. Presentation on Notification of Operational Changes to Water and Sewer Utility Taps

I. 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; Real Property
(Section 551.071 and 551.072 – Texas Government Code)
 - a. Discussion Regarding the Lease, Value, Purchase, or Disposition of Real Property for Utility Purposes
 - b. Discussion Regarding Water Infrastructure Maintenance
3. Consultation with Attorney Regarding Pending or Contemplated Litigation and Other Matters Protected by Attorney Client Privilege; Real Property
(Section 551.071 and 551.072– Texas Government Code)

Negotiations for Acquisition and Possible Condemnation of Easements on, under and across:

- a. Parcels Owned by Kreuzler, LTD., a 1.254 Acre Permanent Utility Easement, 1.769 Acre Temporary Construction Easement, and a 0.139 Acre Temporary Construction Easement
- b. Parcel Owned by Faust Street Bridge River Venue LLC, a 0.228 Acre Sanitary Sewer Permanent Easement, 0.125 Acre Temporary Construction Easement, and a 0.003 Acre Temporary Construction Easement

- c. Parcel Owned by DRT-PMP Land LLC
 - (i) a 0.206 Acre Sanitary Sewer Permanent Easement, 0.160 Acre Sanitary Sewer Permanent Easement, 0.090 Acre Temporary Construction Easement, 0.238 Acre Temporary Construction Easement, 0.006 Acre Temporary Construction Easement, 0.080 Acre Temporary Construction Easement, and a 0.068 Acre Temporary Construction Easement;
 - (ii) a 0.048 Acre Sanitary Sewer Permanent Easement and a 0.006 Acre Temporary Construction Easement; and
 - (iii) a 0.406 Acre Sanitary Sewer Permanent Easement, 0.248 Acre Temporary Construction Easement, and a 0.003 Acre Temporary Construction Easement
- d. Parcel Owned by Myrtle Marie Properties LLC, a 0.700 Acre Sanitary Sewer Permanent Easement, 0.462 Acre Temporary Construction Easement, and a 0.570 Temporary Construction Easement
- e. Parcels Owned by Joshua Owens
 - (i) a 0.145 Acre Sanitary Sewer Permanent Easement and a 0.097 Acre Temporary Construction Easement;
 - (ii) a 0.143 Acre Sanitary Sewer Permanent Easement and a 0.098 Acre Temporary Construction Easement;
 - (iii) a 0.192 Acre Sanitary Sewer Permanent Easement and a 0.131 Acre Temporary Construction Easement; and
 - (iv) a 0.139 Acre Sanitary Sewer Permanent Easement and a 0.095 Acre Temporary Construction Easement

4. Security Devices or Security Audits
(Section 551.089 – Texas Government Code)

- a. Discussion Regarding Security Assessments or Deployments Relating to Information Resources Technology, Certain Network Security Information, or the Deployment and/or Implementation of Critical Infrastructure or Security Devices

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

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

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 24th day of January, 2020, 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