

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 **June 25, 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/282026157>. Members of the public may also participate in the video conference by telephone at (877) 568 4106. The Access Code for the video conference link and dial-in telephone number is 282-026-157. 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.

AGENDA

A. Pledge of Allegiance and Invocation – Board Trustee Bob Gray

B. Public Comment

C. Presentation to Communities in Schools

D. Recognitions

1. 2020 TCEQ Texas Environmental Excellence Award
2. Employee Recognitions

E. Items from the Chair

1. Report from Investment Committee

F. Items from Staff

1. CEO's Update
2. Financial Update and Report
3. Update on Plan to Reinstate Disconnections and Penalties for NBU Customer Accounts

G. Consent Items for Action

1. Ratify all Board Actions Taken during the April 30, 2020 and May 28, 2020 Board Meetings, the Agendas of which are Attached as Exhibits A & B, Respectively
2. Approve Minutes of the NBU Regular Board Meeting of May 28, 2020

3. Approve Minutes of the NBU Special Board Meeting of June 10, 2020
4. Approve Minutes of the NBU Special Board Meeting of June 15, 2020
5. Approve the Change Order Log from April 15, 2020, through May 15, 2020
6. Approve the Reports for Water and Electric Engineering Contracts from August 1, 2019, through May 15, 2020
7. Authorize CEO to Negotiate and Execute a Vendor Services Agreement with Opin, LLC, dba American FR for a Web-Based Employee Uniform Purchasing Program
8. Authorize CEO to Negotiate and Execute a Master Services Agreement Task Order Amendment with Freese and Nichols, Inc. for Program Management and Staff Augmentation Services
9. Authorize CEO to Negotiate and Execute a Work Authorization (“WA”) with Jones and Carter, Inc. for the North and South Kuehler Wastewater Treatment Plant Expansion Project
10. Authorize CEO to Negotiate and Execute a Professional Services Agreement with 7 Arrows Land Staff, LLC for Water & Wastewater Capital Right of Way and Easement Acquisition Services
11. Authorize CEO to Negotiate and Execute a Professional Services Agreement with Freese and Nichols, Inc for Construction Management & Inspection Services
12. Authorize CEO to Negotiate and Execute a Construction Contract Agreement with R.P. Constructors, Inc. for the Replacement of Clarifier Drive #2 at SWTP Project
13. Authorize CEO to Negotiate and Execute a Professional Services Agreement with Freese and Nichols, Inc. for the Design of the FM 306 Pump Station and Discharge Line Project
14. Authorize CEO to Negotiate and Execute three (3) Materials Agreements with Texas Electric Cooperatives for the Purchase of Electrical Transformers in order to Maintain Inventory Requirements
15. Authorize the Purchase of a 0.510 acre tract of Real Property and a 0.357 acre Permanent Utility Easement Located within the New Braunfels Independent School District Klein Road Elementary School Property for the Green Valley Interconnect Project from New Braunfels Independent School District in the Amount of \$151,066 and Authorize the CEO to Execute all Related Documents

H. Action Items

1. Discuss and Consider Approval of the Fiscal Year 2021 Budget and Five Year Operating Plan
2. Discuss and Consider Adoption of Resolution #2020-136 of the Board of Trustees of New Braunfels Utilities Recommending and Requesting that the New Braunfels City Council Take Certain Actions with respect to an Application to the Texas Water Development Board’s Clean Water State Revolving Fund Program; Finding the Resolution To Have Been Considered Pursuant to the Laws Governing Open Meetings; Providing a Severability Clause; Establishing an Effective Date; and Other Matters in Connection Therewith
3. Discuss and Consider Adoption of Resolution #2020-137 of the Board of Trustees of New Braunfels Utilities Recommending and Requesting that the New Braunfels City Council Take Certain Actions with respect to an Application to the Texas Water Development Board’s Drinking Water State Revolving Fund Program; Finding the Resolution To Have Been Considered Pursuant to the Laws Governing Open Meetings; Providing a Severability Clause; Establishing an Effective Date; and Other Matters in Connection Therewith

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. 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 a Utility Construction Cost Sharing Agreement for the Copper Ridge Subdivision among NBU, Southerland Communities NB Land Properties, Ltd., and Southerland Copper Ridge, LLC
 - b. Consultation with Attorneys Regarding Advice on Legal Matters Pertaining to Pending or Contemplated Litigation or Settlement Offer with Archer Western Regarding Construction Work at the Sam C. McKenzie Water Reclamation Facility
 - c. Consultation with Attorneys Regarding Advice on Legal Matters Pertaining to Pending or Contemplated Litigation or Settlement Offer with Capital Excavation Regarding Solms/Morningside/Rueckle Utility and Road Reconstruction Project
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 Authorizing Resolution #2020-138 of New Braunfels Utilities Approving (i) the Transfer of Approximately 35.452 Acres of Real Property Located at 355 FM 306, New Braunfels, Texas (the “Service Center”), to the City of New Braunfels; (ii) the Leaseback of the Service Center from the City of New Braunfels to New Braunfels Utilities; (iii) Execution of Any and All Documents Necessary to Transfer and Leaseback the Service Center; and (iv) Other Matters in Connections Therewith
3. Power Supply Resources – Competitive Matters
(Section 551.086 – Texas Government Code)

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

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 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 19th day of June, 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

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The NBU Board of Trustees' meeting scheduled for April 30, 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/326908077>. Members of the public may also participate in the video conference by telephone at [+1 \(866\) 899-4679](tel:+18668994679). The Access Code for the video conference link and dial-in telephone number is 326-908-077. 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.

AGENDA

A. Pledge of Allegiance and Invocation – Mayor Barron Casteel

B. Public Comment

C. Items from the Chair

1. Recognition of Mayor Barron Casteel
2. Report from Audit Committee

D. Items from Staff

1. CEO's Update
 - a. NBU COVID-19 Priorities
 - Safety
 - Continuity of operations
 - Employee mental health and wellness
 - NBU financial health
2. Financial Update and Report

E. Consent Items for Action

1. Approve Minutes of the NBU Regular Board Meeting of March 26, 2020
2. Approve the Change Order Log from February 15, 2020, through March 15, 2020
3. Approve the Reports for Water and Electric Engineering Contracts from August 1, 2019, through March 15, 2020

4. Authorize CEO to Negotiate and Execute an Engagement Letter with Moss Adams LLP for Audit Services
5. Authorize CEO to Negotiate and Execute a Contract with Virginia Transformer Corporation for the Purchase of Two Substation Power Transformers
6. Authorize CEO to Negotiate and Execute a Construction Contract Agreement with Qro-Mex Construction Company, Inc. for the Construction of the AC Pipe Replacement – Solms Project
7. Authorize CEO to Negotiate and Execute a Short-Term Water Supply Contract with Green Valley Special Utility District
8. Authorize CEO to Negotiate and Execute a Professional Services Agreement with Elk Ridge Construction, LLC for Grounds Maintenance
9. Authorize CEO to Negotiate and Execute a Cooperative Agreement with SHI Government Solutions for the Procurement of a Microsoft Enterprise-Licensing Agreement
10. Authorize CEO to Negotiate and Execute a Second Amendment to Professional Services Agreement with Freese and Nichols, Inc. for the North Kuehler 30-inch and 33-inch Interceptor Upgrade Project

F. Presentation Items

1. Presentation and Update on the State of the New Braunfels Utilities Water System
2. Presentation and Update on New Braunfels Utilities' Financial Status Regarding COVID-19

G. 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
3. 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 a Utility Construction Cost Sharing Agreement for the Copper Ridge Subdivision among NBU, Southerland Communities NB Land Properties, Ltd., and Southerland Copper Ridge, LLC

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

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

I. 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.

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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 24th day of April, 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

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The NBU Board of Trustees' meeting scheduled for May 28, 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/326908077>. Members of the public may also participate in the video conference by telephone at [+1 \(866\) 899-4679](tel:+18668994679). The Access Code for the video conference link and dial-in telephone number is 326-908-077. 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.

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AGENDA

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

B. Public Comment

C. Awards and Recognitions

1. 2020 TCEQ Texas Environmental Excellence Award
2. NBU Employee Recognitions

D. Items from the Chair

E. Items from Staff

1. CEO's Update
 - a. COVID Survey Results
2. Financial Update and Report with Quarterly Capital and Investment Reports

F. Consent Items for Action

1. Approve Minutes of the NBU Regular Board Meeting of April 30, 2020
2. Approve 2019 Fourth Quarter Charge-Off Accounts
3. Approve the Change Order Log from March 15, 2020, through April 15, 2020
4. Approve the Reports for Water and Electric Engineering Contracts from August 1, 2019, through April 15, 2020

5. Authorize CEO to Negotiate and Execute Amendment #3 to the Professional Services Agreement with Moeller Ingalls, LLC, DBA Moeller & Associates for the North Kuehler 42” Interceptor Upgrade Project
6. Authorize CEO to Negotiate and Execute Professional Services Agreements with Terracon Consultants, Inc. and AmaTerra Environmental, Inc. for Cultural Services
7. Authorize CEO to Negotiate and Execute Professional Services Agreements with Cox McLain Environmental Consulting, Inc. and Freese and Nichols, Inc. for Environmental Services
8. Authorize CEO to Negotiate and Execute a Materials Agreement with Polydyne, Inc. for the Purchase of Water and Wastewater Treatment Chemicals
9. Authorize CEO to Negotiate and Execute a Materials Agreement with Brenntag Southwest, Inc. for the Purchase of Water and Wastewater Treatment Chemicals
10. Authorize CEO to Negotiate and Execute a Materials Agreement with Geo Specialty Chemicals, Inc. for the Purchase of Water and Wastewater Treatment Chemicals

G. Action Items

1. Authorize CEO to Negotiate and Execute AIA Standard Form of Agreement with Marmon Mok Architecture for the Design of the Proposed New Braunfels Utilities Headquarters Facility

H. Executive Session

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1. Power Supply Resources – Competitive Matters
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2. Consultation with Attorney Regarding Matters Protected by Attorney Client Privilege; Real Property
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 - a. Discussion Regarding the Lease, Value, Purchase, or Disposition of Real Property for Utility Purposes
3. 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 a Utility Construction Cost Sharing Agreement for the Copper Ridge Subdivision among NBU, Southerland Communities NB Land Properties, Ltd., and Southerland Copper Ridge, LLC
 - b. In the Supreme Court of the United States, *League of United Latin American Citizens (LULAC), et al, Petitioners v. Edwards Aquifer Authority, et al, Respondents* on Petition for Writ of Certiorari United States Court of Appeals for the Fifth Circuit

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

J. Adjourn

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