

**NOTICE:** Governor Abbott has temporarily suspended certain requirements of the Open Meetings Act in response to the COVID-19 public health disaster. Specifically, governmental entities are permitted to meet by telephone or video conference provided the meetings are audible to members of the public and allow for two-way communication. The suspension of certain requirements of the Open Meetings Act is intended to reduce in-person meetings and the spread of COVID-19 while maintaining governmental transparency.

The NBU Board of Trustees' meeting scheduled for **September 24, 2020**, at **1:00 p.m.** will be held by video conference. Members of the public may join the meeting from a computer, tablet, or smartphone at <https://global.gotomeeting.com/join/529546853>. Members of the public may also participate in the video conference by telephone at (866) 899-4679. The Access Code for the video conference link and dial-in telephone number is 529-546-853. Both the link and telephone number are free of charge. Members of the public will be allowed to participate during the Public Comment period and discuss any item on the agenda. Public comment will not be allowed during any other part of the meeting unless approved by the Board President.

A recording of the video conference will be made available to the public on NBU's website at <https://www.nbutexas.com/schedule-of-meetings-and-agendas/> after the meeting.

### **AGENDA**

**A. Pledge of Allegiance and Invocation** – Mayor Rusty Brockman

**B. Public Comment**

**C. Recognitions**

1. Hurricane Laura Mutual Aid Response

**D. Items from the Chair**

**E. Items from Staff**

1. CEO's Update
2. Financial Update and Report
3. Quarterly Investment Report
4. Update on Customer Accounts
5. Community Broadband and Fiber Project

**F. Consent Items for Action**

1. Approve Minutes of the NBU Regular Board Meeting of August 27, 2020
2. Approve 2020 First Quarter Charge-Off Accounts
3. Approve the Change Order Log from July 15, 2020, through August 15, 2020

4. Approve the Reports for Water and Electric Engineering Contracts from August 1, 2019, through July 31, 2020
5. Authorize CEO to Negotiate and Execute an Access Easement Agreement with Hollmig Family Partnership, LTD. for the Kuehler Wastewater Treatment Plant Access Road on Courtyard Drive
6. Authorize CEO to Negotiate and Execute a Construction Contract with Santa Clara Construction, Ltd. for the Construction of the North Kuehler 42-inch Interceptor Upgrade Project
7. Authorize CEO to Negotiate and Execute a Construction Contract Agreement with BRH-Garver Construction, L.P. for the Construction of the North Kuehler 30-inch and 33-inch Interceptor Upgrade Project - Phase 1
8. Authorize CEO to Negotiate and Execute a Construction Contract Agreement with Pesado Construction Company for the Construction of the North Kuehler 30-inch and 33-inch Interceptor Upgrade Project - Phase 2
9. Authorize CEO to Negotiate and Execute a Professional Services Agreement with Freese and Nichols, Inc. for the Goodwin Lane Elevated Storage Tank Project
10. Approve an Additional \$200,000 in Construction Contract Contingency with Capital Excavation on the Morningside / Solms / Rueckle Reconstruction Project
11. Authorize CEO to Negotiate and Execute a Services and Goods Agreement with Five-Star Electric Motors, Inc. for Variable Frequency Drive and Soft Starter Maintenance and Replacement Services
12. Authorize CEO to Negotiate and Execute a Services and Goods Agreement with Austin Armature Works, L.P. for Variable Frequency Drive, and Soft Starter Maintenance and Replacement Services
13. Authorize CEO to Negotiate and Execute a Services and Goods Agreement with MGC Contractors, Inc. for Lift Station Wet Well Debris Removal Services

#### **G. Action Items**

1. Discuss and Consider Adopting Resolution #2020-140 by the Board of Trustees of New Braunfels Utilities Approving Amendments to Chapter 130, Article IV, Section 130-167 of the Code of Ordinances of the City of New Braunfels (i) Adjusting Water Rates and Charges for Fiscal Year 2021; (ii) Providing for Upward Adjustments of Water Rates and Charges for Fiscal Year 2022 and Fiscal Year 2023; and (iii) Authorizing Presentation of Same to the City Council of New Braunfels for Its Consideration and Passage
2. Discuss and Consider Adopting Resolution #2020-141 by the Board of Trustees of New Braunfels Utilities Approving Amendments to Chapter 130, Article V, Section 130-257 of the Code of Ordinances of the City of New Braunfels (i) Adjusting Sewer Rates and Charges for Fiscal Year 2021; (ii) Providing for Upward Adjustments of Sewer Rates and Charges for Fiscal Year 2022 and Fiscal Year 2023; and (iii) Authorizing Presentation of Same to the City Council of New Braunfels for Its Consideration and Passage
3. Discuss and Consider Adopting Resolution #2020-142 by the Board of Trustees of New Braunfels Utilities (i) Approving Amendments to Chapter 130, Article III, Sections 130-56 and 130-57 of the Code of Ordinances of the City of New Braunfels that Provide for Upward Adjustments of Electric Rates and Charges for Fiscal Year 2022 and Fiscal Year 2023 and (ii) Authorizing Presentation of Same to the City Council of New Braunfels for Its Consideration and Passage

## H. 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. 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
3. Consultation with Attorney Regarding Pending or Contemplated Litigation and Other Matters Protected by Attorney Client Privilege; Personnel Matters  
(Section 551.071 – Texas Government Code; Section 551.074 – Texas Government Code)
  - a. Deliberate Plan and Strategy for Implementation of Executive 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.

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

## J. 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, 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 Main Plaza, New Braunfels, Texas, on the 18<sup>th</sup> day of September, 2020, and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

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