

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

**3:00 P.M.  
Thursday, June 27, 2024  
NBU Board Room  
263 MAIN PLAZA, NEW BRAUNFELS, TEXAS 78130**

Board President Wayne Peters opened the meeting at 3:00 p.m. A quorum of the NBU Board was present.

**PRESENT**

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

**ABSENT**

Board Trustee John Harrell

**NBU PERSONNEL**

Ryan Kelso, Dawn Schriewer, Connie Lock, David Hubbard, Greg Brown, Mark Steelman, and Rocio Gallegos

**NBU CONSULTANTS**

None

**PLEDGE AND INVOCATION**

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

**NBU MISSION**

Chief of Technology and Security Greg Brown shared the NBU Mission: Strengthening our community by providing resilient essential services. NBU is committed to the construction of the Conrads Elevated Storage Tank, which will ensure consistent water pressure and support in the Creekside, Kohlenberg, Goodwin, Hunter Road, and Gruene areas.

**PUBLIC COMMENT**

There were no public comment requests.

**ITEMS FROM THE CHAIR**

- 1. American Public Power Association (APPA) National Conference and Day of Giving Update**  
Board Vice President Judith Dykes-Hoffman, Board Trustee Yvette Barrera Villanueva, and Mayor Neal Linnartz provided an update on attending the APPA National Conference
- 2. Any Other Items Permitted Under Section 551.0415 of the Texas Government Code**  
Board President Wayne Peters recognized the NBU Award of Quality and Superior Water and recognized staff from the Water department.

## ITEMS FROM STAFF

### 1. CEO Update

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

- a. American Public Power Association (APPA) National Conference and Day of Giving Update

Several members of NBU's Leadership Team and board members attended the American Public Power Association (APPA) National Conference in San Diego, CA, from June 7th to June 12th. The conference explored how changing policy, technology, and lifestyles are reshaping the energy industry and impacting communities.

Volunteers representing NBU also participated in the Day of Giving, helping remove litter and debris at Mission Beach, Belmont Park, to protect our oceans and marine life.

- b. Reliability Recognition from APPA

New Braunfels Utilities was recognized for excellence in electric reliability for 2023. The American Public Power Association commended our outstanding performance, which placed us in the top 25% of utilities nationwide for System Average Interruption Duration Index (SAIDI). This recognition is based on a comparison of our reliability data to the national statistics compiled by the Energy Information Administration (EIA) from 2018 to 2022. Our remarkable achievement has earned us the prestigious 2023 Certificate of Excellence in Reliability.

- c. NBU All Retiree Luncheon

The annual NBU Retiree Luncheon was held on June 25<sup>th</sup> at the NBU Service Center. A total of 49 retirees and their guests attended the event.

- d. Control Center Recognition Week

We celebrated NBU Control Center Recognition Week, also known as National Control Room Worker Appreciation Week, from June 10th to June 14th to express gratitude and appreciation to our dedicated Control Center Team. This team operates 24/7 and plays a crucial role in keeping NBU operations running smoothly.

- e. Leadership Announcements:

Mark Steelman was introduced as the new Chief Operations Officer. He comes to NBU after serving as Vice President of Operations at Inframark.

Phillip Neal Borne was introduced as the new Cybersecurity Manager. He comes to NBU after serving as the Vice President of Technology and Security Engineering at RSI.

Rocio Gallegos was introduced as the new Chief of Staff. She previously served as the Executive Assistant to the CEO at NBU.

f. Any other items permitted under Section 55.0415 of the Texas Government Code: No additional items were discussed. \*no discussion under this item

**2. Financial Update and Report, Including an Update on the Filing of the NBU Transmission Cost of Service Application with the Public Utility Commission of Texas**

Accounting Manager Kimberly Huffman provided an update on the financial status of NBU. Energy Risk Manager Missy Quent provided an update on the Transmission Cost of Service application with the Public Utility Commission of Texas that was filed in April 2024.

**3. Water Supply Fee Report**

Finance Manager John Warren provided an update on the Water Supply Fee Report.

**CONSENT ITEMS FOR ACTION**

**Mayor Neal Linnartz made a motion, and Board Vice President Judith Dykes-Hoffmann 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, #14, #15, #16, #17, #18, #19, #20, #21, #22, and #23. The vote was unanimous.**

1. Approve Minutes of the NBU Regular Board Budget Workshop of May 30, 2024
2. Approve Minutes of the NBU Regular Board Meeting of May 30, 2024
3. Approve the Change Order Log from April 15, 2024, through May 15, 2024
4. Approve the Reports for Water and Electric Engineering Contracts from August 1, 2023, through May 15, 2024
5. Approve the Electric Line of Business Alternative Procurements from April 15, 2024, through May 15, 2024
6. Authorize CEO or His Designee to Negotiate and Execute a Professional Services Agreement with Raftelis Financial Consultants, Inc. DBA Raftelis for a Water, Wastewater, and Electric Rate Design Review
7. Authorize CEO or His Designee to Negotiate and Execute a First Amendment to the Professional Services Agreement with Pawelek and Moy, Inc. for the Design of the Sewer Infrastructure Replacement Package Two Project for Four Construction Locations, Including Landa Street, Fredericksburg Road, Sundance Parkway, and Elizabeth Avenue, New Braunfels, Texas
8. Authorize CEO or His Designee to Negotiate and Execute a Second Amendment to the Professional Services Agreement with Arcadis U.S. Inc. for the Design of the NBU Surface Water Treatment Plant Expansion Project
9. Authorize CEO or His Designee to Negotiate and Execute a Fifth Amendment to the Work Authorization with Quiddity Engineering, LLC, for the Design of the Kuehler Water Reclamation Facility Expansion Project

10. Authorize CEO or His Designee to Negotiate and Execute a Professional Services Agreement with Terracon Consultants, Inc. for Cultural Services for the Water and Wastewater Capital Improvements Program
11. Authorize CEO or His Designee to Negotiate and Execute a Construction Contract with MGC Contractors, Inc. for Construction of the North Kuehler Interceptor Odor Control Facility Project
12. Authorize CEO or His Designee to Negotiate and Execute a Grant Agreement for Fiscal Year 2025 between New Braunfels Utilities and Headwaters at the Comal
13. Authorize the CEO or His Designee to Execute a Change Order to the Guaranteed Maximum Price Amendment with Thos. S. Byrne, Inc. for the Headwaters at the Comal Master Plan, Phase 2 Sitework & Envelope
14. Authorize the CEO or His Designee to Execute a Guaranteed Maximum Price Amendment with Thos. S. Byrne, Inc. for the Headwaters at the Comal Master Plan, Phase 2 for Additional Site Improvements and Fencing
15. Authorize CEO or His Designee to Negotiate and Execute a Purchase Order Standard Terms and Conditions with Virginia Transformer Corp. for the Manufacture, Delivery, Assembly, and Testing of Three (3) Substation Power Transformers
16. Authorize CEO or His Designee to Negotiate and Execute a Construction Contract with Lambda Construction I, LTD for Construction of the Hueco Springs Substation and Henne Substation Breaker Additions Project
17. Authorize CEO or His Designee to Negotiate and Execute a Services and Goods Agreement with Environmental Improvements, Inc. for Water and Wastewater Systems Chlorine and Sulfur Dioxide Repair, Maintenance, and Replacement Services
18. Authorize CEO or His Designee to Negotiate and Execute Professional Services Agreements with (i) Allen, Williford, and Seale, Inc.; (ii) Lowery Property Advisors, LLC; (iii) Titan Commercial Valuation, LLC; and (iv) Dugger Grafe Swanson, Inc., DBA Valbridge Property Advisors/San Antonio, Inc. for Real Property and Easement Appraisal Services for New Braunfels Utilities Capital Improvement Projects
19. Authorize CEO or His Designee to Negotiate and Execute a Professional Services Agreement with Public Relations Advertising Company dba Vladimir Jones for Communication and Marketing Support Services
20. Authorize CEO or His Designee to Negotiate and Execute a Cooperative Agreement with SHI/Government Solutions, Inc. for the Renewal of Microsoft EA Licensing to Maintain Critical Software Usage
21. Authorize CEO or His Designee to Negotiate and Execute a Construction Contract with Spiess Construction Co., Inc. for the Construction of the Infrastructure Replacement Package 1 Project

22. Approve Resolution #2024-185 Authorizing (i) the Transfer of .4388 Acres of Real Property Located at 1032 W. Coll Street, New Braunfels, Texas, to the City of New Braunfels (the “City”) in Exchange for .581 Acres of Real Property Located along FM 1044, New Braunfels, Texas (near the intersection of Old Marion Road and FM 1044) from the City to NBU for Construction and Operation of an Elevated Storage Tank (the “EST”); (ii) Acceptance of an Access Easement, Utility Easement, Drainage Easement, and Temporary Construction Easements from the City for Construction and Operation of the EST; (iii) Execution of Any and All Documents Necessary to Effectuate the Conveyances; and (iv) Other Matters in Connection Therewith
23. Ratification of the Statement of Intent to Change Transmission Cost of Service and Wholesale Transmission Rates Application, and in Support Thereof, on April 11, 2024

## **ACTION ITEMS**

1. **Discuss and consider Approval of the Fiscal Year 2025 Budget and Five-Year Operation Plan**

Dawn Schriewer presented the Fiscal Year 2025 Budget and Five-Year Operation Plan.

Board Vice President Judith Dykes-Hoffmann made a motion, and Board Trustee Yvette Barrera Villanueva seconded the motion to approve the Fiscal Year 2025 Budget and Five-Year Operation Plan.

## **EXECUTIVE SESSION**

Board President Wayne Peters recessed the Open Session at 3:43 pm and announced that the Board would go into an Executive Session meeting. The Executive Session included Power Supply Resources – Competitive Matters: a. Discuss Credit Risk Management Waiver; Consultation with Attorney Regarding Pending or Contemplated Litigation, Settlement Offer, and/or Matters Protected by Attorney Client Privilege: a. Discuss Legal Options Relating to Status of Real Estate Negotiations to Secure Easements Regarding the McKenzie Interceptor Upgrade Project:

- i. a 0.296 Acre Permanent Utility Easement, a 0.044 Acre Temporary Construction Easement, and a 0.213 Acre Temporary Construction Easement, all being situated in the A. M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, over and across Lot 18, Block J, Avery Park Subdivision, Unit 2 (Amended), as recorded in Volume 7, Page 267 of the Map and Plat Records of Guadalupe County, Texas (Guadalupe County Parcel No. 125092)
- ii. a 0.632 Acre Permanent Utility Easement, situated in the A. M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, over and across Lots 901 and 902, Block 4, Avery Park 13, as recorded in Document Number 201899025604 of the Map and Plat Records of Guadalupe County, Texas (Guadalupe County Parcel Nos. 171818 and 171819)
- iii. a 0.312 Acre Temporary Construction Easement, and a 0.022 Acre Temporary Construction Easement, both being situated in the A. M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, over and across Lot 902, Block 4, Avery Park 13, as recorded in Document Number 201899025604 of the Map and Plat Records of Guadalupe County, Texas (Guadalupe County Parcel No. 171819)

- iv. a 0.763 Acre Permanent Utility Easement, and a 0.500 Acre Temporary Construction Easement, both being situated in the A. M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, over and across the remainder of a 60.36 Acre Tract described in a Deed recorded in Volume 3037, Page 741 of the Official Public Records of Guadalupe County, Texas (Guadalupe County Parcel No. 55555)
- v. a 0.415 Permanent Utility Easement, a 0.028 Acre Temporary Construction Easement, and a 0.258 Acre Temporary Construction Easement, all being situated in the A. M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, over and across a 12.500 Acre Tract described in a Deed recorded in Volume 1783, Page 833 of the Official Public Records of Guadalupe County, Texas (Guadalupe County Parcel No. 55553)
- vi. a 1.079 Permanent Utility Easement, 0.702 Acre Temporary Construction Easement, 0.107 Acre Access Easement, all being situated in the A. M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, over and across the remainder of a 32.77 Acre Tract described in a Deed recorded in Volume 670, Page 801 of the Official Public Records of Guadalupe County, Texas (Guadalupe County Parcel No. 56231)
- vii. a 0.563 Acre Temporary Construction Easement, situated in the A. M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, over and across a 105.316 Acre tract described in a Deed recorded in Document Number 202199040676 and also recorded in Document Number 202399020238 of the Official Public Records of Guadalupe County, Texas (Guadalupe County Parcel No. 55904)
- viii. a 1.827 Acre Permanent Utility Easement, and a 1.025 Acre Temporary Construction Easement, both being situated in the A. M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, over and across that 34.27 acre tract described in a Common Area deed recorded in Document Number 202399024397 of the Official Public Records of Guadalupe County, Texas (Guadalupe County Parcel No. 56337)
- ix. a 2.088 Acre Permanent Utility Easement, and a 1.395 Acre Temporary Construction Easement, both being situated in the A. M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, over and across a 52.50 Acre Tract described in a Deed recorded in Document Number 202399002975 of the Official Public Records of Guadalupe County, Texas (Guadalupe County Parcel Nos. 191564 and 108128)
- x. a 0.209 Acre Permanent Utility Easement, and a 0.162 Acre Temporary Construction Easement, both being situated in the A. M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, over and across a 10.37 Acre Tract described in a Deed recorded in Document Number 202399003051 of the Official Public Records of Guadalupe County, Texas (Guadalupe County Parcel Nos. 56079 and 106382)
- xi. a 1.879 Acre Permanent Utility Easement, and a 1.253 Acre Temporary Construction Easement, both being out of the A. M. Esnaurizar Survey, Abstract Number 20, Guadalupe County, Texas, and being over part of that remainder of a 32 acre tract described in a deed recorded in Volume 2502, Page 699, Official Public Records of Guadalupe County, Texas and being over part of that 4.307 acre tract, designated as Third Tract, described in a deed recorded in Volume 2659, Page 759, Official Public Records of Guadalupe County, Texas (Guadalupe County Parcel Nos. 54767; 54768; and 56414)

- xii. a 1.937 Acre Permanent Utility Easement, and a 1.127 Acre Temporary Construction Easement, both being situated in the A. M. Esnaurizar Survey, Abstract Number 1, Comal County, Texas, over and across Lot 2, Block 1 of Titan Industrial NB Park Unit 2, as recorded in Document Number 201806048472 of the Map and Plat Records of Comal County, Texas, Lot 3, Block 1 of Titan Industrial NB Park Unit 3, as recorded in Document Number 201906003134 of the said Map and Plat Records, and the remainder of a 66.182 Acre tract, designated Tract 1, in a Deed recorded in Document Number 202106057346 of the Official Public Records of Comal County, Texas, and described in a Deed as recorded in Document Number 201506039028 of the Official Public Records, Comal County Texas (Comal County Parcel Nos. 421640; 422735; and 441204);
- xiii. a 1.846 Acre Permanent Utility Easement, and a 0.847 Acre Temporary Construction Easement, both being situated in the A. M. Esnaurizar Survey, Abstract Number 1, Comal County, Texas, over and across a 40.37 Acre tract described in a Deed recorded in Document Number 202206025070 of the Official Public Records of Comal County, Texas (Comal County Parcel No. 71650)

The Executive Session was opened at 3:56 pm and closed at 4:46 pm.

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

The Regular Session resumed at 4:46 pm.

**ADJOURN**

There was no further business, and Board President Wayne Peters adjourned the meeting at 4:49 p.m.

***Attest:***

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*Wayne Peters, President*  
*Approved*

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*Ryan Kelso, Secretary of the Board*  
*Chief Executive Officer*

*Date Approved: August 29, 2024*