



NOTICE OF OPEN MEETING
MAY BOARD OF TRUSTEES
GoToMeeting - <https://global.gotomeeting.com/join/529546853>
May 25, 2021 at 1:00 PM
www.nbutexas.com

AGENDA

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 government transparency.

The NBU Board of Trustees' meeting scheduled for May 25, 2021, 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 <http://www.nbutexas.com/About-Us/Schedule-of-Meetings-and-Agendas> after the meeting.

PLEDGE OF ALLEGIANCE AND INVOCATION

Board Trustee Bob Gray

PUBLIC COMMENT

NBU EMPLOYEE RECOGNITIONS

ITEMS FROM THE CHAIR

1. Report from the Ad Hoc Governance and Personnel Committee

ITEMS FROM STAFF

1. CEO's Update
 - a. Water Main Break near Comal River
 - b. NBU Headquarters Road Access
 - c. Re-Entry Plan
 2. Financial Update and Report
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3. Quarterly Investment Report

CONSENT ITEMS FOR ACTION

1. Approve Minutes of the NBU Regular Board Meeting of April 29, 2021
2. Approve 2020 Fourth Quarter Charge-Off Accounts
3. Approve the Change Order Log from March 15, 2021, through April 15, 2021
4. Approve the Reports for Water and Electric Engineering Contracts from August 1, 2020, through April 15, 2021
5. Authorize CEO or His Designee to Negotiate and Execute a Construction Contract with Harper Brothers Construction, LLC for the Construction of the 24-Inch McQueeney Road Water Line Project
6. Authorize CEO or His Designee to Negotiate and Execute a Construction Contract with JM Pipeline, LLC for the Construction of the Nautilus Tract Offsite Sewer Project
7. Authorize CEO or His Designee to Negotiate and Execute a Professional Services Agreement with Freese and Nichols, Inc. for the Design of the Landa Pump Station Phase 2 Project
8. Authorize CEO or His Designee to Negotiate and Execute a Contract with Siemens Industry, Inc. and a Contract with Siemens Energy, Inc. for the Installation and Purchase of Eleven (11) Substation Breakers
9. Authorize CEO or His Designee to Negotiate and Execute a Contract with Lambda Construction I, Ltd. For Foundation Additions at the E.C. Mornhinweg, TXI, and Hortontown Substations
10. Authorize CEO or His Designee to Negotiate and Execute an Amendment to the Services and Goods Agreement with Precision Calibrate for Large Water Meter Testing and Repair Services
11. Adopt Resolution #2021-146 by the Board of Trustees of New Braunfels Utilities (i) Approving Amendments to Chapter 130, Article II, Section 130-30 of the Code of Ordinances of the City of New Braunfels Providing the Right to Board Members to Waive Annual Compensation and to Revoke Such Waiver and Reinstate Annual Compensation At Any Time and (ii) Authorizing Presentation of Same to the City Council of New Braunfels for Its Consideration and Passage

ACTION ITEMS

1. Discuss and Consider Adoption of Resolution #2021-147 Relating to the Issuance of the “City of New Braunfels, Texas, Utility System Revenue Refunding Bonds, Series 2021” and Resolving Other Matters Incident and Related Thereto
2. Discuss and Consider Approval and Authorization to Select the Underwriting Team for the City of New Braunfels, Texas, Utility System Revenue Refunding Bonds, Series 2021
3. Discuss and Consider Approval for the Headwaters at the Comal Board of Directors to Appoint Jordan Matney as a Class C Board Member of the Headwaters at the Comal

4. Discuss and Consider Approval of Proposed Revisions to the NBU Board Governance Policies

PRESENTATION ITEMS

1. Presentation and Update on the 100% NBU HQ Schematic Design from Marmon Mok
2. Presentation and Quarterly Update on the Headwaters at the Comal
3. Presentation and Update of the Strategic Plan - Third Quarter, FY 2021
4. Presentation on the New Braunfels Utilities (NBU) Customer Satisfaction Survey Results for Fiscal Year 2021 from GreatBlue Research

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, Settlement Offer, or Other Matters Protected by Attorney Client Privilege; Power Supply Resources – Competitive Matters
(Section 551.071 – Texas Government Code; Section 551.086 – Texas Government Code)
 - a. Consider Matters Associated with Pricing Information, Risk Management, Claims Notices, Contracts Relating to, and Actions Taken by ERCOT in Response to the February 2021 Winter Storm
3. Consultation with Attorney Regarding Pending or Contemplated Litigation, Settlement Offer, or Other Matters Protected by Attorney Client Privilege
(Section 551.071 – Texas Government Code)
 - a. Discuss 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. Consider Matters Associated with *New Braunfels Utilities v. The Heirs of Nellie May Luckett*, et. al., No. C2021-0488C (274th Dist. Ct., Comal County, Tex. Mar. 26, 2021)
4. Consultation with Attorney Regarding Pending or Contemplated Litigation, Settlement Offer, or 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.

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’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 **21st day of May, 2021**, 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