

# **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 St., Seguin, Guadalupe County, Texas, at 10:00 a.m., on Wednesday, October 16, 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 September 18, 2024 Board Meeting.
3. Consideration of and possible action approving the monthly financial report for September 2024.
4. Consideration of and possible action approving the monthly operations report for September 2024.
5. Consideration of and possible action approving Directors' expense vouchers for September 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 approving a Resolution authorizing the issuance of \$40,000,000 in aggregate principal amount of Guadalupe-Blanco River Authority Contract Revenue Bonds, Series 2024 (Low-Interest Financing) (Carrizo Groundwater Supply Expansion Project); authorizing the sale thereof to the Texas Water Development Board (TWDB) through its State Water Implementation Fund for Texas (SWIFT) Program; approving and authorizing the execution of a Paying Agent/Registrar Agreement with UMB Bank, N.A. and an Escrow Agreement related to such bonds; approving and authorizing all other instruments and procedures related thereto; and providing for an immediate effective date.

8. Consideration of and possible action approving the January 1, 2024 actuarial valuation for the Retirement Plan for Employees of the Guadalupe-Blanco River Authority and the recommended contribution of \$1,099,510.

9. Consideration of and possible action adopting a resolution requesting financial assistance from the Texas Water Development Board for engineering design for the expansion of the Sunfield Wastewater System Project; authorizing the filing of an application for financial assistance; and making certain findings in connection therewith.

10. 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-01 – Bob White Ranch Partners, LP, a Texas limited partnership**, being a 0.3369 acre (14,676 square foot) easement, and a 0.25 acre (10,890 square foot) temporary construction easement, out of the William Morrison Survey, Abstract No. 187, Caldwell County, Texas, being a portion that certain 93.3479 acres conveyed to Bob White Ranch Partners, LP, by General Warranty Deed, dated September 28, 2020, as recorded in Document No. 2020-005485, Official Public Records, Caldwell County, Texas; said 0.3369 acre (14,676 square foot) easement, and a 0.25 acre (10,890 square foot) temporary construction easement being more particularly described by metes and bounds and survey as follows in Exhibit "A" attached hereto; and

**Parcel MD-01 and MD-01A – Payne TX RE 2720, L.P., MD-01** - being a 1.560 acre (67,935 square foot) permanent easement, and a 1.04 acre (45,302 square foot) temporary construction easement, out of the Cornelius Crenshaw Survey, Abstract No. 68, Caldwell County, Texas, being a portion that certain 62.980 acre tract as conveyed to Payne TX RE 2720, LP by General Warranty Deed, dated August 22, 2022, as recorded in Document No. 2022-007962, Official Public Records, Caldwell County, Texas; said 1.560 acre (67,935 square foot) easement, and a 1.04 acre (45,302 square foot) temporary construction easement being more particularly described by metes and bounds and survey as follows in Exhibit "B-1" attached hereto; and

**MD-01A** - being a 0.0107 acre (464 square foot) permanent easement, and a 0.01 acre (435 square foot) temporary construction easement, out of the Martin McFerrin Survey, Abstract No. 204, Caldwell County, Texas, said 0.0107 acre (464 square foot) easement, and a 0.01 acre (435 square foot) temporary construction easement being more particularly described by metes and bounds and survey as follows in Exhibit "B-2" attached hereto; and

**Parcel NR-17 – Caroline Barnes, as Dependent Administrator of the Estate of Jeremy Wendel Barnes, deceased, who acquired as Jeremy Barnes, under Probate Cause No. 24-037-PR, Kendall County, Texas.**, being a 3.250 acre (141,579 square foot) permanent easement, and a 2.2 acre (95,382 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 711.13 acres conveyed to Jeremy Barnes by Special Warranty Deed, dated 05/21/2015, recorded in Document No. 2015-004019, Official Public Records, Caldwell County, Texas; said 3.250 acre (141,579 square foot) easement, and a 2.2 acre (94,382 square foot) temporary construction easement being more particularly described by metes and bounds and survey as follows in Exhibit "C" attached hereto; and

**Parcel NR-23A – Patti G. Robinson., Individually; and Alan Loyd Robinson also known as Alan L. Robinson and Lisa Nehring Robinson also known as Lisa N. Robinson, as the Co-Trustees of the Alan and Lisa Robinson Revocable Trust,** being a 0.2058 acre (8,966 square foot) permanent easement, and a 0.14 acre (6,098 square foot) temporary construction easement, out of the Samuel Carson Survey, Abstract No. 86, Caldwell County, Texas, being a portion of that certain 10.012 acre tract as conveyed to Alan L. Robinson, Lisa N. Robinson and Patti G. Robinson by General Warranty Deed, dated 05/24/2017, recorded in Document No. 2017-002761, Official Public Records, Caldwell County, Texas, and subsequently conveyed from Alan L. Robinson and Lisa N. Robinson to Alan Loyd Robinson (also known as Alan L. Robinson) and Lisa Nehring Robinson (also known as Lisa N. Robinson) Co-Trustees of the Alan and Lisa Robinson Revocable Trust by Deed dated June 10, 2019, as recorded in Document No. 2019-0022851, Official Public Records, Caldwell County, Texas; said 0.2058 acre (8,966 square foot) easement, and a 0.14 acre (6,098 square foot) temporary construction easement being more particularly described by metes and bounds and survey as follows in Exhibit “D” attached hereto; and

**Parcel NR-23B – Alan Loyd Robinson (also known as Alan L. Robinson) and Lisa Nehring Robinson (also known as Lisa N. Robinson) Co-Trustees of the Alan and Lisa Robinson Revocable Trust,** being a 0.6973 acre (30,375 square foot) permanent easement, and a 0.50 acre (21,780 square foot) temporary construction easement, out of the Samuel Carson Survey, Abstract No. 86, Caldwell County, Texas, being a portion of that certain tract described as 10.00 acres (second tract) conveyed to Alan Loyd Robinson (also known as Alan L. Robinson), and Lisa Nehring Robinson (also known as Lisa N. Robinson) Co-Trustees of the Alan and Lisa Robinson Revocable Trust by Deed, dated June 11, 2019, recorded in Document No. 2019-002852, Official Public Records, Caldwell County, Texas; said 0.6973 acre (30,375 square foot) easement, and a 0.50 acre (21,780 square foot) temporary construction easement being more particularly described by metes and bounds and survey as follows in Exhibit “E” attached hereto; and

**Parcel NR-24 – Julie W. Moore; Ann Whitworth Messer; and Gary Scott Whitworth, as Independent Executor of the Estate of H. Philip Whitworth, Jr., deceased, under Probate Cause No. C-1-PB-22-002636, Travis County, Texas,** being a 1.333 acre (58,072 square foot) permanent easement, and a 0.50 acre (21,780 square foot) temporary construction easement, out of the Samuel Carson Survey, Abstract No. 86, Caldwell County, Texas, being a portion of Lot 130, C.M. Rogers Subdivision, a subdivision of record in Cabinet A, Slide 98, Plat Records, Caldwell County, Texas, being described as 300 acres (Tract One – 100 acres, Tract Two – 100 acres, and Tract Three – 100 acres) conveyed to Julie W. Moore, Anne Whitworth Messer and H. Philip Whitworth, Jr. (undivided one-third interests each) by Warranty Deed dated October 20, 1995, as recorded in Volume 135, Page 681, Official Public Records of Real Property, Caldwell County, Texas, and being corrected as 297.784 acres (Tract One – 100 acres, Tract Two – 100 acres, and Tract Three – 97.784 acres, described in two separate parcels as 22.79 acres – First Parcel, and 74.994 acres – Second Parcel) by Correction Warranty

Deed dated April 28, 1999, as recorded in Volume 210, Page 293, Official Public Records of Real Property, Caldwell County, Texas; said 1.333 acres (58,072 square foot) easement, and a 0.50 acre (21,780 square foot) temporary construction easement, being more particularly described by metes and bounds and survey as follows in Exhibit "F" attached hereto.

11. Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute a Texas Water Code Section 13.248 Agreement between the Guadalupe-Blanco River Authority (GBRA) and South Central Water Company (South Central), pursuant to which South Central will provide wastewater service in a portion of GBRA's sewer Certificate of Convenience and Necessity, number 20892.

12. 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 Carrizo Groundwater Supply Expansion Project Eastern Pipeline Project.

13. 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 Carrizo Groundwater Supply Expansion Project Northern Pipeline Project.

14. 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 Carrizo Groundwater Supply Expansion Project Booster Pump Station Project.

15. 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 SH-46 Relocation Phase II Project.

## **DISCUSSION ITEMS**

16. Discussion regarding One Water New Braunfels Annual Report and Presentation.

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

## **ITEMS FOR EXECUTIVE SESSION**

18. 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 Street, New Braunfels,  
Texas 78130 – October 10, 2024