

## **GUADALUPE-BLANCO RIVER AUTHORITY**

### **Minutes of the Board of Directors**

The Board of Directors of the Guadalupe-Blanco River Authority met in a regular monthly meeting on February 19, 2020, at the GBRA William E. West, Jr., Annex Building Board Room, 905 Nolan, Seguin, Guadalupe County, Texas. Directors present were Dennis L. Patillo, Don B. Meador, Kenneth Motl, Robert “Rusty” Brockman, Steven B. Ehrig, Oscar H. Fogle, Ronald J. Hermes, and Tommy Mathews. Director William R. Carbonara was absent. Also present were Kevin Patteson, General Manager/Chief Executive Officer; Darrell Nichols, Senior Deputy General Manager; Jonathan Stinson, Deputy General Manager; Tommy Hill, Senior Advisor to the General Manager; Alvin Schuerg, Senior Advisor to the General Manager; Darel Ball, Advisor to the General Manager; Tom Bohl, General Counsel; Vanessa Guerrero, Executive Manager of Administration; David Harris, Executive Manager of Operations; Charlie Hickman, Executive Manager of Engineering and Development; Nathan Pence, Executive Manager of Environmental Science and Community Affairs; Randy Staats, Executive Manager of Finance/Chief Financial Officer; Courtney Kerr-Moore, Associate General Counsel; Earnie Granville, Associate General Counsel; Michael Urrutia, Deputy Executive Manager of Operations; Lauren Willis, Director of Regulatory and Customer Affairs; Amanda Reichle, Safety and Risk Manager; Van Green with Gorge Preservation Society; Molly Cagle and Samia Broadaway with BakerBotts; and Amy Warr with Alexander, Dubose and Jefferson.

Chairman Patillo called the meeting to order at 10:00 a.m., and took note of the certifications presented that notice of the meeting had been properly posted in the office of the Secretary of State, in the Guadalupe County Courthouse, the GBRA main office and the William E. West, Jr., Annex Building in Seguin, Texas, pursuant to Title 5, Chapter 551 of the Texas Government Code. A quorum being present, the following proceedings were had:

Director Ehrig led the Pledge of Allegiance to the United States flag and the Texas flag.

The Chairman called for **Public Comment 1 - Comments from the public**. There were no public comments at this time.

Next, the Chairman called for **Consent Item 2 - Consideration of and possible action approving the minutes of the January 15, 2020 Board meeting; Consent Item 3 - Consideration of and possible action approving the monthly financial report for January 2020; Consent Item 4 - Consideration of and possible action approving the monthly operations report for January 2020; and Consent Item 5 - Consideration of and possible action approving Directors' expense vouchers**. Upon motion by Director Meador, seconded by Director Fogle, the Board unanimously approved Consent Items 2, 3, 4, and 5.

The Chairman then called for **General Manager/CEO Item 6 - The General Manager/CEO and staff may report on, and the Board may discuss, executive reports and/or issues relating to GBRA activities including without limitation, the following: GBRA water and sewer utility operations, hydroelectric operations,**

**GBRA facilities management including plants and dams, safety, water resources planning and operation, construction management, economic and community development, project development, accounting and finance, records management, grants and financial assistance, human resources, information technology, communications, social media, education programs, resource protection, weather and climate, river flows and other scientific issues, public and private entities partnering with GBRA, water quality services, community affairs, environmental programs, and stewardship.** General Manager/CEO Patteson informed the Board that David Harris has been promoted to Executive Manager of Operations and Darel Ball has been promoted to Advisor to the General Manager. David Harris briefed the Board on various training classes for employees and that there have been no lost time accidents to date for Fiscal Year 2020. Vanessa Guerrero informed the Board that Lauren Willis has accepted the position of Director of Regulatory and Customer Affairs and introduced Amanda Reichle, GBRA's new Safety and Risk Manager.

The Chairman called for **Action Item 7 - Consideration of and possible action approving a Resolution by the Guadalupe-Blanco River Authority declaring a public necessity for the acquisition of certain wastewater pipeline easements and temporary construction easements and certain fee estates for the Stein Falls Collection Capital Improvement Project or System in connection therewith, over, across, upon and under certain privately owned real properties; authorizing all appropriate action by the General Manager/CEO, staff, retained attorneys and engineering and technical consultants in the institution and prosecution of**

condemnation proceedings to acquire any such needed fee estates and easements and temporary construction easements and related rights of ingress and egress that cannot be acquired through negotiation; declaring further negotiations futile; ratifying and affirming all acts and proceedings heretofore done or initiated by employees, agents, and attorneys of GBRA to acquire such property interests; authorizing all other lawful action necessary and incidental to such acquisitions or eminent domain proceedings to survey, specify, define, and secure the necessary interests in real property; declaring the sections of the Resolution to be severable one from the other in the event any section of the Resolution is determined to be invalid; said properties to be identified to wit: Parcel 41 - Gary A. Dittmar, being approximately 0.6424 acre or 27,983 square feet more or less of permanent easement and 0.1284 acre or 5,593 square feet more or less of temporary construction easement and being a portion of that called 43.861 acre tract conveyed as “Tract “A”, by Deed recorded in Volume 1215, Page 596, Official Public Records of Guadalupe County, Texas; Parcel 56 – Anthony Clark Davis, being approximately 0.3772 acre or 16,431 square feet more or less of permanent easement and 0.0752 acre or 3,276 square feet more or less of temporary construction easement and being in the J.S. Johnson Survey No. 47, Abstract No. 190, Guadalupe County, Texas, being out of Lot 9, Block 1, Oasis at Lake Dunlap subdivision, according to plat thereof recorded in Volume 7, Page 216, and by Correction Plat recorded in Volume 7, Page 387, Deed and Plat Records, Guadalupe County, Texas; Parcel 65 – Edwin Donhauser and wife, Shannah Donhauser, being

approximately 1.572 acre or 68,476 square feet more or less of permanent easement and 0.3143 acre or 13,691 square feet more or less of temporary construction easement and being in the J.S. Johnson Survey, Abstract No. 190, in Guadalupe County, Texas, being a portion of that called 31.949 acre tract conveyed by Deed recorded in Document No. 201899024348, Official Public Records of Guadalupe County, Texas; and Parcel 66 – Dennis G. Ladd, being approximately 0.7328 acre or 31,921 square feet more or less of permanent easement and 0.1958 acre or 8,529 square feet more or less of temporary construction easement and being in the J.S. Johnson Survey No. 47, Abstract No. 190, in Guadalupe County, Texas, being a portion of that certain 8.298 acre tract, recorded in Document No. 201899013461 of the Official Public Records of Guadalupe County, Texas. No discussion or action was taken on Action Item 7 at this time.

Next, the Chairman called for **Action Item 8 - Consideration of and possible action approving of an Order adopting an Ordinance of the Guadalupe-Blanco River Authority regarding boating and other water-related activities on Lake Dunlap.** Tom Bohl briefed the Board on the Lake Dunlap Ordinance. The proposed ordinance would establish a Prohibited Unsafe Zone and a Restricted Unsafe Zone in Lake Dunlap, similar to the Unsafe Zones established in the Ordinance adopted by the Board of Directors on October 23, 2019, as amended on November 20, 2019, which relate to Lake McQueeney, Lake Placid, Meadow Lake, and Lake Gonzales. GBRA staff maintain buoys and other barriers in hazardous zones in Lake Dunlap for safety reasons. The proposed Ordinance would formalize those zones and prescribe restrictions that are

consistent with the Ordinance relating to the other Guadalupe Valley Hydro Lakes. Upon motion by Director Brockman, seconded by Director Mathews, the Board unanimously approved an Order adopting an Ordinance of the Guadalupe-Blanco River Authority regarding boating and other water-related activities on Lake Dunlap. A copy of the Order and Ordinance is attached and made a part of these minutes.

The Chairman then called for **Action Item 9 - Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute a Wastewater Service Agreement between Guadalupe-Blanco River Authority and the City of New Braunfels.** Alvin Schuerg briefed the Board on the Wastewater Service Agreement. Currently GBRA provides retail wastewater service to approximately 2,074 customers through the Stein Falls Wastewater Reclamation System. The service area is wholly within Guadalupe County and lies just west of the Guadalupe River and generally south of the City of New Braunfels. The pace of new housing development within the service area has quickened over the last few years requiring the construction of new wastewater infrastructure to interconnect with GBRA's existing infrastructure. Within GBRA's existing service area, the City of New Braunfels (the City) plans to develop an approximately 150 acre tract of land located at the southeast intersection of FM 1044 and Klein Road. The Sports Complex may include multiple phases of sports fields (baseball, softball and soccer) as well as commercial development that complements the uses of the Complex. The initial wastewater demand is estimated to be fairly modest with eight (8) living units equivalents (LUEs) however the ultimate wastewater demand for the Complex may be much more substantive depending upon the actual type of commercial

enterprises that construct on the site. In order to provide the requested wastewater service, GBRA and the City will need to execute an Agreement principally requiring: (1) the City to provide all construction plans and specifications for GBRA review, (2) the City to construct the wastewater collection system within the Complex, (3) GBRA, at the City's expense, to construct the connecting infrastructure from the Complex to GBRA's gravity lines in the area, (4) the City to convey all wastewater infrastructure and rights-of-way to GBRA following construction, (5) the City to pay GBRA Connection Fees (currently \$6,200 per LUE), (6) the City to convey to GBRA a wastewater easement along its common boundary with NBISD to facilitate GBRA's future wastewater service to other tracts in the area and, (7) GBRA to merge the Complex wastewater system into its Stein Falls Wastewater Reclamation System as owner and operator. Upon motion by Director Mathews, seconded by Director Meador, the Board unanimously authorized the General Manager/CEO to negotiate and execute a Wastewater Service Agreement between Guadalupe-Blanco River Authority and the City of New Braunfels.

The Chairman called for **Action Item 10 - Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute a contract for the Lockhart Water Treatment Plant SCADA upgrade and approving an amendment to the GBRA Fiscal Year 2020 Work Plan and Budget for this project.** Michael Urrutia briefed the Board on the Lockhart Water Treatment Plant SCADA upgrade. The Guadalupe-Blanco River Authority operates and manages the Lockhart Water Treatment plant and well system that provides drinking water to the City of Lockhart. The Supervisory Control and Data Acquisition (SCADA) is used to monitor and control the

functions of the water treatment plant and the water well system. The Lockhart Water Treatment Plant SCADA system is in need of an upgrade in order to continue to perform monitoring and control functions. A multistage approach is recommended including the replacement of the central computer system, remote terminal units, in-plant communications, remote site communications, programmable logic controllers, and programming. This upgrade work will help optimize the water pumping/treatment process. The Fiscal Year 2020 budget did not include funds for this project as the amount was unknown at that time. Representatives of the City have requested that the project be completed in the current fiscal year. Upon motion by Director Meador, seconded by Director Fogle, the Board unanimously authorized the General Manager/CEO to negotiate and execute a contract for the Lockhart Water Treatment Plant SCADA upgrade project and approved an amendment to the GBRA Fiscal Year 2020 Work Plan and Budget for this project.

Next, the Chairman called for **Discussion Item 11 - Update on the GBRA Gorge at Canyon Lake**. Nathan Pence introduced Van Green with the Gorge Preservation Society. Nathan Pence briefed the Board on the Gorge at Canyon Lake. In 2007, GBRA, the Gorge Preservation Society (GPS), and the U. S. Army Corps of Engineers adopted a Master Plan for the GBRA Gorge at Canyon Lake. The Master Plan included an Environmental Learning Center, portions of the Gorge that would be open for self-guided tours, and generally a larger venue with an increased visibility in the community. Additionally, over the last 6 months, GBRA and GPS have solidified their approaches to collaborating on promotion and operation of the Gorge, creating a strong partnership that



has been fruitful in realizing certain aspects of the Gorge Master Plan. Implementation of improvements from the Master Plan scheduled for the summer of 2020 are construction of an Outdoor Lab to be used for the 5<sup>th</sup> Grade Outdoor Classroom, a temporary on-site GBRA office and secure storage for tools and equipment; finalization of the North Rim Trail, a new self-guided trail on the upper rim of the Gorge with interpretive signage, benches and restrooms; and construction of a gateway to the property and signage at the entrance to the Gorge. Additional efforts planned for the Gorge including Grant Applications-Texas Parks and Wildlife Department Trails Grant for ADA improvements to the North Rim Trail; a soft opening of the North Rim Trail; plans to create a GIS Story Board and Mobile App for the North Rim Train; and a Capital Campaign for the GBRA Environmental Learning Center. Van Green addressed the Board regarding the good working relationship between the Gorge Preservation Society and GBRA and looks forward to future endeavors.

The Chairman then called **for Discussion Item 12 - Discussion regarding Base Flow Report, Water Quality Index, long term weather pattern, and condition of the Guadalupe Basin.** Charlie Hickman briefed the Board on Basin hydrologic condition, the Base Flow Report, Water Quality Index, condition of the Guadalupe Basin including rainfall percentages, events and totals, the U. S. Drought Monitor Seasonal Outlook, Comal Springs level, San Marcos Springs level, Guadalupe River stream flows, Seadrift tidal levels, El Nino and La Nina modeled forecast, and elevation of Canyon Reservoir.

The Chairman recessed the open meeting at 10:40 a.m. The Chairman then closed the open meeting and convened the meeting in executive session at 10:56 a.m.

pursuant to Chapter 551, Texas Government Code. The Chairman reconvened the meeting in open session at 12:34 p.m.

The Chairman called for **Action Item 7 - Consideration of and possible action approving a Resolution by the Guadalupe-Blanco River Authority declaring a public necessity for the acquisition of certain wastewater pipeline easements and temporary construction easements and certain fee estates for the Stein Falls Collection Capital Improvement Project or System in connection therewith, over, across, upon and under certain privately owned real properties; authorizing all appropriate action by the General Manager/CEO, staff, retained attorneys and engineering and technical consultants in the institution and prosecution of condemnation proceedings to acquire any such needed fee estates and easements and temporary construction easements and related rights of ingress and egress that cannot be acquired through negotiation; declaring further negotiations futile; ratifying and affirming all acts and proceedings heretofore done or initiated by employees, agents, and attorneys of GBRA to acquire such property interests; authorizing all other lawful action necessary and incidental to such acquisitions or eminent domain proceedings to survey, specify, define, and secure the necessary interests in real property; declaring the sections of the Resolution to be severable one from the other in the event any section of the Resolution is determined to be invalid; said properties to be identified to wit: Parcel 41 - Gary A. Dittmar, being approximately 0.6424 acre or 27,983 square feet more or less of permanent easement and 0.1284 acre or 5,593 square feet more or less of temporary**

construction easement and being a portion of that called 43.861 acre tract conveyed as “Tract “A”, by Deed recorded in Volume 1215, Page 596, Official Public Records of Guadalupe County, Texas; Parcel 56 – Anthony Clark Davis, being approximately 0.3772 acre or 16,431 square feet more or less of permanent easement and 0.0752 acre or 3,276 square feet more or less of temporary construction easement and being in the J.S. Johnson Survey No. 47, Abstract No. 190, Guadalupe County, Texas, being out of Lot 9, Block 1, Oasis at Lake Dunlap subdivision, according to plat thereof recorded in Volume 7, Page 216, and by Correction Plat recorded in Volume 7, Page 387, Deed and Plat Records, Guadalupe County, Texas; Parcel 65 – Edwin Donhauser and wife, Shannah Donhauser, being approximately 1.572 acre or 68,476 square feet more or less of permanent easement and 0.3143 acre or 13,691 square feet more or less of temporary construction easement and being in the J.S. Johnson Survey, Abstract No. 190, in Guadalupe County, Texas, being a portion of that called 31.949 acre tract conveyed by Deed recorded in Document No. 201899024348, Official Public Records of Guadalupe County, Texas; and Parcel 66 – Dennis G. Ladd, being approximately 0.7328 acre or 31,921 square feet more or less of permanent easement and 0.1958 acre or 8,529 square feet more or less of temporary construction easement and being in the J.S. Johnson Survey No. 47, Abstract No. 190, in Guadalupe County, Texas, being a portion of that certain 8.298 acre tract, recorded in Document No. 201899013461 of the Official Public Records of Guadalupe County, Texas. Courtney Kerr-Moore briefed the Board on the Stein Falls Collection Capital Improvement Project.

Guadalupe-Blanco River Authority has continued to experience high growth in the area served by the Stein Falls Wastewater Reclamation System. Expansion of the collection system is necessary to accommodate the growth in existing and new subdivisions. Proceedings in eminent domain are necessary to acquire certain properties for the Stein Falls Collection Capital Improvement Project. Efforts to negotiate for the acquisition of the listed properties have so far been unsuccessful. Upon motion by Director Meador, seconded by Director Hermes, the Board unanimously approved a Resolution Board of Directors of the Guadalupe-Blanco River Authority authorizing the use of the power of eminent domain to acquire the following properties located in Guadalupe County, Texas: 0.6424 acres of permanent easement and 0.1284 acres of temporary easement located in a tract of land owned by Gary A. Dittmar; 0.3772 acres of permanent easement and 0.0752 acres of temporary easement located in a tract of land owned by Anthony Clark Davis; 1.572 acres of permanent easement and 0.3143 acres of temporary easement located in a tract of land owned by Edwin Donhauser and Shannah Donhauser; and 0.7328 acres of permanent easement and 0.1958 acres of temporary easement located in a tract of land owned by Dennis G. Ladd for the construction, operation, and maintenance of certain wastewater diversion facilities and a wastewater pipeline system and wastewater treatment lift station and other system related improvements for the Stein Falls Collection Capital Improvement Project located in portions of Guadalupe County by the following vote:

AYES: Directors Patillo, Meador, Motl, Brockman, Ehrig,  
Fogle, Hermes, and Mathews

NOES:               None

ABSTENTIONS:   None

A copy of the Resolution is attached and made a part of these minutes.

There being no further business to be brought before the Board, the meeting was adjourned at 12:38 p.m. subject to call by the Chairman.

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Chairman

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Secretary