

**GUADALUPE-BLANCO RIVER AUTHORITY**  
**Minutes of the Board of Directors**  
**December 14, 2022**

The Board of Directors of the Guadalupe-Blanco River Authority met in a regular meeting on December 14, 2022, at the GBRA Annex Building Board Room, 905 Nolan, Seguin, Guadalupe County, Texas. Directors present were Dennis Patillo, Don B. Meador, Sheila Old, Steve Ehrig, Andra Wisian, William Carbonara, Emanuel Valdez, and Kenneth Motl. Director Fogle was not present. Present in the Annex Building in Seguin, Texas were Darrell Nichols, Acting General Manager/CEO; Jonathan Stinson, Deputy General Manager; Vanessa Guerrero, Executive Manager of Administration; Randy Staats, Executive Manager of Finance/CFO; Nathan Pence, Executive Manager of Environmental Science; Charlie Hickman, Executive Manager of Engineering; David Harris, Executive Manager of Operations; Brian Perkins, Deputy Executive Manager of Engineering; Tommy Hill, Senior Advisor to the General Manager; Joe Cole, General Counsel; Courtney Kerr-Moore, Associate General Counsel; Justin Adkins, Assistant General Counsel and Peter Newell, Senior Engineering Director.

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 Pledges of Allegiance to the United States flag and the Texas flag.

The Chairman called for Chairman Item 1 - **Recognizing Andra Wisian for her outstanding leadership during her service as a Director of the Guadalupe-Blanco River Authority Board of Directors.** Chairman Patillo recognized Director Wisian for her service as a Director of the Guadalupe-Blanco River Authority Board of Directors.

The Chairman then called for Chairman Item 2 - **Consideration of and possible action approving changing the dates of the March 15, 2023 Board of Directors meeting to March 22, 2023 and the December 20, 2023 Board of Directors meeting to December 13, 2023.** Upon Motion by Director Motl, seconded by Director Meador, the Board unanimously approved Chairman Item 2 - changing the dates of the March 15, 2023 Board of Directors meeting to March and the December Board of Directors meetings.

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

The Chairman called for **Consent Item 4 - Consideration of and possible action approving the minutes of the November 16, 2022 Board meeting; Consent Item 5 - Consideration of and possible action approving the monthly financial report for November 2022; Consent Item 6 - Consideration of and possible action approving the monthly operations report for November 2022 and Consent Item 7 - Consideration of and possible action approving Directors' expense vouchers for November 2022.** Upon Motion by Director Carbonara, seconded by Director Meador, the Board unanimously approved Consent Items 4, 5, 6 and 7.

The Chairman then called for **General Manager/CEO Item 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.** Vanessa Guerrero, Executive Manager of Administration, briefed the Board on team administration, education, community affairs, regulatory and customer affairs, Strategic Plan Update for FY 23 and human resources. Next, Amanda Buchanan, Safety and Risk Manager, gave a safety update stating in the past month there were no lost time incidents of injuries or illnesses, there was one near miss and one incident and one reported COVID-19 case. Training this month will be focused on cold stress, winter preparedness and confined space.

Next, the Chairman called for **Action Item 9 - Consideration of and possible action approving the Fiscal Year 2022 annual financial audit and distribution of the Annual Comprehensive Financial Report.** Randy Staats, Executive Manager of Finance/CFO, is seeking approval of the Fiscal Year 2022 annual financial audit and distribution of the Annual Comprehensive Financial Report. Mr. Staats introduced Sara Slaughter, Senior Manager with Baker Tilly, to present audit results to the Board. Ms. Slaughter reported Baker Tilly did not locate any material weaknesses or significant deficiencies in the annual financial audit and issued an

unmodified opinion related to the presentation of GBRA's financial position. Upon Motion by Director Motl, seconded by Director Carbonara, the Board unanimously approved Action Item 9 approving the Fiscal Year 2022 annual financial audit and distribution of the Annual Comprehensive Financial Report.

The Chairman called for **Action Item 10 - Consideration of and possible action approving the use of up to \$1,996,867 of financial reserves for the completion of the Goff Bayou radial gates replacement project.** Randy Staats, Executive Manager of Finance/CFO, is seeking approval to use up to \$1,996,867 to complete the necessary gate replacement project at Goff Bayou, which is inclusive of previously dedicated funds. PepsiCo and Frito-Lay have each contributed an additional \$300,000 each to help supplement the total project cost increase. A replenishment plan for financial reserves will utilize an/up to a ten-year repayment using the Municipal and Industrial (canal) rate. Upon Motion by Director Meador, seconded by Director Wisian, the Board unanimously approved Action Item 10 approving the use of up to \$1,996,867 of financial reserves for the completion of the Goff Bayou radial gates replacement project.

The Chairman called for **Action Item 11 - Consideration of and possible action authorizing the Acting General Manager/CEO to negotiate and execute an interagency cooperation contract with the Texas Water Development Board for research grant: Guadalupe Delta Ecological Assessment of Freshwater Inflows Phase III.** Lee Gudgell, Aquatic Biologist, is seeking authorization for execution of the third phase of a research grant with the Texas Water Development Board to define an additional water year of ecological linkages between freshwater inflows and species and habitat in the Guadalupe River Delta. The total authorized reimbursement amount from the Texas Water Development Board for this two-year

project is \$150,000. The grant requires no matching funds. Upon Motion by Director Motl, seconded by Director Carbonara, the Board unanimously approved Action Item 11 authorizing the Acting General Manager/CEO to negotiate and execute an interagency cooperation contract with the Texas Water Development Board for research grant: Guadalupe Delta Ecological Assessment of Freshwater Inflows Phase III.

The Chairman called for **Action Item 12 - Consideration of and possible action authorizing the Acting General Manager/CEO to negotiate and execute a contract with an environmental consulting firm to perform ecological research on the Guadalupe Delta.** Lee Gudgell, Aquatic Biologist, is seeking authorization to negotiate and execute a contract, based on the research grant from the Texas Water Development Board: Guadalupe Delta Ecological Assessment of Freshwater Inflows Phase III, for an environmental consulting firm to conduct one year of data collection across four seasons and produce a final research report. Upon Motion by Director Meador, seconded by Director Motl, the Board unanimously approved Action Item 12 authorizing the Acting General Manager/CEO to negotiate and execute a contract with an environmental consulting firm to perform ecological research on the Guadalupe Delta.

The Chairman then called for **Action Item 13 - Consideration of and possible action authorizing the Acting 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 selection of a general contractor for the Lake McQueeney and Lake Placid Spillgate Replacement and Armoring project.** Charlie Hickman, Executive Manager of Engineering, is seeking authorization to execute a contract for the proposed project with the highest ranked bidder to replace the existing gates at

McQueeney and Placid Dams with new hydraulically actuated crest gates, concrete armoring of the dam embankments, demolition of existing gates, electrical and instrumentation improvements, and other work identified on the drawings. Upon Motion by Director Wisian, seconded by Director Old, the Board unanimously approved Action Item 13 authorizing the Acting 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 selection of a general contractor for the Lake McQueeney and Lake Placid Spillgate Replacement and Armoring project.

The Chairman then called for **Action Item 14 - Consideration of and possible action to approve a change order with Zachry Construction Corporation in the amount of \$184,174.20 for work on the Lake Dunlap Spillgate Replacement and Dam Armoring Project (Change Order #23)**. Charlie Hickman, Executive Manager of Engineering, is seeking approval of a change order with Zachry Construction to account for the needed increase in dimensions for the control building to house the new Hydraulic Power Unit for work on the Lake Dunlap Spillgate Replacement and Dam Armoring Project. Upon Motion by Director Carbonara, seconded by Director Valdez, the Board unanimously approved Action Item 13 approving a change order with Zachry Construction Corporation in the amount of \$184,174.20 for work on the Lake Dunlap Spillgate Replacement and Dam Armoring Project (Change Order #23).

The Chairman then called for **Action Item 15 - Consideration of and possible action authorizing the Acting 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 II.**

Peter Newell, Senior Engineering Director, is seeking authorization to execute a Standard Utility Agreement for reimbursement of costs associated with the Texas Department of Transportation's widening of State Highway 46 to cover costs associated with the relocation of 3.4 miles of GBRA's existing 30-inch ductile iron pipeline. Upon Motion by Director Meador, seconded by Director Carbonara, the Board unanimously approved Action Item 15 authorizing the Acting 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 II.

The Chairman then called for **Action Item 16 - Consideration of and possible action approving a Resolution by the Guadalupe-Blanco River Authority to determine the general prevailing wage rate for the construction of a public work project, paid for in whole or in part from public funds, within the geographical limits of GBRA by using the prevailing wage rate as determined by the United States Department of Labor in accordance with the Davis-Bacon Act and its subsequent amendments.** Joe Cole, General Counsel is seeking approval of a Resolution to memorialize the use of the Davis-Bacon Act prevailing wage rates for GBRA public work projects involving the use of federal and federally-assisted funds of contracts. Upon Motion by Director Wisian, seconded by Director Carbonara, the Board unanimously approved Action Item 16 approving a Resolution by the Guadalupe-Blanco River Authority to determine the general prevailing wage rate for the construction of a public work project, paid for in whole or in part from public funds, within the geographical limits of GBRA by using the prevailing wage rate as determined by the United States Department of Labor in accordance with the Davis-Bacon Act

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

The Chairman then 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 court orders to obtain entry onto certain properties for the purpose of making boundary, topographic, environmental, archeological, and geotechnical surveys, and appraisals in connection with the expansion of the raw water pipeline system for the Hays and Caldwell counties onto said properties to be identified to wit:**

**Caldwell County Appraisal District ID No. 13651, Nina Schmidt Sells, Trustee of the Nina Schmidt Sells Property Trust dated December 8, 2008, Caldwell County, Texas, and identified on map attached as Exhibit “A”;**

**Caldwell County Appraisal District ID No. 55188, Nina Schmidt Sells, Trustee of the Nina Schmidt Sells Property Trust dated December 8, 2008, Caldwell County, Texas, and identified on map attached as Exhibit “A”; and**

**Caldwell County Appraisal District ID No. 15025, Diana J. Menn a/k/a Diana Menn Atchison, Caldwell County, Texas, and identified on map attached as Exhibit “A”.** Peter Newell, Senior Engineering Director, is seeking approval of a Resolution approving proceedings to acquire court order necessary to obtain access to certain properties for the purposes of conducting boundary, topographic, environmental, archeological and geotechnical survey in connection with the Carrizo Groundwater Supply Program – TX 130 Expansion project. Upon Motion by Director Old, seconded by Director Meador, the Board unanimously approved Action Item 17 approving a Resolution by the Guadalupe-Blanco River Authority, declaring a public



necessity for the acquisition of court orders to obtain entry onto certain properties for the purpose of making boundary, topographic, environmental, archeological, and geotechnical surveys, and appraisals in connection with the expansion of the raw water pipeline system for the Hays and Caldwell counties onto said properties to be identified to wit:

Caldwell County Appraisal District ID No. 13651, Nina Schmidt Sells, Trustee of the Nina Schmidt Sells Property Trust dated December 8, 2008, Caldwell County, Texas, and identified on map attached as Exhibit “A”;

Caldwell County Appraisal District ID No. 55188, Nina Schmidt Sells, Trustee of the Nina Schmidt Sells Property Trust dated December 8, 2008, Caldwell County, Texas, and identified on map attached as Exhibit “A”; and

Caldwell County Appraisal District ID No. 15025, Diana J. Menn a/k/a Diana Menn Atchison, Caldwell County, Texas, and identified on map attached as Exhibit “A”. A copy of the Resolution is attached and made a part of these minutes.

The Board took a brief recess at 11:24 a.m. and reconvened in Open Session at 11:38 a.m.

The Chairmen then 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 below-average precipitation conditions with declining flows. Canyon Lake is showing about 899.4 feet. Comal Springs is flowing around 130 cfs.

There being no further business to be brought before the Board, the open meeting was recessed at 11:44 a.m. subject to call by the Chairman and convened the meeting in executive session at 11:44 a.m. pursuant to Chapter 551, Texas Government Code.

The open meeting reconvened at 12:21 p.m.

There being no further business to be brought before the Board, the meeting was adjourned at 12:21 p.m. subject to call by the Chairman.

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Chairman

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Secretary