

# **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 Thursday, June 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 May 15, 2024 Board Meeting.
3. Consideration of and possible action approving the monthly financial report for May 2024.
4. Consideration of and possible action approving the monthly operations report for May 2024.
5. Consideration of and possible action approving Directors' expense vouchers for May 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 authorizing the General Manager/CEO to negotiate and execute a purchase agreement and related documents for the purchase of land and a building in Tivoli, Texas, and authorize the use of financial reserves for the purchase.

8. Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute contracts for sludge dewatering, hauling and disposal for Western Canyon Water Treatment Facility.

9. 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 GD-01 – SBAM Investment, LLC**, being a 0.1237 acre (5,390 square foot) permanent easement, and a 0.09 acre (3,920 square foot) temporary construction easement out of the Elizabeth Brown Survey No. 9, Abstract No. 33, Hays County, Texas, being a portion Lot 88, C.M. Rogers Subdivision, a Subdivision of Record in Volume 142, Page 310, Deed Records, Hays County, Texas, said portion of Lot 88 being described as 0.990 of one acre conveyed to SBAM Investment LLC by General Warranty Deed dated January 22, 2024, as recorded in Document No. 24002422, Official Records, Hays County, Texas; said 0.1237 acre (5,390 square foot) permanent easement and a 0.09 acre (3,920 square foot) temporary construction easement being more particularly described by metes and bounds and survey as follows in Exhibit "A" attached hereto;

**Parcel NR-05 – 92A Partnership, LLC, a Wyoming limited liability company,** being a 3.208 acre (139,720 square foot) permanent easement, and a 2.14 acre (93,218 square foot) temporary construction easement out of the Cornelius Crenshaw Survey, Abstract No. 68, Caldwell County, Texas, being a portion that tract described as 92.793 acres conveyed to 92A Partnership, LLC by Special Warranty Deed with Vendor's Lien dated December 21, 2021, as recorded in Document No. 2021-009427, Official Public Records, Caldwell County, Texas; said 3.208 acre (139,720 square foot) permanent easement and a 2.14 acre (93,218 square foot) temporary construction easement being more particularly described by metes and bounds and survey as follows in Exhibit "B" attached hereto;

**Parcel NR-08 – Kenneth Niemann, a/k/a Kenneth R. Niemann, a/k/a Kenneth Ray Niemann and Barbara J. Niemann, a/k/a Barbara Jean Niemann,** being a 1.401 acre (61,047 square foot) permanent easement, and a 0.94 acre (40,946 square foot) temporary construction easement, out of the Cornelius Crenshaw Survey, Abstract No. 68, Caldwell County, Texas, being a portion that tract described as 27.632 acres conveyed to Kenneth Ray Niemann and Barbara Jean Niemann by Warranty Deed with Vendor's Lien dated December 30, 1993, as recorded in Volume 104, Page 254, Official Public Records of Real Property, Caldwell County, Texas, and being a portion of that tract described as 175.96 acres to Kenneth Niemann by Deed dated November 22, 1978, as recorded in Volume 401, Page 557, Deed Records, Caldwell County, Texas, and to Barbara J. Niemann (Undivided 50% Interest) by Warranty Deed dated November 7, 2006, as recorded in Volume 510, Page 495, Official Public Records of Real Property, Caldwell County, Texas; said 1.401 acre (61,047 square foot) permanent easement and 0.94 acre (40,946 square foot) temporary construction easement being more particularly described by metes and bounds and survey as follows in Exhibit "C" attached hereto;

**Parcel NR-09A – EMG Properties, LLC, a Texas limited liability company,** being a 0.7361 acre (32,063 square foot) permanent easement, and a 0.49 acre (21,344 square foot) temporary construction easement, out of the Cornelius Crenshaw Survey, Abstract No. 68, Caldwell County, Texas, being a portion that tract described as 115.437 acres (Exhibit "B") conveyed to EMG Properties, LLC (Second Party) by Partition Deed dated August 17, 2023, as recorded in Document No. 2023-005612, Official Public Records, Caldwell County, Texas; said 0.7361 acres (32,063 square foot) permanent easement and 0.49 acre (21,344 square foot) temporary construction easement being more particularly described by metes and bounds and survey as follows in Exhibit "D" attached hereto;

**Parcel NR-10 – Derek Emadi and Kelly M. Emadi f/k/a Kelly M. Jurgenson,** being a 0.2547 acre (11,093 square foot) permanent easement, and a 0.17 acre (7,405 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 9.9818 acres conveyed to Derek Emadi and Kelly M. Jurgensen by Special Warranty Deed with Vendor's Lien dated December 16, 2011, as recorded in Document No. 120376, Official Public Records of Real Property, Caldwell County, Texas; said 0.2547 acre (11,093 square foot) permanent easement, and a 0.17 acre (7,405 square foot) temporary construction easement, being more particularly described by metes and bounds and

survey as follows in Exhibit "E" attached hereto;

**Parcel NR-11 – Alan Balser and wife, Pam Balser**, being a 0.5836 acre (25,421 square foot) permanent easement, and a 0.39 acre (16,998 square foot) temporary construction easement, consisting of two parts, out of the Cornelius Crenshaw Survey, Abstract No. 68, Caldwell County, Texas, being a portion the remainder of that tract described as 35.00 acres (Tract 1) conveyed to Alan Balser and Pam Balser by General Warranty Deed dated July 30, 2009, as recorded in Volume 576, Page 467, Official Public Records of Real Property, Caldwell County, Texas, being corrected in Volume 577, Page 5, Official Public Records of Real Property, Caldwell County, Texas; said 0.5836 acre (25,421 square foot) permanent easement and 0.39 acre (16,998 square foot) temporary construction easement, being more particularly described by metes and bounds and survey as follows in Exhibit "F" attached hereto;

**Parcel NR-14 – Open R. Family Partnership, Ltd. a Texas limited partnership**, being a 7.524 acre (327,764 square foot) permanent easement, and a 5.10 acre (222,156 square foot) temporary construction easement consisting of two parts out of the William Morrison Survey, Abstract No. 200, and the William Morrison Survey, Abstract No. 187, Caldwell County, Texas, being a portion those tracts described as 160.8 acres (Ninth Tract – Exhibit "G"), 2.169 acres (Eleventh Tract – Exhibit "H"), the remainder of 153.00 acres (Fourth Tract – Exhibit "E"), 85.5 acres (Second Tract – Exhibit "C"), 15.00 acres (Third Tract – Exhibit "D"), and the remainder of 100.00 acres (First Tract – Exhibit "A") conveyed to Open R. Family Partnership, Ltd. by Correction Special Warranty Deed executed May 28, 2008, Effective December 31, 2007, as recorded in Volume 536, Page 157, Official Public Records of Real Property, Caldwell County, Texas; said 7.524 acres (327,764 square foot) permanent easement and a 5.10 acre (222,156 square foot) temporary construction easement being more particularly described by metes and bounds and survey as follows in Exhibit "G" attached hereto;

**Parcel NR-18 – Juan Reyes Yescas and Rosario Yescas**, being a 0.3183 acre (13,865 square foot) permanent easement, and 0.21 acre (9,148 square foot) temporary construction easement, out of the Samuel B. Carson Survey, Abstract No. 86, Caldwell County, Texas,, being a portion that tract described as 11.00 acres conveyed to Juan Reyes Yescas and Rosario Yescas by Warranty Deed with Vendor's Lien dated May 29, 2019, as recorded in Document No. 2019-002816, Official Public Records, Caldwell County, Texas; said 0.3183 acre (13,865 square foot) permanent easement, and 0.21 acre (9,148 square foot) temporary construction easement, being more particularly described by metes and bounds and survey as follows in Exhibit "H" attached hereto;

**Parcel NR-19 – Luis O. Mancía a/k/a Luis Orlando Mancía and Ana D. Ramirez Mancía**, being a 0.3182 acre (13,860 square foot) permanent easement, and 0.21 acre (9,148 square foot) temporary construction easement, out of the Samuel B. Carson Survey, Abstract No. 86, Caldwell County, Texas, being a portion that tract described as 11.00 acres conveyed to Luis O. Mancía a/k/a Luis Orlando Mancía and Ana D. Ramirez Mancía by Warranty Deed with Vendor's Lien dated July 25, 2019, as recorded in Document No. 2019-005385, Official Public Records, Caldwell County, Texas; said

0.3182 acre (13,860 square foot) permanent easement, and 0.21 acre (9,148 square foot) temporary construction easement, being more particularly described by metes and bounds and survey as follows in Exhibit "I" attached hereto;

**Parcel NR-22 – Victor Salaz and Maria D. Martinez De Salas**, being a 1.289 acre (56,145 square foot) permanent easement, and 0.87 acre (37,897 square foot) temporary construction easement, out of the Samuel B. Carson Survey, Abstract No. 86, Caldwell County, Texas, being a portion that tract described as 118.51 acres conveyed to Victor Salaz and Maria D. Martinez De Salas by General Warranty Deed with Vendor's Lien dated May 19, 2016, as recorded in Document No. 2016-002547, Official Public Records, Caldwell County, Texas; said 1.289 acre (56,145 square foot) permanent easement, and 0.87 acre (37,897 square foot) temporary construction easement, being more particularly described by metes and bounds and survey as follows in Exhibit "J" attached hereto;

**Parcel NR-25 – Schmidt Cattle, LP, a Texas limited partnership**, being a 4.238 acre (184,601 square foot) permanent easement, and 2.83 acre (123,275 square foot) temporary construction easement, out of the Prosper Hope Survey, Abstract No. 135, and the Samuel B. Carson Survey, Abstract No. 86, Caldwell County, Texas, being a portion of Lots 113, 132 and 134, C.M. Rogers Subdivision, a Subdivision of Record in Cabinet A, Slide 98, Plat Records, Caldwell County, Texas, being described as 219.46 acres conveyed to Schmidt Cattle, L.P. by Special Warranty Deed dated July 16, 2009, as recorded in Volume 577, Page 632, Official Public Records of Real Property, Caldwell County, Texas; said 4.238 acre (184,601 square foot) permanent easement, and 2.83 acre (123,275 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-30 – Gloria Hoppe Matejowsky**, being a 4.185 acre (182,291 square foot) permanent easement, and 2.7646 acre (120,426 square foot) temporary construction easement, out of the John V. Morton Survey, Abstract No. 196, and the Elizabeth Brown Survey, Abstract No. 368, Caldwell County, Texas, being a portion of Lots 106 and 108, C.M. Rogers Subdivision, a Subdivision of Record in Cabinet A, Slide 98, Plat Records, Caldwell County, Texas, being the remainder of that tract described as 83 acres (Second Tract) and the remainder of that tract described as 100 acres (First Tract) conveyed to Gloria Hoppe Matejowsky by Deed dated October 26, 1965, as recorded in Volume 311, Page 445, Deed Records, Caldwell County, Texas; said 4.185 acre (182,291 square foot) permanent easement, and 2.7646 acre (120,426 square foot) temporary construction easement, being more particularly described by metes and bounds and survey as follows in Exhibit "L" attached hereto.

10. Consideration of and possible action approving an amendment to the GBRA Fiscal Year 2024 Work Plan and Budget to adopt rates for the Carrizo Groundwater System and Carrizo Water Treatment Plant.

11. Consideration of and possible action authorizing Guadalupe-Blanco River Authority staff to open an investment account for management of proceeds for the Carrizo Groundwater System expansion.

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 Regional SCADA Tower 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 Canyon Hydro Switch Replacement Project.

14. Consideration of and possible action approving the salary, compensation and benefits for the General Manager/CEO of the Guadalupe-Blanco River Authority.

## **DISCUSSION ITEMS**

15. Discussion and presentation of the Fiscal Year 2025 draft Guadalupe-Blanco River Authority Work Plan and Budget.

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

## **ITEMS FOR EXECUTIVE SESSION**

17. 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 - June 13, 2024

