

# **NOTICE OF MEETING GUADALUPE-BLANCO RIVER AUTHORITY BOARD OF DIRECTORS**

In accordance with the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code, the Guadalupe-Blanco River Authority (GBRA), whose principal office is in the City of Seguin, Guadalupe County, Texas, hereby gives notice of a meeting of its **BOARD OF DIRECTORS** to be held at the **Guadalupe-Blanco River Authority, Annex Building, 905 Nolan, Seguin, Guadalupe County, Texas, at 10:00 a.m., on Wednesday, May 19, 2021.**

The Public may access the meeting online as indicated below or in person at the Annex Building, with opportunity for public comment at the meeting venue or online. Please limit comments to **3 MINUTES** unless an interpreter is required.

**Due to health and safety concerns related to the COVID-19 coronavirus, GBRA will be adhering to the CDC recommended guidance of six (6) feet of social distancing between persons, and recommend all persons to utilize face masks/coverings if that distance cannot be maintained at the Annex.**

The Public will also have access to the proceedings through the following means:

1. By webinar link on a computer or smart phone

Webinar Link: <https://attendee.gotowebinar.com/register/318245259391640332>

*After registering, you will receive a confirmation email containing information about joining the webinar.*

2. By using the GoToWebinar App on computer or smartphone (access will be available for public comments during the designated portion of the meeting)

Please use the webinar ID: 236-442-187

Persons wishing to make public comment generally or to comment on a specific item on the agenda are asked to join the webinar between 9:15 and 10:00 am on the day of the meeting and register to speak by typing and sending an instant message at the bottom of the "Questions" section on the web page when opened. Please identify yourself in the message and if you are speaking on a specific agenda item, please identify the specific item on which you wish to speak. General comments will be called for under Agenda Item No. 3 under Public Comments below. Comments on a specific agenda item will be called when that item comes up.

3. By telephone (for listening purposes only)

Call in Number: (914) 614-3221

Audio Access Code: 814-300-367

Subjects to be considered for discussion at such meeting include:

### **CALL TO ORDER**

- Chair's consideration of posted notices. Pledge of Allegiance. Welcome guests.

### **CHAIRMAN ITEM**

1. Consideration of and possible action approving a Resolution honoring Tommy Mathews for his outstanding leadership during his service as a Director of the Guadalupe-Blanco River Authority Board of Directors.

### **PUBLIC COMMENTS**

2. Comments from the public. **NOTE:** This portion of the meeting is intended for comments from the public on NON-AGENDA ITEM RELATED TOPICS. Please note that THE BOARD MAY NOT DELIBERATE ON THE SUBSTANCE OF NON-AGENDA ITEMS.

**NOTE:** Persons wishing to make comment on SPECIFIC AGENDA ITEMS BELOW will be recognized to speak at the time the item is called.

*If you wish to make comments, please register with the GoToWebinar app as explained above.*

### **CONSENT ITEMS**

3. Consideration of and possible action approving the minutes of the April 21, 2021 Board meeting.

4. Consideration of and possible action approving the monthly financial report for April 2021.

5. Consideration of and possible action approving the monthly operations report for April 2021.

6. Consideration of and possible action approving Directors' expense vouchers.

## **GENERAL MANAGER/CEO ITEMS**

7. 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, stewardship, and update on GBRA Safety Work Plan.

## **ACTION ITEMS**

8. Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute a Contract with the Technical Consultant on behalf of the Region 11 Guadalupe Regional Flood Planning Group.

9. Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute a Contract with the highest ranked bidder, based on a Competitive Sealed Proposal process, for the construction of the Carrizo Groundwater Supply Project Surface Facilities Package.

10. Consideration of and possible action approving the use of financial reserves to pay off the outstanding principal and accrued interest associated with equipment financing loans in the Stein Falls WWTP and Water Sales divisions.

11. Consideration of and possible action approving a Resolution authorizing the Issuance of \$1,560,000 in Aggregate Principal Amount of Guadalupe-Blanco River Authority Contract Revenue Bonds, Series 2021A (Lake Placid Dam Facilities Project); authorizing the sale thereof to the Texas Water Development Board (TWDB) through its Clean Water State Revolving Fund Program; approving and authorizing the execution of a Paying Agent/Registrar Agreement and an Escrow Agreement; approving and authorizing all other instruments and procedures related thereto; and providing for an immediate effective date.

12. Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute a Wastewater Service Agreement between Guadalupe-Blanco River Authority and Century Land Holdings II, LLC.

13. Consideration of and possible action authorizing the General Manager to file any and all judicial proceedings necessary to protect GBRA's easement rights for property located within the Centennial Ridge Development.

14. Consideration of and possible action approving a Resolution by the Guadalupe-Blanco River Authority declaring a public necessity for the acquisition of certain water pipeline easements and temporary construction easements for the Carrizo Groundwater Supply Project – Lockhart Delivery 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 2 – Trina Roberts, being a 0.8184 acre or 35,650 square feet, more or less of permanent easement and 0.5253 acre or 22,883 square feet, more of less of temporary construction easement situated in the James George Survey, Abstract No. 9, Caldwell County Texas, being a portion of a 49.781 acre tract of land (by deed) deeded to Trina Roberts by Deed recorded in Document No. 2015002336, Official Public Records, Caldwell County, Texas, and attached as Exhibit “A”; Parcel 4 – Bonnie L. Hazelett, Individually and as Independent Executrix of the Estate of George Hazelett, Deceased, being a 0.9874 acre or 43,013 square feet, more or less of permanent easement and 0.6584 acre or 28,682 square feet, more or less of temporary construction easement situated in the James George Survey, Abstract No. 9 in Caldwell County, Texas, being a portion of 145.708 acre tract of land (by deed) deeded to George Hazelett by deed recorded in Volume 323, Page 390, of the Official Public Records of Caldwell County, Texas, and attached as Exhibit “B”.

## **DISCUSSION ITEMS**

15. Discussion regarding Base Flow Report, Water Quality Index, long term weather pattern, and condition of the Guadalupe Basin.

## ITEMS FOR EXECUTIVE SESSION

16. The Board may meet in Executive Session as authorized by the listed sections of Chapter 551, Texas Government Code, to discuss the following matters:

a. advice from legal counsel about pending or threatened litigation, including litigation options, representation, settlements, settlement-related agreements and memoranda of understanding and, if applicable, the impact of pending or contemplated litigation on GBRA projects and proposed projects. This includes without limitation, the following matters: (i) *Williams v. GBRA* (Fourth Court of Appeals, San Antonio); (ii) GBRA's Mid-Basin Water User Permit Application in Gonzales County (98<sup>th</sup> District Court of Travis County); (iii) *Thalle Constr. Co., Inc. v. GBRA and Zachry Construction Corp.* (456<sup>th</sup> District Court of Guadalupe County); (iv) *Thome v. GBRA* (25<sup>th</sup> District Court of Guadalupe County); (v) San Antonio Water System's application to TCEQ for a bed and banks permit on the San Antonio River (TCEQ); (vi) *GBRA v. Henke* (24<sup>th</sup> District Court of Calhoun County); (vii) *GBRA v. Edwin and Shannah Donhauser* (Cause No. 21-1030-CV-E), (viii) other pending applications for TCEQ water use or water quality permits on which GBRA is the permittee or co-permittee; (ix) pending applications for TCEQ water use or water quality permits in the Guadalupe or adjacent river basins; (x) pending or threatened litigation to which GBRA is a party or potential party. Section 551.071, Texas Government Code;

b. advice from legal counsel about pending litigation or threatened litigation relating to right of way acquisition; deliberation on matters relating to the purchase, exchange, lease, or value of real property interests and advice from legal counsel on those matters, including without limitation issues relating to (i) right-of-way acquisitions for GBRA-related projects within or adjacent to the boundaries of GBRA; (ii) exchange, sale, or transfer of real property interests within or adjacent to the boundaries of GBRA; and (iii) sale, acquisition, and/or transfer of GBRA water treatment and distribution assets in Calhoun County: Section 551.071 and 551.072, Texas Government Code;

c. briefing and advice from legal counsel relating to matters covered by legal counsel's duty of confidentiality, including without limitation, (i) issues relating to agreements under negotiation; (ii) issues relating to potential litigation and representation in that litigation, including without limitation issues or disputes arising from existing contracts to which GBRA is a party and bid protests, (iii) legal and regulatory issues relating to GBRA's groundwater and/or surface water rights and permits throughout the Guadalupe River Basin; (iv) issues relating to GBRA easement rights, enforcement of same and other property rights; and (v) issues relating to agricultural water sales. Section 551.071, and 551.072, Texas Government Code.

The Board may take final action on any of the above mentioned matters while convened in open session pursuant to Chapter 551 of the Texas Government Code.

## ADJOURN