



NOTICE OF OPEN MEETING
SEPTEMBER BOARD OF TRUSTEES
NBU Board Room, 263 Main Plaza, New Braunfels, Texas 78130
September 25, 2025, at 1:00 PM
www.nbutexas.com

AGENDA

OPEN SESSION (2 HR)

CLOSED SESSION (1 HR 15 MIN + 5 MIN Recess)

TOTAL (3 HOUR 20 MIN)

CALL TO ORDER 1:00 pm

PLEDGE OF ALLEGIANCE AND INVOCATION (2 MINS) 1:00 pm

Board Trustee Yvette Villanueva Barrera

NBU EMPLOYEE RECOGNITIONS (13 MINS) 1:02 pm

1. Retirement Recognition of Kevin Seidel – **RYAN KELSO (5 MINS) 1:02 pm**
2. Presentation of Service Pins – **RYAN KELSO (8 MINS) 1:07 pm**
 - a. Recognizing NBU Employees Keith Marsh and Maria Gomez for 20 Years of Service

PUBLIC COMMENT (5 MINS) 1:15 pm

ITEMS FROM THE CHAIR (5 MINS) 1:20 pm

1. Any Items Permitted Under Section 551.0415 of the Texas Government Code

ITEMS FROM STAFF (40 MIN) 1:25 pm

1. CEO's Update – **RYAN KELSO (5 MINS) 1:25 pm**
 - a. Leadership Announcement of New Hires and Position Changes: Director of System Operations, Will Riley; Learning and Engagement Manager, Katie Storey; and Procurement Manager, Anna Johnson
 - b. NBU's Ragan Dickens Chosen for Leadership New Braunfels Class of 2026
 - c. Country Hill South Pump Station Emergency Event Response
 - d. Thermal Imaging Camera Utilized to Prevent Critical Event at Freiheit Substation
 - e. NBU Staff Participates in Emergency Management Tabletop Exercise
 - f. NBU Community Advisory Panel Meets to Discuss Drought Contingency Plan
 - g. Any Other Items Permitted Under Section 551.0415 of the Texas Government Code
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2. Financial Update and Report, Including an Update on the Impact Fee Program Effective February 1, 2023 (referred to as Program E) – **KIMBERLY HUFFMAN (5 MINS) 1:30 pm**
3. Quarterly Investment Report – **JESSICA COLEMAN (5 MINS) 1:35 pm**
4. Quarterly Update on the Headwaters at the Comal – **NANCY PAPPAS (10 MINS) 1:40 pm**
5. Monthly NBU Headquarters Progress Update – **JACOB TSCHOEPE (15 MINS) 1:50 pm**

CONSENT ITEMS FOR ACTION – WAYNE PETERS (5 MINS) 2:05 pm

1. Approve Minutes of the NBU Regular Board Meeting of August 28, 2025
2. Approve the Change Order Log from July 15, 2025, through August 15, 2025
3. Approve the Reports for Water and Electric Engineering Contracts from August 1, 2024, through August 15, 2025
4. Approve the Electric Line of Business Alternative Procurements from July 15, 2025, through August 15, 2025
5. Authorize the CEO or His Designee to Negotiate and Execute a Third Amendment to the Professional Services Agreement with Freese and Nichols, Inc. for the Design of the Gruene Wastewater and Inverted Siphon Improvements Project at (i) the Gruene Water Reclamation Facility; (ii) Along Gruene Road South of the Loop 337 Bridge; and (iii) the Inverted Siphon Along Gruene Road West of Downtown Gruene
6. Authorize the CEO or His Designee to Negotiate and Execute a Joint Construction Contract Agreement with Capital Excavation Company and the City of New Braunfels for the San Antonio Street Rehabilitation and Water Lane Utility Improvements Project Phase 3
7. Authorize the CEO or His Designee to Negotiate and Execute a Third Amendment to the Professional Services Agreement with Kimley-Horn and Associates, Inc. for the Design of the Saengerhalle North Interceptor Project Located Generally Along the Existing Drainage Channel from Silver Spur Drive to Approximately 500 Feet Southwest of Alves Lane
8. Authorize the CEO or His Designee to Negotiate and Execute a Cooperative Agreement with Waypoint Business Solutions, LLC, for the Replacement of the Current VxRail Server Cluster with a Consolidated HyperV Server Cluster
9. Authorize the CEO or His Designee to Negotiate and Execute a Cooperative Agreement with Gartner Inc. for Professional Services in Selecting and Overseeing the Implementation of the Customer Information and Financial Systems
10. Authorize the CEO or His Designee to Execute an Interlocal Agreement with Comal County for Shared Use of the New Braunfels Utilities Fiber-Optic Network
11. Authorize the CEO to Negotiate and Execute a Services and Goods Agreement with Austin Armature Works, LP, for Variable Frequency Drive and Soft Starter Maintenance and Replacement Services

12. Authorize the CEO to Negotiate and Execute a Professional Services Agreement with Hardin & Associates Holdings, LLC, d/b/a Hardin & Associates Consulting, for Customer Service Inspection Services
13. Authorize the CEO or His Designee to Negotiate and Execute a Second AIA Document G802-2017 Amendment to the Professional Services Agreement with Robert E. Lamb, Inc. for the Proposed New Braunfels Utilities Backup Operations Center Project Located at 415 Gruene Road to Add Permit Coordination, Bidding Support Services, and Construction Administration Services
14. Authorize the CEO or His Designee to Negotiate and Execute an AIA Document A133-2019 Exhibit A Guaranteed Maximum Price Amendment No. 6 with SpawGlass Contractors, Inc., for the New Braunfels Utilities Headquarters Facility Project, Located on a 76-acre Tract of Property at the Intersection of Engel Road and IH 35

ACTION ITEMS (50 MIN) 2:10 pm

1. Discuss and Consider Approval of Revisions to the NBU Strategic Plan Measures and Performance Payout Structure for Fiscal Year 2026 – **DARRIN JENSEN (15 MINS) 2:10 pm**
2. Discuss and Consider Approval of AIA Document A101-2017 Standard Form of Agreement Between Owner and Contractor with SpawGlass Contractors, Inc., for the Construction of the Proposed New Braunfels Utilities Backup Operations Center Project Located at 415 Gruene Road – **DARRIN JENSEN (10 MINS) 2:25 pm**
3. Discuss and Consider Receiving the 2025 Water Resource Plan Prepared by Arcadis U.S., Inc., Dated August 2025 – **MIKE SHORT (5 MINS) 2:35 pm**
4. Discuss and Consider Participating in a Memorandum of Understanding Between Guadalupe-Blanco River Authority and New Braunfels Utilities for the WaterSECURE Project – **MIKE SHORT (10 MINS) 2:40 pm**
5. Discuss and Consider Authorizing the CEO or His Designee to Negotiate and Execute a Memorandum of Agreement Between the Guadalupe-Blanco River Authority and New Braunfels Utilities to Collaborate on the Development of a Guadalupe River Habitat Conservation Plan – **MIKE SHORT (10 MINS) 2:50 pm**

EXECUTIVE SESSION (1 HR 15 MIN + 5 MIN RECESS) 3:00 pm

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) **(10 MINS) 3:05 pm**
2. Consultation with Attorney Regarding Pending or Contemplated Litigation, Settlement Offers, and/or Matters Protected by Attorney-Client Privilege (Section 551.071 – Texas Government Code); Real Property (Section 551.072 – Texas Government Code) – **(35 MINS) 3:15 pm**

- a. Discuss Legal Matters Relating to Potential Eminent Domain Actions to Secure the Following Easements Regarding the Highway 46 Substation (“HW14”) Feeder to FM 3009 Extension Phase 2 Project: – **(10 MINS) 3:15 pm**
 - i. a 0.386 Acre Electric Utility Easement, situated in the J. Doehne Survey No. 912, Abstract 971 in Comal County, Texas and out of that 15.105 acre tract conveyed to Stephen J. Clayton by deed recorded in Document No. 202306039904 of the Official Public Records of Comal County Texas, in which his spouse, Kristin Clayton, holds or may hold a community property interest, also known as Comal County Parcel No. 106509
 - ii. a 0.043 Acre Electric Utility Easement, situated in the J. Doehne Survey No. 912, Abstract 971 in Comal County, Texas and out of that called 19.602 acre tract conveyed to Craig E. Johnson and Cynthia D. Johnson, Trustees of the Johnson Living Trust Dated July 11, 2005, recorded in Document No. 200506033503 of the Official Public Records of Comal County Texas, also known as Comal County Parcel No. 108345
- b. Discuss Proposed High-Density Multifamily Developments Platted as Minor Plat – **(25 MINS) 3:25 pm**
3. Consultation with Attorney Regarding Pending or Contemplated Litigation, Settlement Offer, and/or Other Matters Protected by Attorney-Client Privilege (Section 551.071 – Texas Government Code) – **(30 MINS) 3:50 pm**
 - a. Discuss Legal Matters Relating to the Gonzales Carrizo Water Supply Project – **(15 MINS) 3:50 pm**
 - b. Discuss Pending Litigation Styled *Allison McCumbee vs. New Braunfels Utilities, Comal County, 207th Judicial District, Cause No. C2024-1273B* – **(15 MINS) 4:05 pm**

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

RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE

ACTION ITEMS

1. Discuss and Consider Approving Resolution R-2025-204 Recommending the Acquisition of Electric Utility Easements Over, Under, Upon, and Across a 0.386 Acre Tract of Real Property Owned by Stephen J. Clayton in which his Spouse, Kristin Clayton, Holds or May Hold a Community Property Interest (Comal County Parcel No. 106509) and a 0.043 Acre Tract of Real Property Owned by Craig E. Johnson and Cynthia D. Johnson, Trustees of the Johnson Living Trust Dated July 11, 2005 (Comal County Parcel No. 108345), Both of Which are Necessary to Advance and Achieve the Public Use of Expanding the New Braunfels Utilities’ Electric System to Increase Electric Capacity to Meet Existing and Future Needs and Ensure Reliability

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 Relations Coordinator at least three (3) days prior to the scheduled meeting date at (830) 629-8400 or the NBU Main Office at 263 Main Plaza, New Braunfels, Texas, for additional information.

CERTIFICATE OF POSTING

I, Ryan Kelso, Secretary to the Board of Trustees, do hereby certify that this Notice of Meeting was posted on a bulletin board at a place convenient to the public at the City of New Braunfels City Hall, 550 Landa Street, New Braunfels, Texas; the New Braunfels Utilities Main Office, 263 Main Plaza, New Braunfels, Texas; and the New Braunfels Utilities Customer Solutions Center, 1488 South Seguin Avenue, New Braunfels, Texas, on the **19th day of September 2025**, and remained posted continuously for at least three business days before the scheduled date of the meeting.



Ryan Kelso, Chief Executive Officer
Secretary to the Board of Trustees