

# **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 New Braunfels, Comal 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, March 20, 2024.**

## **CALL TO ORDER**

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

## **PUBLIC COMMENTS**

1. 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 MAY BE MADE OR ACTION 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**

2. Consideration of and possible action approving the minutes of the February 21, 2024 Board Meeting.
3. Consideration of and possible action approving the monthly financial report for February 2024.
4. Consideration of and possible action approving the monthly operations report for February 2024.
5. Consideration of and possible action approving Directors' expense vouchers for February 2024.
6. Consideration of and possible action approving the minutes of the February 21, 2024 Board Workshop Meeting.

## **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: Safety Update, GBRA water and sewer utility operations, hydroelectric operations, GBRA facilities management including plants and dams, 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 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 Stein Falls Wastewater System Expansion project.

9. Consideration of and possible action approving a resolution authorizing the prepayment of a tax-exempt loan entered into in 2012 for the Stein Falls Wastewater System, with principal due on and after September 15, 2024, and approving other related matters.

10. Consideration of and possible action authorizing Guadalupe-Blanco River Authority staff to open bank and investment accounts for management of proceeds from bonds issued by the Lake McQueeney and Lake Placid Water Control and Improvement Districts.

11. 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 GBRA Carrizo Groundwater Supply Expansion Project (TX-130 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 permanent easements and temporary construction easements 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 ER-04 – Nina Schmidt Sells, Trustee of the Nina Schmidt Sells Separate Property Trust, dated December 8, 2008**, being a 0.8599 of one acre (37,459 square foot) permanent easement, and 0.57 acre (24,829 square foot) temporary construction easement, out of the James George Survey No. 7, Abstract No. 9, Caldwell County, Texas, being a portion that tract described as 31.282 acres conveyed to Nina Schmidt Sells, Trustee of the Nina Schmidt Sells Separate Property Trust dated December 8, 2008

by Special Warranty Deed dated January 29, 2009, as recorded in Volume 559, Page 836, Official Public Records of Real Property, Caldwell County, Texas; said 0.8599 of one acre (37,459 square foot) easement and 0.57 acre (24,829 square foot) temporary construction easement being more particularly described by metes and bounds and survey as follows in Exhibit "A" attached hereto;

**Parcel ER-07 – 2401 CR 219, LLC, a Texas limited liability company**, being a 2.000 acre (87,124 square foot) permanent easement, and 1.30 acre (56,628 square foot) temporary construction easement, out of the Byrd Lockhart Survey No. 8, Abstract No. 17, and the James George Survey No. 7, Abstract No. 9, Caldwell County, Texas, being a portion that tract described as 19.367 acres conveyed to 2401 CR 219, LLC by Warranty Deed with Vendor's Lien dated February 18, 2022, as recorded in Document No. 2022-001401, Official Public Records, Caldwell County, Texas, also being a portion of Lot 2, Block 1, Reyna Acres, a subdivision of Record in Document No. 2016-004886, Official Public Records, Caldwell County, Texas (Cabinet C, Slide 48, Plat Records, Caldwell County, Texas), said Lot 2 (Tract 2) conveyed to 2401 CR 219, LLC by Special Warranty Deed with Vendor's Lien dated February 18, 2022, as recorded in Document No. 2022-001400, Official Public Records, Caldwell County, Texas, and also being a portion of that tract described as 10.124 acres (Tract 1) conveyed to 2401 CR 219, LLC by said Special Warranty Deed with Vendor's Lien, as recorded in said Document No. 2022-01400; said 2.000 acre (87,124 square foot) easement and 1.30 acre (56,628 square foot) temporary construction easement being more particularly described by metes and bounds and survey as follows in Exhibit "B" attached hereto;

**Parcel ER-11 – Joan Marie MacCoy**, being a 2.911 acre (126,796 square foot) permanent easement, and 1.90 acre (82,764 square foot) temporary construction easement, out of the Byrd Lockhart Survey No. 8, Abstract No. 17, Caldwell County, Texas, being a portion that tract described as 105.569 acres conveyed to Joan Marie MacCoy by General Warranty Deed with Vendor's Lien dated August 5, 2016, as recorded in Document No. 2016-004017, Official Public Records, Caldwell County, Texas; said 2.911-acre (126,796 square foot) easement and 1.90 acre (82,764 square foot) temporary construction easement being more particularly described by metes and bounds and survey as follows in Exhibit "C" attached hereto;

**Parcel ER-13 – 183 Lockhart, LLC**, being a 0.9344 of one acre (40,701 square foot) permanent easement, and 0.62 acre (27,007 square foot) temporary construction easement, out of the Byrd Lockhart Survey No. 8, Abstract No. 17, Caldwell County, Texas, being a portion that tract described as 83.879 acres conveyed to 183 Lockhart, LLC by General Warranty Deed dated August 8, 2022, as recorded in Document No. 2022-006425, Official Public Records, Caldwell County, Texas; also being a portion of that tract described as 43.719 acres conveyed to 183 Lockhart, LLC by General Warranty Deed dated August 8, 2022, as recorded in Document No. 2022-006424, Official Public Records, Caldwell County, Texas; said 0.9344 of one acre (40,701 square foot) easement and 0.62 acre (27,007 square foot) temporary construction easement being more particularly described by metes and bounds and survey as follows in Exhibit "D" attached hereto;

**Parcel ER-14 – La Familia Partnership, Ltd.**, being a 2.174 acre (94,698 square foot) permanent easement, and 1.47 acre (64,033 square foot) temporary construction easement, out of the Byrd Lockhart Survey No. 8, Abstract No. 17, Caldwell County, Texas, being a portion of that tract 204.145 acres of land conveyed to La Familia

Partnership, Ltd. by Special Warranty Deed dated January 1, 2000 recorded in Volume 228, Page 493, Official Public Records of Real Property, Caldwell County, Texas; said 2.174 acre (94,698 square foot) easement and 1.47 acre (64,033 square foot) temporary construction easement being more particularly described by metes and bounds and survey as follows in Exhibit "E" attached hereto; and

**Parcel ER-15 – SSPC Development, LLC**, being a 0.1570 of one acre (6,840 square foot) permanent easement, and 0.10 acre (4,356 square foot) temporary construction easement, out of the Byrd Lockhart Survey No. 8, Abstract No. 17, Caldwell County, Texas, being a portion that tract described as 8.827 acres conveyed to SSPC Development, LLC by Special Warranty Deed dated March 16, 2017, as recorded in Document No. 2017-001412, Official Public Records, Caldwell County, Texas; said 0.1570 of one acre (6,840 square foot) easement and 0.10 acre (4,356 square foot) temporary construction easement being more particularly described by metes and bounds and survey as follows in Exhibit "F" attached hereto.

12. Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute a Wholesale Wastewater Service Agreement between Guadalupe-Blanco River Authority and NexMetro Homestead, LP for the Western Duelm Tract.

13. Consideration of and possible action to award a contract between the Guadalupe-Blanco River Authority and a management consulting firm to provide services to conduct an annual evaluation of the performance of the General Manager/CEO.

## **DISCUSSION ITEMS**

14. Discussion regarding the 2024 Update to the Wholesale Drought Contingency Plan for Guadalupe-Blanco River Authority.

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 Chapter 551, Texas Government Code, to discuss one or more of the following matters:

a. Any items listed on this agenda;

b. 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;

c. The following matters: (i) GBRA's Mid-Basin Water User Permit Application in Gonzales County (98th District Court of Travis County); (ii) San Antonio Water System's application to TCEQ for a bed and banks permit on the San Antonio River (TCEQ); (iii) Cibolo Creek Municipal Authority's application to TCEQ for a bed and banks permit on the San Antonio River (TCEQ); (iv) other pending applications for TCEQ water use or water quality permits on which GBRA is the permittee or co-permittee; (v) pending applications for TCEQ water use or water quality permits in the Guadalupe or adjacent river basins; and (vi) pending or threatened litigation to which GBRA is a party or potential party;

- d. 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's district; (ii) exchange, sale, or transfer of real property interests within or adjacent to the boundaries of GBRA's district; and (iii) sale, acquisition, and/or transfer of GBRA water treatment and distribution assets in Calhoun County;
- e. 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;
- f. Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of public officers or employees; and to receive and obtain legal advice regarding same from legal counsel.

- General Manager/CEO, public officers, or employees

No action will be taken in executive session. 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



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Darrell Nichols, General Manager/CEO, GBRA

2225 E. Common St., New Braunfels, Texas 78130 – March 20, 2024