

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, August 18, 2021.**

CALL TO ORDER

- Chair's consideration of posted notices.

CHAIRMAN ITEM

1. Welcome new Director and administer Oath of Office to Emanuel Valdez, Jr.

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 limit comments to **3 MINUTES**. To address the Board please sign and completely fill out the Attendance Sheet maintained at the entrance to the building where meeting is being held. **NO RESPONSE OR ACTION MAY BE TAKEN BY THE BOARD DURING PUBLIC COMMENTS.** To address the Board related to an item posted on the agenda for action or discussion, please indicate the Item number you wish to comment on using the Attendance Sheet. The Board will call individuals to make comments at the appropriate time.

CONSENT ITEMS

3. Consideration of and possible action approving the minutes of the July 21, 2021 Board meeting.
4. Consideration of and possible action approving the monthly financial report for July 2021.
5. Consideration of and possible action approving the monthly operations report for July 2021.
6. Consideration of and possible action approving Directors' expense vouchers.

GENERAL MANAGER/CEO ITEMS

7. Update regarding issues related to the Guadalupe Valley Hydroelectric System, recent spillgate failure at H4 Dam/Lake Gonzales, construction at Lake Dunlap, design for lakes Placid and McQueeney, and public safety violations within the Prohibited Unsafe Zones along the Guadalupe Valley Lakes.

8. 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

9. Consideration of and possible action approving the Fiscal Year 2022 Work Plan and Budget including rates and compensation tables for the following divisions and giving authority to the General Manager/CEO to expend funds pursuant to the budget as well as execute contracts consistent with those expenditures within limitations allowed under policy:

- a. Guadalupe Valley Hydroelectric Division
- b. Shadow Creek Wastewater Reclamation System
- c. Canyon Park Estates Wastewater Reclamation System
- d. Stein Falls Wastewater Reclamation System
- e. Sunfield Wastewater Treatment Plant
- f. Water Sales System
- g. Calhoun Canal System
- h. San Marcos Water Treatment Plant System
- i. Buda Wastewater Treatment Plant System
- j. Carrizo Groundwater System
- k. Western Canyon Treated Water System
- l. 4S Ranch Wastewater Reclamation System
- m. Cordillera Water Distribution System
- n. Cordillera Wastewater Treatment Plant
- o. Comal Trace Water Delivery System
- p. Johnson Ranch Water Distribution System
- q. Johnson Ranch Wastewater Treatment System
- r. Bulverde Singing Hills Wastewater Treatment System
- s. Park Village Wastewater Reclamation System
- t. Boerne Independent School District Wastewater System
- u. Port Lavaca Water Treatment Plant Division

- v. Calhoun County Rural Water Supply Division
- w. Coleta Creek Reservoir System
- x. Coleta Creek Recreation System
- y. Luling Water Treatment Plant Division
- z. Canyon Hydroelectric Division
- aa. Lockhart Wastewater Reclamation System
- bb. Lockhart Water Treatment Plant System
- cc. Dietz Wastewater System
- dd. General Division

10. Consideration of and possible action approving a Resolution Approving and Authorizing the Execution of Financing Agreements with the Texas Water Development Board (TWDB) Relating to Financial Assistance Being Provided by the TWDB for the Carrizo Groundwater Supply Project.

11. Consideration of and possible action authorizing the General Manager/CEO to utilize the Construction Manager At Risk (CMAR) procurement process set forth in Government Code Chapter 2269, for construction of the Sunfield Wastewater Treatment Plant (WWTP) Expansion and to negotiate and execute a contract and subsequent guaranteed maximum prices and related contingencies for each work package with the highest ranked bidder for said project

12. Consideration of and possible action accepting the General Manager/CEO's recommendation to appoint a current GBRA employee to serve on the Guadalupe-Blanco River Authority Retirement and Benefit Committee.

13. Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute an Engineering Services Agreement with one or more firms to provide on-call services for unspecified projects.

14. Consideration of and possible action approving a Resolution by the Guadalupe-Blanco River Authority declaring a public necessity for the acquisition of certain fee estates, water pipeline easements, temporary construction easements, related rights of ingress and egress, and other water system related facilities for diversion, treatment and delivery of water in connection therewith the Carrizo Groundwater Supply Project over, across, upon and under certain privately owned real properties; authorizing all appropriate action by the General Manager/CEO, staff, retained attorneys, agents, engineering and technical consultants in the institution and prosecution of condemnation proceedings to acquire any such needed fee estates, easements, 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 E010G – Dorothy Weltner Oelkers, Warren H. Weltner and Carol Weltner Smith-2 Tracts: Tract 1 being approximately 0.8721 acres more or less of permanent easement and Tract 2 being approximately 0.5814 acres more or less of temporary construction easement both situated in the A.M. Esnaurizar Survey Abstract No. 20, in Guadalupe County, Texas, and being a portion of that certain 127.78 acres conveyed by Deed recorded in Document

No. 201899027921, Official Public Records of Guadalupe County, Texas, attached as Exhibit "A";

Parcel W014ac- Michael Lee Evans, being approximately 0.016 acres more or less of permanent easement situated in the Samuel Hayslett Survey, Abstract No. 11, in Caldwell County, Texas, and being a portion of that certain 1.0 acres conveyed by Deed recorded in Volume 553, Page 225, Official Public Records of Caldwell County, Texas, attached as Exhibit "B";

Parcel W014C- Michael Lee Evans-2 Tracts:

Tract 1 being approximately 1.670 acres more or less of permanent easement and Tract 2 being approximately 1.897 acres more or less of permanent easement, both situated in the Samuel Hayslett Survey, Abstract No. 11, in Caldwell County, Texas, and being a portion of that certain 199.1 acres conveyed by Deed recorded in Volume 274, Page 50, Official Public Records of Caldwell County, Texas, attached as Exhibit "C";

Parcel W015C- Michael Lee Evans – 3 Tracts:

Tract 1 being approximately 0.448 acres more or less of permanent easement situated in the Samuel Hayslett Survey, Abstract No. 11, in Caldwell County, Texas, and being a portion of that certain 194.5 acres conveyed by Deed recorded in Volume 274, Page 50, Official Public Records of Caldwell County, Texas, attached as Exhibit "D";

Tract 2 being approximately 0.120 acres more or less of permanent easement situated in the Samuel Hayslett Survey, Abstract No. 11, in Caldwell County, Texas, and being a portion of that certain 9.24 acres conveyed by Deed recorded in Volume 59, Page 851, Official Public Records of Caldwell County, Texas, attached as Exhibit "E";

Tract 3 being approximately 1.251 acres more or less of permanent easement situated in the Samuel Hayslett Survey, Abstract No. 11, in Caldwell County, Texas, and being a portion of that certain 9.375 acres conveyed by Deed recorded in Volume 448, Page 632, Official Public Records of Caldwell County, Texas, attached as Exhibit "F";

Parcel 035C-Helen Anderson Detert-2 Tracts:

Tract 1 being approximately 0.7237 acres more or less of permanent easement and Tract 2 being approximately 0.4825 acres more or less of temporary easement both situated in the James George Survey, Abstract No. 9, in Caldwell County, Texas, and being a portion of that certain 70.125 acres conveyed by Deed recorded in Volume 555, Page 668, Official Public Records of Caldwell County, Texas, attached as Exhibit "G"; and

Parcel W016C-George E. Dittmar and wife, Peggy J. Dittmar-2 Tracts:

Tract 1 being approximately 1.488 acres more or less of permanent easement and Tract 2 being approximately 2.407 acres more or less of permanent easement both situated in the Samuel Hayslett Survey Abstract No. 11, in Caldwell County, Texas, and being a portion of that certain 192.29 acres conveyed by Deed recorded in Volume 128, Page 913, Official Public Records of Caldwell County, Texas, attached as Exhibit "H".

15. Consideration of and possible action authorizing the General Manager/CEO to initiate and follow through to resolution, judicial proceedings against James Hardy related to breach of a permanent and temporary construction easement granted to GBRA on or about August 21, 2020, for the Stein Falls Collection Capital Improvement Project.

DISCUSSION ITEMS

16. Discussion regarding Base Flow Report, Water Quality Index, long-term weather Pattern and condition of the Guadalupe Basin.

ITEMS FOR EXECUTIVE SESSION

17. The Board may meet in Executive Session as authorized by Chapter 551, Texas Government Code, to discuss the following matters:
 - a. Any items listed on this agenda;
 - b. Advise 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;
 - c. 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 (98th District Court of Travis County); (iii) *Thalle Constr. Co., Inc. v. GBRA and Zachry Construction Corp.* (456th District Court of Guadalupe County); (iv) *Thome v. GBRA* (25th 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* (24th District Court of Calhoun County); (vii) *GBRA v. Bonnie L. Hazelett* (County Court at Law, Caldwell County), (viii) *GBRA v. Roberts* (County Court at Law, Caldwell County), (ix) *GBRA v. Barber* (County Court at Law, Guadalupe County), (x) other pending applications for TCEQ water use or water quality permits on which GBRA is the permittee or co-permittee; (xi) pending applications for TCEQ water use or water quality permits in the Guadalupe or adjacent river basins; (xii) pending or threatened litigation to which GBRA is a party or potential party;
 - d. Advise 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;
 - e. Briefing and advise 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;
 - f. Deliberate the appointments, employment, evaluation, reassignment, duties, discipline, or dismissal of the following public officers or employees; and to receive and obtain legal advice regarding same from legal counsel. No action will be taken in executive session; action, if any, will be taken in open session.

- General Manager/CEO

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