

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, May 15, 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 April 17, 2024 Board Meeting.
3. Consideration of and possible action approving the monthly financial report for April 2024.
4. Consideration of and possible action approving the monthly operations report for April 2024.
5. Consideration of and possible action approving Directors' expense vouchers for April 2024.

GENERAL MANAGER/CEO ITEMS

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: 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, and stewardship.

ACTION ITEMS

7. Consideration of and possible action repealing all previous orders, resolutions, and actions relating to boating, swimming, fishing, and other water-related activities on Lake Dunlap, a GBRA Hydroelectric Lake in Guadalupe County, Texas, and adopting an Order setting forth regulations relating to restricted areas and activities for Lake Dunlap.

8. Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute a Texas Water Code Section 54.2351 Agreement with CR/KWW Partnership, Ltd., Cordillera Ranch Ltd., and Kendall County Municipal Utility District No. 1 relating to the cost sharing and ownership of water and sewer facilities within a portion of the Cordillera Development.

9. Consideration of and possible action to approve a change order with Sundt Construction for the Lake McQueeney Spillgate Replacement and Dam Armoring Project in the amount of \$152,479.06 for additional work associated with obstructions encountered during sheet pile installation.

10. Consideration of and possible action to approve a change order with Sundt Construction for the Lake Placid Spillgate Replacement and Dam Armoring Project in the amount of \$281,930.78 for additional work related to conflicts with the cofferdam waler.

11. 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 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 certain fee estates, 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 CL-02 – Jacob K. Hohertz a/k/a Jacob Kendall Hohertz, being a 0.3434 acre (14,958 square foot) permanent easement, and a 0.23 acre (10,019 square foot)

temporary construction easement out of the William Morrison Survey, Abstract No. 187, Caldwell County, Texas, being a portion of that tract described as 11.000 acres conveyed to Jacob K. Hohertz a/k/a Jacob Kendall Hohertz by General Warranty Deed with Vendor's Lien dated May 27, 2015, as recorded in Document No. 2015-004255, Official Public Records, Caldwell County, Texas; said 0.3434 acre (14,958 square foot) permanent easement and a 0.23 acre (10,109 square foot) temporary construction easement being more particularly described by metes and bounds and survey as follows in Exhibit "A" attached hereto;

Parcel ER-01 – Ashley Hatcher, as sole and separate property, being a 0.2558 acre (11,143 square foot) permanent easement, and a 0.18 acre (7,841 square foot) temporary construction easement out of the James George Survey No. 7, Abstract No. 9, Caldwell County, Texas, being a portion of that tract described as 49.781 acres conveyed to Ashley Hatcher by Executor's Deed Dated August 1, 2023, as recorded in Document No. 2023-004801, Official Public Records, Caldwell County, Texas; said 0.2558 acre (11,143 square foot) permanent easement and a 0.18 acre (7,841 square foot) temporary construction easement being more particularly described by metes and bounds and survey as follows in Exhibit "B" attached hereto;

Parcel ER-09 – Mark Allen George and Elspeth Ferguson George, being a 2.039 acre (88,808 square foot) permanent easement, and a 1.37 acre (59,677 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 described as 81.33 acres conveyed to Mark Allen George and Elspeth Ferguson George by Warranty Deed with Vendor's Lien dated October 11, 1996, as recorded in Volume 153, Page 735, Official Public Records of Real Property, Caldwell County, Texas, being corrected in Corrective Warranty Deed with Vendor's Lien dated November 18, 1996, as recorded in Volume 155, Page 368, Official Public Records of Real Property; Caldwell County, Texas, and also being a portion of that tract described as 86.667 acres conveyed to Mark Allen George and Elspeth Ferguson George by Warranty Deed dated March 10, 2000, as recorded in Volume 233, Page 771, Official Public Records of Real Property, Caldwell County, Texas; said 2.039 acre (88,808 square foot) permanent easement and 1.37 acre (59,677 square foot) temporary construction easement being more particularly described by metes and bounds and survey as follows in Exhibit "C" attached hereto;

Parcel ER-10 – William Robert Clark also known as William R. Clark and Anne J. Clark and Ron William Wetz, Individually and as Trustee of the Kurt William Wetz Trust, being a 1.725 acre (75,131 square foot) permanent easement, and a 1.15 acre (50,094 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 described as 276 acres conveyed to William R. Clark and Anne J. Clark (Undivided 75% Interest) by General Warranty Deed dated February 23, 2007, as recorded in Volume 486, Page 894, Official Public Records of Real Property, Caldwell County, Texas, and said tract described as 276 acres also conveyed to Ron William Wetz, Individually and as Trustee of the Kurt William Wetz Trust (Undivided 25% Interest) by Warranty Deed dated December 21, 1999, as recorded in Volume 229, Page 159, Official Public Records of Real Property, Caldwell County, Texas; said 1.725 acres (75,131 square foot) permanent easement and 1.15 acre (50,094 square foot) temporary construction easement being more particularly described by metes and bounds and survey as follows

in Exhibit "D" attached hereto;

Parcel NR-01B – Alan Wayne Balser and Pamela Guffey Balser, being a 1.405 acre (61,195 square foot) permanent easement, and a 0.70 acre (30,492 square foot) temporary construction easement, out of the Cornelius Crenshaw Survey, Abstract No. 68, Caldwell County, Texas, being a portion of the remainder of that tract described as 228.120 acres conveyed to Alan Wayne Balser and Pamela Guffey Balser by Warranty Deed with Vendor's Lien dated October 16, 2017, as recorded in Document No. 2017-005439, Official Public Records, Caldwell County, Texas; said 1.405 acre (61,195 square foot) permanent easement, and a 0.70 acre (30,492 square foot) temporary construction easement, being more particularly described by metes and bounds and survey as follows in Exhibit "E" attached hereto;

Parcel NR-02 – Jason Gary Balser and Clay Forrester Balser, being a 0.8870 acre (38,639 square foot) permanent easement, and a 0.59 acre (25,700 square foot) temporary construction easement, out of the Cornelius Crenshaw Survey, Abstract No. 68, Caldwell County, Texas, being a portion of the remainder of that tract described as 61.058 acres (save and except 21.019 acres) conveyed to Jason Gary Balser and Clay Forrester Balser, by General Warranty Deed dated April 2, 2018, as recorded in Document No. 2018-001814, Official Public Records, Caldwell County, Texas; said 61.058 acres being additionally described in Document No. 2015-006133, Official Public Records, Caldwell County, Texas; said 0.8870 acre (38,639 square foot) permanent easement and 0.59 acre (25,700 square foot) temporary construction easement, being more particularly described by metes and bounds and survey as follows in Exhibit "F" attached hereto;

Parcel NR-06 – King Farm Partners LP, a Texas limited partnership, being a 0.5269 acre (22,951 square foot) permanent easement, and a 0.32 acre (13,939 square foot) temporary construction easement out of the Cornelius Crenshaw Survey, Abstract No. 68, Caldwell County, Texas, being a portion of that tract described as 5.215 acres conveyed to Kin Farm Partners LP by Warranty dated July 12, 2022, as recorded in Document No. 2022-005503, Official Public Records, Caldwell County, Texas; said 0.5269 acre (22,951 square foot) permanent easement and a 032 acre (13,939 square foot) temporary construction easement being more particularly described by metes and bounds and survey as follows in Exhibit "G" attached hereto;

Parcel NR-12 – Thomas E. Hendershot, Jr., being a 0.0346 acre (1,507 square foot) permanent easement, and 0.02 acre (871 square foot) temporary construction easement, out of the Cornelius Crenshaw Survey, Abstract No. 68, Caldwell County, Texas,, being a portion that tract described as 1.000 acres conveyed to Thomas E. Hendershot, Jr. by General Warranty Deed dated September 14, 2010, as recorded in Volume 629, Page 462, Official Public Records of Real Property, Caldwell County, Texas; said 0.0346 acre (1,507 square foot) permanent easement, and 0.02 acre (871 square foot) temporary construction easement, being more particularly described by metes and bounds and survey as follows in Exhibit "H" attached hereto;

Parcel NR-16 – Uhland High Ground Group, LLC, being a 0.0211 acre (917 square foot) permanent easement, and 0.01 acre (436 square foot) temporary construction easement, out of the William Morrison Survey, Abstract No. 200, Caldwell County, Texas, being a portion of that tract described as 576.01 acres conveyed to Uhland High Ground Group, LLC by Warranty Deed with Vendor's Lien dated May 7, 2021, as

recorded in Document No. 2021-007504, Official Public Records, Caldwell County, Texas; said 0.0211 acre (917 square foot) permanent easement, and 0.01 acre (436 square foot) temporary construction easement, being more particularly described by metes and bounds and survey as follows in Exhibit "I" attached hereto;

Parcel NR-27 – Schmidt Cattle, L.P., a Texas limited partnership, being a 0.4688 acre (20,421 square foot) permanent easement, and 0.34 acre (14,810 square foot) temporary construction easement, out of the John V. Morton Survey, Abstract No. 196, Caldwell County, Texas, being a portion of that tract described as 19.67 acres conveyed to Schmidt Cattle, L.P., by Special Warranty Deed dated July 16, 2009, as recorded in Volume 577, Page 657, Official Public Records of Real Property, Caldwell County, Texas, also being a portion of that tract described as 157.435 acres conveyed to Schmidt Cattle, L.P. by Special Warranty Deed dated July 16, 2009, as recorded in Volume 577, Page 607, Official Public Records of Real Property, Caldwell County, Texas; said 0.4688 acre (20,421 square foot) permanent easement, and 0.34 acre (14,810 square foot) temporary construction easement, being more particularly described by metes and bounds and survey as follows in Exhibit "J" attached hereto;

Parcel NR-33 – Edward Nicholas Cole, Jr., Trustee of the Edward N. Cole, Jr. Separate Descendants Trust (an undivided 75% interest) and William Jefferson McVey, III, Trustee of the William J. McVey, III Separate Descendants Trust (an undivided 25% interest), being a 4.040 acre (176,001 square foot) permanent easement, and 2.68 acre (116,741 square foot) temporary construction easement, out of the Isaac Jackson Survey, Abstract No. 157, and the John Mott Survey, Abstract No. 191, Caldwell County, Texas, being a portion of that tract described as 365.696 acres (Exhibit A-2, Tract 2) conveyed to Anne Cole-Pierce, William Jefferson McVey, III, Robert Michael Joseph Cole and Edward Nicholas Cole, Jr., Co-Trustees of the Edward N. Cole, Jr. Separate Descendants Trust (Undivided 75% Interest) by Trustee's Distribution Deed dated June 13, 2018, as recorded in Document No. 2018-003353, Official Public Records, Caldwell County, Texas, Corrected in Correction Affidavit as to Trustees 003354, Official Public Records, Caldwell County, Texas, Corrected in Correction Affidavit as to Trustees Distribution Deed dated July 16, 2018, and recorded in Document No. 2018-004114, Official Public Records, Caldwell County, Texas; said 4.040 acre (176,001 square foot) permanent easement, and 2.68 acre (116,741 square foot) temporary construction easement, being more particularly described by metes and bounds and survey as follows in Exhibit "K" attached hereto; and

Parcel NR-36 – Dora Cunningham, being a 0.1449 acre (6,313 square foot) permanent easement, and 0.09 acre (3,920 square foot) temporary construction easement, out of the William Morrison Survey, Abstract No. 187, Caldwell County, Texas, being a portion of that tract described as 3.315 acres conveyed to Dora Cunningham by General Warranty Deed with Vendor's Lien dated January 3, 2014, as recorded in Document No. 140027, Official Public Records of Real Property, Caldwell County, Texas; said 0.1449 acre (6,313 square foot) permanent easement, and 0.09 acre (3,920 square foot) temporary construction easement, being more particularly described by metes and bounds and survey as follows in Exhibit "L" attached hereto.

12. Consideration of and possible action authorizing a resolution of the Board of Directors of the Guadalupe-Blanco River Authority approving amendments to GBRA's Drought Contingency Plan for Wholesale Customers.

13. Consideration of and possible action authorizing a resolution of the Board of Directors of the Guadalupe-Blanco River Authority approving amendments to GBRA's Water Conservation Plan for Wholesale Customers.

DISCUSSION ITEMS

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

ITEMS FOR EXECUTIVE SESSION

15. 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

Darrell Nichols

Darrell Nichols, Acting General Manager/CEO, GBRA
2225 E. Common Street New Braunfels, Texas 78130 - May 10, 2024