

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 **December 10, 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 – Board Trustee Bob Gray

B. Public Comment

C. Recognitions

1. New Braunfels High School BBQ Team
2. NBU Employee Service Pins

D. Items from the Chair

1. NBU Board Committee Assignments
2. Headwaters at the Comal Board Appointment
3. Review and Update of the Board Member Manual

E. Items from Staff

1. CEO's Update
2. Financial Update and Report
3. Quarterly Capital and Investment Report
4. Monthly Update on Customer Accounts
5. Quarterly Update on Headwaters at the Comal
6. Quarterly Update on Fiscal Year 2021 Strategic Plan Tier 1 Goals' Performance Measures

F. Consent Items for Action

1. Approve Minutes of the NBU Regular Board Meeting of October 29, 2020
2. Approve the Change Order Log from September 15, 2020, through October 15, 2020
3. Approve the Reports for Water and Electric Engineering Contracts from August 1, 2020, through October 15, 2020
4. Approve 2020 Second Quarter Charge-Off Accounts
5. Authorize CEO to Negotiate and Execute a Construction Contract Agreement with Landmark Structures, I, L.P. for the Construction of the Oakbrook Elevated Storage Tank
6. Authorize CEO to Negotiate and Execute an Amendment to the Professional Services Agreement with Alan Plummer and Associates Inc. for the Design of the 30 and 24-Inch SWTP Discharge Line Project
7. Authorize CEO to Negotiate and Execute a Professional Services Agreement with Jones and Carter, Inc. for the Design of the South Kuehler Sanitary Interceptor SK-20 Relocation/Expansion Project
8. Authorize CEO to Negotiate and Execute an Amendment #2 to the Professional Services Agreement with Freese and Nichols, Inc. for the Design of the 3.0 MG Bretzke GST and 24-inch Bretzke Waterline Project and to Ratify Amendment #1
9. Authorize CEO to Negotiate and Execute a Construction Contract Agreement with Pesado Construction Company for the Construction of the Rio Lift Station Expansion Project
10. Authorize CEO to Negotiate and Execute an Amendment to Task Order 17 of the Master Service Agreement with Arcadis, Inc. for the Water Resource Plan
11. Authorize CEO to Negotiate and Execute an Amendment to the Professional Services Agreement with Urban Civil, LLC, for the Design of the Avery Park 30-Inch Water Main Project
12. Authorize CEO to Negotiate and Execute a Professional Services Agreement with Arcadis-US, Inc. for Phase 4 of the Aquifer Storage and Recovery Project
13. Authorize CEO to Negotiate and Execute a Materials Agreement with DPC Industries, Inc. for Chlorine and Sulfur Dioxide Chemicals
14. Authorize CEO to Negotiate and Execute a Services and Goods Agreement with Precision Calibrate Meter Services for Small Meter Testing
15. Authorize CEO to Negotiate and Execute a Services and Goods Agreement with Precision Calibrate Meter Services for Large Water Meter Testing and Repair Services
16. Approve the Pole Attachment Fee of \$10.34 Per Attachment Per Year for Calendar Year 2021
17. Authorize CEO to Purchase .68 Acres adjacent to Borchers Boulevard from Veramendi PE-Cairns, LLC, Participate in Costs for Community Drainage in the Amount of \$12,240, and Execute All Related Documents
18. Authorize CEO to Purchase 5.338 Acres along River Road from Veramendi PE-Darwin, LLC in the Amount of \$816,750, Participate in Community Drainage Costs in the Amount of \$96,084, and Execute All Related Documents

G. Action Items

1. Discuss and Consider Approval of the NBU Comprehensive Annual Financial Report (“CAFR”) and Red Flag Incident Report for Fiscal Year 2020

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. Consultation with Attorney Regarding Pending or Contemplated Litigation and Other Matters Protected by Attorney Client Privilege
(Section 551.071 – Texas Government Code)
 - a. Discussion Regarding the Utility Construction Cost Sharing Agreement for the Copper Ridge Subdivision and related amendments and modifications, all among NBU, Southerland Communities NB Land Properties, Ltd., and Southerland Copper Ridge, LLC
 - b. City of New Braunfels, Texas, Utility System Revenue and Refunding Bonds, Series 2016
 - c. Discussion Regarding Settlement of Cause No. C2019-1942-A, *Beverly Smith v. New Braunfels Utilities and Dakota Oaks Folts*
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 4th day of December, 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