

## **GUADALUPE-BLANCO RIVER AUTHORITY Minutes of the Board of Directors**

The Board of Directors of the Guadalupe-Blanco River Authority met in a regular meeting on January 19, 2022 at the GBRA Annex Building Board Room, 905 Nolan, Seguin, Guadalupe County, Texas. Directors present were Dennis Patillo, Don B. Meador, William Carbonara, Kenneth Motl, Oscar Fogle, Steven B. Ehrig and Sheila Old. Directors Wisian and Valdez were not present. Present in the Annex Building at 905 Nolan Street, Seguin, Texas were Kevin Patteson, General Manager/CEO, Darrell Nichols, Senior Deputy General Manager; Jonathan Stinson, Deputy General Manager; Vanessa Guerrero, Executive Manager of Administration; David Harris, Executive Manager of Operations; Charlie Hickman, Executive Manager of Engineering; Joe Cole, General Counsel; Courtney Kerr-Moore, Assistant General Counsel; Justin Adkins, Assistant General Counsel; Travis Sales, Outside Counsel and Molly Cagle, Outside Counsel.

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, at the GBRA main office and at the GBRA 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 Carbonara led the Pledge of Allegiance to the United States flag and the Texas flag.

The Chairman then called for **Public Comments - Comments from the public.**  
There were no public comments.

The Chairman then called for **Consent Item 2 - Consideration of and possible action approving the minutes of the November 17, 2021 Habitat Conservation Plan Update and the December 17, 2021 Board meeting; Consent Item 3 - Consideration of and possible action approving the monthly financial report for December 2021; Consent Item 4 - Consideration of and possible action approving the monthly operations report for December 2021; and Consent Item 5 - Consideration of and possible action approving Directors' expense vouchers for December 2021.** Upon Motion by Director Motl, 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, stewardship, and update on GBRA Safety Work Plan.**

Amanda Reichle, Safety and Risk Manager, gave an update on two near miss reports, 21 reported COVID-19 cases, and forty-four instances of employee exposure to COVID-19 in the previous month. Tier II Reports to TCEQ for Hazardous Chemicals will be submitted at the end of January. Ms. Reichle updated the Board on the in-house audiometric screenings and the 2021 completed training modules. Chad Norris, Deputy Executive Manager of Environmental Science and Community Affairs, briefed the Board on current HCP activities and technical memorandums, the PLDA and TPWD workshop, the Coletto Creek reservoir Aquatic Habitat Enhancement project, and the Phase II Delta Seasonal Study. Mr. Norris also discussed the Freshwater Mussel survey, the current activities at Canyon Lake Gorge Park, and the GBRA lab in regards to training, internal audits, processed orders, and proficiency tests.

The Chairman called for **Action Item 7 - Consideration of and possible action approving a Resolution of the Board of Directors of Guadalupe-Blanco River Authority adopting Board Policy – 403 Investment Policy and the investment strategy contained therein.** Sandra Terry, Deputy Executive Manager of Finance, is seeking approval of a Resolution adopting Board Policy 403, as required annually by the GBRA Board of Directors for review and adoption of the written investment policy regarding the investment of its funds and funds under its control. Upon Motion by Director Carbonara, seconded by Director Meador, the Board unanimously approved Action Item 7 approving a Resolution of the Board of Directors of Guadalupe-Blanco River Authority

adopting Board Policy – 403 Investment Policy and the investment strategy contained therein. A copy of the Resolution is attached and made a part of these minutes.

Next, the Chairman called for **Action Item 8 - Consideration of and possible action approving a Resolution authorizing the Issuance of \$30,935,000 in Aggregate Principal Amount of Guadalupe-Blanco River Authority Contract Revenue Bonds, Series 2022A (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.** Sandra Terry, Deputy Executive Manager of Finance, is seeking approval of a Resolution authorizing the issuance of Contract Revenue Bonds for the Lake Placid Dam Facilities as the project moves into the construction phase. Upon Motion by Director Fogle, seconded by Director Meador, the Board unanimously approved Action Item 8 approving a Resolution authorizing the Issuance of \$30,935,000.00 in Aggregate Principal Amount of Guadalupe-Blanco River Authority Contract Revenue Bonds, Series 2022A (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. A copy of the Resolution 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 Contract with the highest ranked bidder, based on a Competitive Sealed Proposal process which provides the best value for the Guadalupe-Blanco River Authority, for the Regional Raw Water Delivery System (RRWDS) SH-123 Pipeline Crossing Replacement and Pressure Relief Valve Addition Project.** Mikk Griffin, GBRA Project Engineer, is seeking authorization for the General Manager/CEO to negotiate a contract with the highest rank bidder, based on a Competitive Sealed Proposal process for the Regional Raw Water Delivery System SH-123 Pipeline Crossing Replacement and Pressure Relief Valve Addition Project. Upon Motion by Director Motl, seconded by Director Meador, the Board unanimously approved Action Item 9 authorizing the General Manager/CEO to negotiate and execute a Contract with the highest ranked bidder, based on a Competitive Sealed Proposal process which provides the best value for the Guadalupe-Blanco River Authority, for the Regional Raw Water Delivery System (RRWDS) SH-123 Pipeline Crossing Replacement and Pressure Relief Valve Addition Project.

The Chairman called for **Action Item 10 - Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute a Contract with the Qualified Engineering Firm(s) to provide engineering technical services related to flood related studies.** Brian Perkins, Deputy Executive Manager of Engineering, is seeking authorization for the General Manager/CEO to negotiate and execute a three-

year Master Services Agreement with a qualified engineering firm to provide engineering technical services related to flood related studies in the Guadalupe River Basin. Upon Motion by Director Fogle, seconded by Director Meador, the Board unanimously approved Action Item 10 to negotiate and execute a Contract with the qualified engineering firm(s) to provide engineering technical services related to flood related studies.

The Chairman called for **Action Item 11 - Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute a Contract with the Qualified Engineering Firm(s) to conduct a feasibility study related to the Mid-Basin Water Supply Project – Phase II.** Brian Perkins, Deputy Executive Manager of Engineering, is seeking authorization for the General Manager/CEO to negotiate a contract with the qualified engineering firm to conduct a feasibility study of the Mid-Basin Water Supply Project – Phase II to lead to a recommended project configuration and phasing. Upon Motion by Director Meador, seconded by Director Carbonara, the Board unanimously approved Action Item 11 authorizing the General Manager/CEO to negotiate and execute a Contract with the qualified engineering firm(s) to conduct a feasibility study related to the Mid-Basin Water Supply Project – Phase II.

Next, the Chairman called for **Action Item 12 - Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute a Contract Standard Utility Agreement with the Texas Transportation Commission for reimbursement of costs related to Western Canyon Pipeline SH46 Treated Water Transmission Pipeline Project – Phase I.** Charlie Hickman, Executive Manager of

Engineering, is seeking authorization to execute a Standard Utility Agreement with the Texas Transportation Commission related to the Western Canyon Pipeline SH46 Treated Water Transmission Pipeline Project – Phase I, which will require casing of an existing thirty-inch water line crossing at three locations and extension of new casings an additional five feet beyond the new TxDOT ROW limits. Upon Motion by Director Meador, seconded by Director Carbonara, the Board unanimously approved Action Item 12 - Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute a Standard Utility Agreement with the Texas Transportation Commission for reimbursement of costs related to Western Canyon Pipeline SH46 Treated Water Transmission Pipeline Project – Phase I.

Next, the Chairman called for **Action Item 13 – Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute a Wastewater Service Agreement between Guadalupe-Blanco River Authority and M/I Homes of San Antonio, LLC for the Park Place Unit A development.** Courtney Kerr-Moore, Assistant General Counsel, is seeking authority for the General Manager/CEO to negotiate a Wastewater Service Agreement to construct a wastewater collection system within the Stein Falls service area, the Park Place Unit A development, for approximately 318 new homes. Upon Motion by Director Motl, seconded by Director Carbonara, the Board unanimously approved Action Item 13 authorizing the General Manager/CEO to negotiate and execute a Wastewater Service Agreement between Guadalupe-Blanco River Authority and M/I Homes of San Antonio, LLC for the Park Place Unit A development.

Next, the Chairman called for **Action Item 14 - Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute a Wastewater Service Agreement between Guadalupe-Blanco River Authority and Highlander Real Estate Partners, LLC for the Guadalupe Bend development.** Courtney Kerr-Moore, Assistant General Counsel, is seeking authorization to negotiate a Wastewater Service Agreement with Highlander Real Estate Partners, LLC to service the proposed Guadalupe Bend development, consisting of 1,600 new homes, within the Stein Falls service area. Upon Motion by Director Meador, seconded by Director Fogle, the Board unanimously approved Action Item 14 authorizing the General Manager/CEO to negotiate and execute a Wastewater Service Agreement between Guadalupe-Blanco River Authority and Highlander Real Estate Partners, LLC for the Guadalupe Bend development.

Next, the Chairman called for **Action Item 15 - Consideration of and possible action approving a Resolution by the Guadalupe-Blanco River Authority declaring a public necessity for the acquisition of certain a fee estate for the GVHS – McQueeney Spillgate Replacement and Dam Armoring Capital Improvement Project 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 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 including necessary acts for any applicable lienholders for such properties; 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 property to be identified to wit:**

Parcel 3B – Robert Eugene Kurtz and Lynn Ann Floum, Co-Trustee of the Robert Eugene Kurtz GST Nonexempt Trust and Robert Eugene Kurtz and Lynn Ann Floum, Co-Trustees of the Lynn Ann Floum GST Nonexempt Trust, being 8.08 acres situated in the A.M. Esnaurizar Eleven League Grant, Abstract No. 20, being all of Lots 1-7 of Lot 21, Lots 8-14 of Lot 22, Resubdivision of Lots 21 and 22, Volume 380, Page 528, Deed Records, Guadalupe County, Texas, Lots 23-26, and a portion of Lots 27 and 28, Laechlin-Riverside Addition, Volume 1, Page 129, Map and Plat Records, Guadalupe County, Texas attached as Exhibit “A”.

Chairman Patillo called for this item to be moved for discussion after Executive Session.

Next, the Chairman called for **Action Item 16 - Consideration of and possible action approving a Resolution by the Guadalupe-Blanco River Authority declaring a public necessity for the acquisition of certain a fee estate for the GVHS – McQueeney Spillgate Replacement and Dam Armoring Capital Improvement Project 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 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 including necessary acts for any applicable lienholders for such properties; 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 property to be identified to wit:**

Parcel 5 – Robert Eugene Kurtz and Lynn Ann Floum, Co-Trustee of the Robert Eugene Kurtz GST Nonexempt Trust and Robert Eugene Kurtz and Lynn Ann Floum, Co-Trustees of the Lynn Ann Floum GST Nonexempt Trust, being 0.96 acres situated in the A.M. Esnaurizar Eleven League Grant, Abstract No. 20, being the same tract described in deed recorded in Volume 993, Page 800, Official Records, Guadalupe County, Texas attached as Exhibit “A”.

Chairman Patillo called for this item to be moved for discussion after Executive Session.

Next, the Chairman called for **Action Item 17 - Consideration of and possible action approving a Resolution by the Guadalupe-Blanco River Authority declaring a public necessity for the acquisition of certain a fee estate for the GVHS – McQueeney Spillgate Replacement and Dam Armoring Capital Improvement Project 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**

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Parcel 7 – Robert Eugene Kurtz and Lynn Ann Floum, Co-Trustees of the Robert Eugene Kurtz GST Nonexempt Trust and Robert Eugene Kurtz and Lynn Ann Floum, Co-Trustees of the Lynn Ann Floum GST Nonexempt Trust, being 1.53 acres situated in the A.M. Esnaurizar Eleven League Grant, Abstract No. 20, being all of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Laechlin-Riverside Addition, Volume 1, Page 128, Plat Records, Guadalupe County, Texas, and being a tract described in deed recorded in Clerk's File No. 201999008737, Official Public Records, Guadalupe County, Texas, attached as Exhibit "A".

Chairman Patillo called for this item to be moved for discussion after Executive Session.

Next, the Chairman called for **Discussion Item 18 - Discussion regarding Base Flow Report, Water Quality Index, long term weather pattern, and condition of the Guadalupe Basin**. Charlie Hickman, Executive Manager of Engineering, briefed the Board on the Guadalupe River Basin hydrologic conditions. The Edwards Aquifer and the majority of the basin are showing dry conditions with medium flow. Canyon Lake is showing about 908.36 feet. Currently, Comal Springs is flowing around 273 cfs.

There being no further business to be brought before the Board, the open meeting was recessed at 11:05 a.m. subject to call by the Chairman and convened the meeting in executive session at 11:20 a.m. pursuant to Chapter 551, Texas Government Code.

The Board reconvened in open session at 1:47 p.m.

Next, the Chairman called for **Action Item 15 - Consideration of and possible action approving a Resolution by the Guadalupe-Blanco River Authority declaring a public necessity for the acquisition of certain a fee estate for the GVHS – McQueeney Spillgate Replacement and Dam Armoring Capital Improvement Project 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 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 including necessary acts for any applicable lienholders for such properties; 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 property to be identified to wit:**

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Courtney Kerr-Moore, Assistant General Counsel, is seeking approval of a Resolution declaring a public necessity for the acquisition of a certain fee estate for the McQueeney Spillgate Replacement Project. Acquisition of the property below the emergency spillway is a vital component of the project. Upon Motion by Director Carbonara, seconded by Director Meador, a record vote was taken and the Board unanimously approved Action Item 15 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 estate 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 including necessary acts for any applicable lienholders for such properties; 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 property to be identified to wit:

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

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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 1:56 p.m. subject to call by the Chairman.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary