

**MINUTES
NEW BRAUNFELS UTILITIES BOARD OF DIRECTORS
REGULAR BOARD MEETING**

1:00 P.M.

Thursday, September 25, 2025

NBU Board Room

263 MAIN PLAZA, NEW BRAUNFELS, TEXAS 78130

Board President Wayne Peters opened the meeting at 1:00 p.m. A quorum of the NBU Board was present.

PRESENT

Board President Wayne Peters, Board Vice President Judith Dykes-Hoffmann, and Board Trustee Yvette Villanueva Barrera

ABSENT

Board Trustee Stuart Blythin and Mayor Neal Linnartz

NBU PERSONNEL

Ryan Kelso, Ragan Dickens, Greg Brown, Jessica Williams, Connie Lock, Rocio Gallegos, Mark Steelman, Sheila Lavender, David Hubbard

Andrew Cummings, Ashley Van Booven, Bob Figuly, Darrin Jensen, Jason Theurer, John Warren, Justin Green, Mike Short, Rachel Leier, Reagan Pena, Will Riley, Adam Willard, Anna Johnson, Becca Graham, Beth Perez, Brent Lundmark, Bruce Haby, Coby Henk, Doug Clifton, Gregory Thomas, Jacob Tschoepe, James Rammel, Jeffery Jones, Jeffery Morriss, Jenna Mathis, Jesse Luna, Jessica Coleman, Jessica Green, Joe Vargas, Katie Storie, Kenneth Allen, Kimberly Huffman, Missy Quent, Nancy Pappas, Peter Vanderstoep, Robert Aleman

NBU CONSULTANTS

Ashley Kent, Arcadis

PLEDGE AND INVOCATION

Board Trustee Yvette Villanueva Barrera led the pledge of allegiance and offered the invocation.

PUBLIC COMMENT

There were no public comment requests.

NBU EMPLOYEE AWARDS AND RECOGNITION

1. Retirement Recognition of Kevin Seidel

NBU recognized NBU Employee Kevin Seidel, who retired after nearly 38 years of dedicated service.

2. Presentation of Service Pins

a. Recognizing NBU Employees Keith Marsh and Maria Gomez for 20 Years of Service

NBU Employees Keith Marsh and Maria Gomez were recognized and presented with a service pin for 20 years of service with NBU.

ITEMS FROM THE CHAIR

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

Board President Wayne Peters shared with the Board that he attended the New Braunfels Chamber of Commerce Inter-City Visit to Topeka and Lawrence, Kansas.

ITEMS FROM STAFF

1. CEO Update

CEO Ryan Kelso presented updates on the following events that NBU staff participated in:

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

Will Riley joined NBU as the Director of System Operations. He will oversee the Control Center, Fleet & Facilities, and Emergency Management departments.

Katie Storey joined NBU as the Learning and Engagement Manager. She will oversee the Learning and Engagement department.

NBU's Anna Johnson has been named the new Procurement Manager. Anna has been with NBU for five years and has been with the Purchasing Department since 2020.

b. NBU's Ragan Dickens Chosen for Leadership New Braunfels Class of 2026

NBU's Chief Communications Officer, Ragan Dickens, has been selected to join the Leadership New Braunfels Class of 2026. The 34th class will begin in October.

c. Country Hill South Pump Station Emergency Event Response

The Country Hills South Pump Station recently experienced significant electrical and communication asset damage due to a fire at the electric meter. This resulted in a complete loss of power and communication to the facility. Service disruptions were avoided due to a swift response from NBU staff.

d. Thermal Imaging Camera Utilized to Prevent Critical Event at Freiheit Substation

A thermal imaging camera at the Freiheit Substation detected a critical hotspot. The early warning allowed staff to shift load and repair the issue to avoid customer impacts.

e. NBU Staff Participates in Emergency Management Tabletop Exercise

NBU hosted an emergency management tabletop exercise simulating a major flood event, including the challenging scenario of an employee fatality.

f. NBU Community Advisory Panel Meets to Discuss Drought Contingency Plan

The Community Advisory Panel initiated its review of NBU's Drought Contingency Plan. This was the first of three scheduled sessions, where the panel focused on gaining familiarity with the existing plan. They will reconvene on October 14th to review proposed revisions, and then again on November 18th.

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

*No additional items were discussed.

2. Financial Update and Report

Accounting Manager Kimberly Huffman provided an update on the financial status of NBU.

3. Quarterly Investment Report

Finance and Risk Manager Jessica Coleman provided an update on the Quarterly Investment Report.

4. Quarterly Update on the Headwaters at the Comal

Headwaters at the Comal Managing Director Nancy Pappas provided an update on the Headwaters at the Comal.

5. Monthly NBU Headquarters Progress Update

Program Portfolio Manager Jacob Tschoepe provided an update on the progress of the NBU Headquarters project.

CONSENT ITEMS FOR ACTION

Board Vice President Judith Dykes-Hoffmann made a motion, and Board Trustee Yvette Villanueva Barrera seconded the motion to approve the Consent Items for Action as follows: #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, #13, and #14. The vote was unanimous.

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

1. Discuss and Consider Approval of Revisions to the NBU Strategic Plan Measures and Performance Payout Structure for Fiscal Year 2026

Board Vice President Judith Dykes-Hoffmann made a motion, and Board Trustee Yvette Villanueva Barrera seconded the motion to approve the revisions to the NBU Strategic Plan Measures and Performance Payout Structure for Fiscal Year 2026. The vote was unanimous.

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

Board Trustee Yvette Villanueva Barrera made a motion, and Board Vice President Judith Dykes-Hoffmann seconded the motion to approve the 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. The vote was unanimous.

3. Discuss and Consider Receiving the 2025 Water Resource Plan Prepared by Arcadis U.S., Inc., Dated August 2025

Board Vice President Judith Dykes-Hoffmann made a motion, and Board Trustee Yvette Villanueva Barrera seconded the motion to approve receiving the 2025 Water Resource Plan Prepared by Arcadis U.S., Inc., Dated August 2025. The vote was unanimous.

4. Discuss and Consider Participating in a Memorandum of Understanding Between Guadalupe-Blanco River Authority and New Braunfels Utilities for the WaterSECURE Project

Board Trustee Yvette Villanueva Barrera made a motion, and Board Vice President Judith Dykes-Hoffmann seconded the motion to decline participating in a Memorandum of Understanding Between Guadalupe-Blanco River Authority and New Braunfels Utilities for the WaterSECURE Project. The vote was unanimous.

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

Board Vice President Judith Dykes-Hoffmann made a motion, and Board Trustee Yvette Villanueva Barrera seconded the motion to approve 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. The vote was unanimous.

EXECUTIVE SESSION

Board President Wayne Peters recessed the Open Session at 2:30 pm and announced that the Board would go into an Executive Session meeting. The Executive Session included Power Supply Resources – Competitive Matters - (Section 551.086 – Texas Government Code); 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) – 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: (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; 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): a. Discuss Legal Matters Relating to the Gonzales Carrizo Water Supply Project; b. Discuss Pending Litigation Styled *Allison McCumbee vs. New Braunfels Utilities, Comal County, 207th Judicial District, Cause No. C2024-1273B*

The Executive Session was opened at 2:35 pm and closed at 4:02 pm.

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

The Regular Session resumed at 4:03 pm. Only the matters cited above, and no others, were discussed. The board voted on the competitive matter listed on the agenda, but no other votes were taken in Executive Session.

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**

Board Vice President Judith Dykes-Hoffmann made a motion, and Board Trustee Yvette Villanueva Barrera seconded the motion to approve 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. The vote was unanimous.

ADJOURN

There was no further business, and Board President Wayne Peters adjourned the meeting at 4:06 pm.

Attest:

Wayne Peters, President
Approved

Ryan Kelso, Secretary of the Board
Chief Executive Officer

Date Approved: October 30, 2025