

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

**1:00 P.M.  
Thursday, October 26, 2023  
NBU Board Room  
263 MAIN PLAZA, NEW BRAUNFELS, TEXAS 78130**

Board President Judith Dykes-Hoffmann opened the meeting at 1:03 p.m. A quorum of the NBU Board was present.

**PRESENT**

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

**ABSENT**

None

**NBU PERSONNEL**

Ryan Kelso, Dawn Schriewer, Connie Lock, Melissa Krause, David Hubbard, Greg Brown, and Laura Rivers

**NBU CONSULTANTS**

None

**PLEDGE AND INVOCATION**

Board Trustee John Harrell led the pledge of allegiance and offered the invocation.

**PUBLIC COMMENT**

None

**ITEMS FROM THE CHAIR**

**1. Election of Officers for the NBU Board of Trustees for the Offices of President, Vice President, and Secretary**

Board Trustee John Harrell made a motion and Board Trustee Yvette Villanueva Barrera seconded the motion to elect the following officers to the NBU Board of Trustees: Board President Wayne Peters for a term of 3-years, Board Vice President Judith Dykes-Hoffmann for a term of 1-year, and for the role of Secretary of the NBU Board of Trustees be held by the Interim CEO or CEO. The vote was unanimous.

**2. Report Related to the NBU Board Annual Self-Evaluation**

Board Vice President Wayne Peters reported that the Board held a strategic retreat and discussed the desire to complete an annual self-evaluation in connection with the requirements of the Board's Governance Policies. The Board reviewed the evaluation and provided feedback. NBU staff made the adjustments as requested. NBU staff will distribute the agreed-upon self-evaluation form to the Board on October 27, 2023 to complete by

November 17, 2023. Once completed and submitted, the Governance Committee will summarize and will provide the results to the Board on December 7, 2023 to review and determine a plan of action based on the summarized results at its December Board strategic meeting.

**3. Report from the Community Advisory Panel Board Committee**

Board Vice President Wayne Peters reported that the Community Advisory Panel Board Committee met on October 20, 2023. Laura Rivers reviewed the CAP roles and responsibilities of the board committee and panel. The applicants were reviewed and discussed. There are 11 members of the former Rate Advisory Committee that will transition to the CAP. Two of 26 applicants were selected to be nominated by the board committee for the at-large positions. The committee is recommending the appointment of thirteen (13) community members to the CAP. The proposed recommendations are as follows: Justin Meadows, Stuart Blythin, Mark Hampton, Dr. Michael Patrick Harrington, PhD, Bobby Avary, Dr. Les Shepard, Darren Hill, Jonathan Packer, Alice Jewell, Ian Perez, Chris Snider, Leticia Pena Martinez, and Amber Chanelle Brown. In addition, the Committee recommends Justin Meadow as Chair of the Community Advisory Panel.

**ITEMS FROM THE STAFF**

**1. Interim CEO'S Update**

Ryan Kelso shared information on the following programs and events. Interim CEO Road Show presentations were held at the Greater New Braunfels Home Builders Association and New Braunfels Downtown Association; NBU celebrated Public Power Week; FY2025 Strategic Planning Workshop and Timeline for executives and directors was held; Customer Service participated in a utility bill question and answer session for customers at the New Braunfels Food Bank; NBU celebrated Customer Service week; NBU also participated in the 4<sup>th</sup> Annual Texas Public Power Corridor Event celebration; NBU was out in larger neighborhoods participating in National Night Out; staff participated in the Texas Public Power Corridor Emergency Management Tabletop exercise; the NBU Leadership team volunteered at Habitat for Humanity; several NBU employees were invited to participate in the International Lineman's Rodeo; October 19<sup>th</sup> was National Day Without Water; NBU was a stop in the New Braunfels Spooktacular event; final numbers were presented for the United Way employee giving campaign; Headwaters at the Comal was named the runner-up for the Pollinator Electric Power-Up award; and New Hires and Leadership promotions were shared with the Board.

**2. Financial Update and Report**

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

**3. Personnel Staffing Level Update**

Chief Administrative Officer David Hubbard updated the board on staffing positions.

## CONSENT ITEMS FOR ACTION

**Board Trustee John Harrell made a motion and Mayor Neal Linnartz seconded the motion to approve the Consent Items for Action as follows: #1, #2, #3, #4, #5, #6, #7, #8, #9, #10. The vote was unanimous.**

1. Approve Minutes of the NBU Regular Board Meeting of September 28, 2023
2. Approve the Change Order Log from August 15, 2023, through September 15, 2023
3. Approve the Reports for Water and Electric Engineering Contracts from August 15, 2023, through September 15, 2023
4. Approve the Electric Line of Business Alternative Procurements from August 15, 2023, through September 15, 2023
5. Authorize Interim CEO or His Designee to Negotiate and Execute a Professional Services Agreement with Freese and Nichols, Inc. for the Design of the Loop 337 Ground Storage and County Line Road Standpipe Water Tank Rehabilitations, and an Additional Twelve Tank Sites Identified for Facility Improvements – Phase 1 Project
6. Authorize Interim CEO or His Designee to Negotiate and Execute a Construction Contract with Hunter Demolition and Wrecking Corporation for the Construction of the Veramendi Elevated Storage, West Coll Street Standpipe, and Sunset Drive Standpipe Tank Decommission Project
7. Authorize Interim CEO or His Designee to Negotiate and Execute a First Amendment to the Professional Services Agreement with Residuals Transport Corporation to Provide Biosolids and Debris Disposal Services for the Surface Water Treatment Facility, North Kuehler Wastewater Treatment Facility, South Kuehler Wastewater Treatment Facility, Gruene Road Water Reclamation Facility, and McKenzie Water Reclamation Facility
8. Authorize Interim CEO or His Designee to Negotiate and Execute an AIA Amendment to the Professional Services Agreement with R.E. Lamb for Site Selection, Design, Engineering Services, and Construction Administration of the Proposed Backup Operations Center
9. Authorize Interim CEO or His Designee to Negotiate and Execute a Construction Contract with Power Standard, LLC for Construction of the Comal CO14 and Freiheit FR22 Breaker Additions Project
10. Approval and Adoption of Resolution #R2023-179 Authorizing the Interim Chief Executive Officer to Execute a Special Warranty Deed Selling a Certain Tract of Real Property Located at 1493 Gruene Road, New Braunfels, Comal County, Texas, 78130 Being Tract 2 of William E. Field Subdivision as Recorded in Volume 5, Page 39 of the Map and Plat Records of Comal County, Texas, and Other Matters in Connection Therewith

## **ACTION ITEMS**

**1. Discuss and Consider Authorizing the Bylaws for the Community Advisory Panel and Other Matters in Connection Therewith**

Board Vice President Wayne Peters made a motion and Mayor Neal Linnartz seconded the motion to approve the bylaws for the Community Advisory Panel and Other Matters in Connection Therewith. The vote was unanimous.

**2. Discuss and Consider Appointing Members to the Community Advisory Panel, Including Naming the Chair and Other Matters in Connection Therewith**

Mayor Neal Linnartz made a motion and Board Trustee John Harrell seconded the motion to approve appointing members to the Community Advisory Panel, including naming the Chair and other matters in connection therewith. The vote was unanimous.

## **EXECUTIVE SESSION**

Board President Judith Dykes-Hoffmann recessed the Open Session at 1:41 pm and announced that the Board would go into an Executive Session meeting. The Executive Session included Power Supply Resources – Competitive Matters; Consultation with Attorney Regarding Matters Protected by Attorney Client Privilege; Consultation with Attorney Regarding Matters Protected by Attorney Client Privilege, Personnel Matters; and Personnel Matters. The Executive Session was opened at 1:46 pm and closed at 4:06 pm.

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

## **ACTION ITEMS**

**1. Discuss and Consider Authorizing the Interim CEO or His Designee to Negotiate and Execute a Second Letter Agreement Extending Developer Payment Deadlines for Certain Improvements Outlined in the Utility Construction Cost Sharing Agreement Dated February 8, 2022, and the Related First Amendment all among New Braunfels Utilities, Southstar at Mayfair, LLC, MNB Real Estate Investments, LLC, Southstar at Mayfair Developer, LLC, and Beaverhead NB, LLC**

Mayor Neal Linnartz made a motion and Board Trustee Yvette Barrera-Villanueva seconded the motion to approve authorization to negotiate and execute Second Letter Agreement Extending Developer Payment Deadlines for Certain Improvements Outlined in the Utility Construction Cost Sharing Agreement Dated February 8, 2022, and the Related First Amendment all among New Braunfels Utilities, Southstar at Mayfair, LLC, MNB Real Estate Investments, LLC, Southstar at Mayfair Developer, LLC, and Beaverhead NB, LLC

## **ADJOURN**

There was no further business and Board President Judith Dykes-Hoffmann adjourned the meeting at 4:11 pm.

***Attest:***

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*Judith Dykes-Hoffmann, President*  
*Approved*

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

*Date Approved:*