

GUADALUPE-BLANCO RIVER AUTHORITY
Minutes of the Board of Directors
July 17, 2024

The Board of Directors of the Guadalupe-Blanco River Authority met in a regular meeting on July 17, 2024, at the GBRA Annex Building Board Room, 905 Nolan, Seguin, Guadalupe County, Texas. Directors present were Dennis Patillo, Sheila Old, Stephen B. Ehrig, Emanuel Valdez, John Cyrier, Patrick Cohoon, and Robert Blaschke. Director Meador and Director Carbonara were not present. Present in the Annex Building in Seguin, Texas were Darrell Nichols, General Manager/CEO; Jonathan Stinson, Deputy General Manager; Vanessa Guerrero, Executive Manager of Administration; Randy Staats, Executive Manager of Finance/CFO; Charles Hickman, Executive Manager of Engineering; Chad Norris, Deputy Executive Manager of Environmental Science; David Harris, Executive Manager of Operations; Adeline Fox, Executive Manager of Communications and Outreach; and Joseph Cole, General Counsel.

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 and at the GBRA office in New Braunfels, Texas, pursuant to Title 5, Chapter 551 of the Texas Government Code. A quorum being present, the following proceedings were had:

Director Cohoon led the Pledges of Allegiance to the United States flag and the Texas flag.

The Chairman then called for **Public Comments from the public**. There were no general comments from the public, but two individuals expressed a desire to provide comment later on Agenda Item 13.

The Chairman called for **Consent Item 2 - Consideration of and possible action approving the minutes of the June 20, 2024 Board Meeting; Consent Item 3 - Consideration of and possible action approving the monthly financial report for June 2024; Consent Item**

4 - Consideration of and possible action approving the monthly operations report for June 2024; and Consent Item 5 - Consideration of and possible action approving Directors' expense vouchers for June 2024. Upon Motion by Director Cohoon, seconded by Director Ehrig, the Board unanimously approved Consent Items 2, 3, 4, and 5.

The Chairman then called for **General Manager/CEO Item 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.** Amanda Buchanan, Safety Manager, stated there were no lost time incidents and one near-miss incident reported during this period. During July, staff training focused on situational awareness. Mrs. Buchanan briefed the Board on upcoming occupational health tests scheduled for July. GBRA's consultant has provided the final draft of the Hazard Mitigation Action Plan (HMAP), which is being reviewed by the Executive management team for final internal approval. The HMAP will then be submitted to the Texas Department of Emergency Management ("TDEM") for review. Site safety visits were conducted at the Hays/Caldwell water treatment plant ("WTP"), Luling WTP, and the Gorge. The short safety employee feedback form is being implemented for staff employed for less than six months to help monitor awareness of GBRA's health and safety policies and procedures. Next,

Chad Norris, Deputy Executive Manager of Environmental Science, provided the quarterly environmental report to the Board. Mr. Norris discussed the recent publishing in the Federal Register of a rule, effective July 5, 2024, listing as endangered three Texas freshwater mussels, including the Guadalupe Orb, Guadalupe Fatmucket, and the False Spike. In 2021/2022, GBRA applied to the United States Fish and Wildlife Service (“USFWS”) for funding for GBRA’s HCP, and was awarded grant funding. GBRA applied for and received another round of grant funding from USFWS for the 2024-2026 HCP activities. Texas Parks and Wildlife Department (TPWD) is the state grant administrator for both grants. The additional grant is intended to cover activities relating to the expanded scope of GBRA’s HCP, including additional modeling, second-party participation, and the utilization of a technical advisory group (TAG). There is a 25% GBRA match requirement for the grant. GBRA has completed the first three chapters of the HCP with positive feedback received from the USFWS and TAG. The completed plan will consist of twelve chapters. Chapters four and five will consist of data from running models and interpreting those results. A TAG/USFWS workshop was held in May to discuss HCP water quantity and quality modeling results. The fourth Public Stakeholder Meeting will be held in late July to discuss the results of hydrologic modeling, climate change approach, and second-party process update. GBRA recently hosted the First Annual River Authorities Endangered Species Workshop to share and discuss conservation plans and review feedback from USFWS. GBRA is currently performing nutrient data collection which consists of gathering data on nutrients in the basin from the headwaters of the Guadalupe River to Canyon Lake and the San Marcos River. The study will focus on total phosphorus, nitrate-nitrogen, total Kjeldahl nitrogen, and field parameters. GBRA is partnering with the Upper Guadalupe River Authority for data collection. GBRA and partners recently hosted five river clean-ups at Geronimo, Alligator, and Plum Creeks. Volunteers removed over 13,000 pounds of trash and 470 pounds of recyclable material

and a GBRA partner hosted a public tire collection event that gathered over 2,500 used tires. The Clean Rivers Program Steering and Monitoring Committee meeting was held to have an open discussion of ongoing projects and water quality concerns in the Guadalupe River Basin. GBRA staff attended the annual Texas Chapter American Fisheries Society meeting held in Nacogdoches, Texas. GBRA was also involved in the San Antonio River Authority mussel reintroduction event at the Mission Reach of the San Antonio River. For the past two summers, GBRA has conducted mussel quantitative sampling and monitoring to prepare presence/absence surveys. This sampling is in connection with the HCP and will inform impact assessment and monitoring method development. Mr. Norris also briefed the Board on GBRA staff's recent tour of the USFWS Inks Dam National Fish Hatchery to learn about mussel reproduction research and discuss potential future collaboration. GBRA assisted Texas State University in its research involving the collection and extraction of DNA from Round Pearlshell mussels across the state including the Guadalupe River. GBRA staff observed the three-day maintenance dewatering of the La Junta recreational camp dam on the South Fork Guadalupe River near Hunt, Texas. GBRA was able to assist in the salvage and relocation of over 6,600 Paper Pondshell mussels and over 400 fish. GBRA also assisted in conservation efforts for Whooping Cranes with information relating to a successful Whooping Crane migration.

The Chairman called for **Action Item 7 - Consideration of and possible action approving an amendment to GBRA's Board Policy 303 - Procurement.** Randy Staats, Executive Manager of Finance/CFO, is seeking approval to amend GBRA Board Policy 303 – Procurement to clarify the use of electronic bidding in compliance with Texas Water Code (“TWC”) § 49.2731. GBRA has elected to accept a majority of its procurement submittals in electronic format, which benefits vendors and GBRA. Upon Motion by Director Old, seconded by Director Ehrig, the Board unanimously approved Action Item 7 approving an amendment to GBRA's Board Policy 303 - Procurement.

The Chairman then called for **Action Item 8 - Consideration of and possible action approving an amendment to GBRA's Board Policy 411 - Capital Assets.** Randy Staats, Executive Manager of Finance/CFO, is seeking approval to amend GBRA Board Policy 411 - Capital Assets to increase the capital asset threshold to \$10,000 to align with the new federal threshold. Upon Motion by Director Cohoon, seconded by Director Valdez, the Board unanimously approved Action Item 8 approving an amendment to GBRA's Board Policy 411 - Capital Assets.

The Chairman called for **Action Item 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, electric easements, access easements, 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 NR-01AE – Alan Wayne Balsler and Pamela Guffey Balsler, being:
Tract 1: a 2.373 acre (103,367 square foot) access easement out of the Byrd Lockhart Survey No.**

8, Abstract No. 17, and 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 2.373 acres (103,367 square foot) access easement being more particularly described by metes and bounds and survey as follows in Exhibit "A"-1 attached hereto;

Tract 2: a 2.376 acre (103,485 square foot) electric easement out of the Byrd Lockhart Survey No. 8, Abstract No. 17, and 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 2.376 acre (103,485 square foot) electric easement being more particularly described by metes and bounds and survey as follows in Exhibit "A"-2 attached hereto;

Tract 3: a 2.420 acre (105,411 square foot) waterline easement out of the Byrd Lockhart Survey No. 8, Abstract No. 17, and 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, also being a portion of that tract described as 17.296 acres conveyed to Alan Balser and Pam Balser by Warranty Deed with Vendor's Lien dated December 1, 2018, as recorded in Document No. 2018-006381, Official Public Records, Caldwell County, Texas; said 2.420 acre (105,411 square foot) waterline easement being more particularly described by metes and bounds and survey as follows in Exhibit "A"-3 attached hereto;

Parcel NR-03 – Charles D. Spillman, being a 0.2221 acre (9,674 square foot) permanent easement, and a 0.13 acre (5,663 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 100.0 acres, save & except 1.25 acres, conveyed to Charles D. Spillmann and Jane Spillmann by Special Warranty Deed dated April 21, 1981, as recorded in Volume 425, Page 477, Deed Records, Caldwell County, Texas; said 0.2221 acre (9,674 square foot) permanent easement, and 0.13 acre (5,663 square foot) temporary construction easement being more particularly described by metes and bounds and survey as follows in Exhibit "B" attached hereto;

Parcel NR-04 – Spillmann Farms LLC, a Texas limited liability company, being a 3.244 acre (141,305 square foot) permanent easement, and a 2.20 acre (95,832 square foot) temporary construction easement, out of the Cornelius Crenshaw Survey, Abstract No. 68, Caldwell County, Texas, being a portion of Lot 2, Block 1, Spillmann Subdivision, a Subdivision of Record in Cabinet C, Slide 108, Plat Records, Caldwell County, Texas, said Lot 2 Conveyed to Spillmann Farms LLC by Special Warranty Deed dated April 1, 2023, as recorded in Document 2023-002274, Official Public Records, Caldwell County, Texas; said 3.244 acre (141,305 square foot) permanent easement, and 2.20 acre (95,832 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-13 – Judy Rowe Koehl, Individually and as Trustee of the Testamentary Trusts as created in the Will for the Estate of Michael F. Koehl, deceased under Probate Cause No. 9518PR, County Court, Walker County, Texas, being a 0.6211 acre (27,054 square foot) permanent easement, and a 0.41 acre (17,860 square foot) temporary construction easement, out of the Cornelius Crenshaw Survey, Abstract No. 68, Caldwell County, Texas, being a portion that tract described as 20.69 acres conveyed to Judy Rowe Koehl by Special Warranty Deed dated July 15, 2019, as recorded in Document No. 2019-003661, Official Public Records, Caldwell County, Texas; said 0.6211 acre (27,054 square foot) permanent easement, and a 0.41 acre (17,860 square foot) temporary construction easement being more particularly described by metes and bounds and survey as follows in Exhibit “D” attached hereto.

Courtney Kerr-Moore, Deputy General Counsel, is seeking approval of a Resolution declaring a public necessity for the acquisition of certain water pipeline easements and temporary construction easements for the TX-130 Project. GBRA is expanding the Carrizo Groundwater Supply Project via the TX-130 Project, in, over, under, through, and across certain properties located in Caldwell County, Texas. Efforts to negotiate for the acquisition of these properties have been unsuccessful, making proceedings in eminent domain necessary to acquire such needed permanent easements and temporary construction easements. Upon Motion by Director Old, seconded by Director Cohoon, by a record vote, the Board unanimously approved Action Item 9, approving the proposed Resolution. A copy of the Resolution is attached and made a part of these minutes.

Next, the Chairman called for **Action Item 10 - Consideration of and possible action finding that the real property identified in Exhibits A and B located in Comal County owned by GBRA are surplus and are not needed and authorizing the General Manager/CEO to execute any and all transfer documents related thereto.** Courtney Kerr-Moore, Deputy General Counsel, is seeking the designation of certain properties identified in Exhibits A and B located on Highway 46 in Comal County, Texas owned by GBRA, as surplus and no longer needed under TWC § 49.226. Mrs. Kerr-Moore is also seeking authorization for the General Manager/CEO to execute all documents related to a release of the surplus properties identified in Exhibits A and B. Upon

Motion by Director Valdez, seconded by Director Cyrier, the Board unanimously approved Action Item 10 finding that the real property identified in Exhibits A and B located in Comal County owned by GBRA are surplus and are not needed and authorizing the General Manager/CEO to execute any and all transfer documents related thereto.

Next, the Chairman called for **Action Item 11 - Consideration of and possible action to approve a change order with Sundt Construction for the Lake McQueeney and Lake Placid Spillgate Replacement and Dam Armoring Project in the amount of \$1,258,999.22 for the purchase and installation of new gantry cranes for both project sites and stop logs for the Lake McQueeney dam. (Change Order #12).** Peter Newell, Senior Engineering Director, is seeking approval for a change order to add dedicated stop logs and a gantry crane for the Lake McQueeney and Lake Placid Spillgate Replacement and Dam Armoring Projects at the request of the Lake McQueeney and Lake Placid Water Control and Improvement Districts (“WCIDs”). Initially, the new gantry crane stored at Lake Dunlap would be shared with the two WCIDs and the stoplogs stored at Lake Dunlap would be shared with Lake McQueeney. Each WCID has secured additional funding for dedicated 7.5-ton gantry cranes at each dam and dedicated stop logs at Lake McQueeney. The gantry cranes are used for the installation of the stop logs during maintenance activities at the gates. Upon Motion by Director Ehrig, seconded by Director Blaschke, the Board unanimously approved Action Item 12 approving a change order with Sundt Construction for the Lake McQueeney and Lake Placid Spillgate Replacement and Dam Armoring Project in the amount of \$1,258,999.22 for the purchase and installation of new gantry cranes for both project sites and stop logs for the Lake McQueeney dam.

Next, the Chairman called for **Action Item 12 - Consideration of and possible action authorizing the General Manager/CEO to negotiate and execute an agreement with the**

Guadalupe-Blanco River Trust (“GBRT”) to be consistent with GBRA Board Policy. Darrell Nichols, General Manager/CEO, is seeking authorization to negotiate and execute a new agreement with the Guadalupe-Blanco River Trust (“GBRT”) to be consistent with GBRA Board Policy 312. The new agreement, will supersede all previous agreements and bring GBRA’s relationship with GBRT and align with GBRA Board Policy 312 by FY 26. The existing funding amounts for FY 24 and FY 25 will remain the same per the current agreement. Upon Motion by Director Blaschke, seconded by Director Old, the Board unanimously approved Action Item 12 authorizing the execution of a new agreement with the Guadalupe-Blanco River Trust (GBRT) to be consistent with GBRA Board Policy.

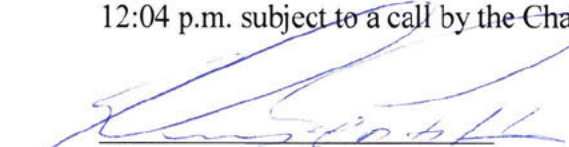
The Chairman called for Discussion Item 13 - Discussion regarding Base Flow Report, Water Quality Index, long-term weather pattern, and condition of the Guadalupe Basin.

Charles Hickman, Executive Manager of Engineering, briefed the Board on the Guadalupe River basin hydrologic conditions, including rainfall percentages, events, and totals; the Base Flow Report; the U.S. Drought Monitor Seasonal Outlook; Edwards Aquifer level; Comal Springs level; Guadalupe River stream flows; neutral conditional modeled forecast; and elevation of Canyon Reservoir. Canyon Reservoir elevation was at 884.42 as of July 15, 2024. The J-17 well level was 631 as of July 15, 2024. Comal Springs was flowing around 94 cfs as of July 12, 2024. Darrell Nichols, General Manager/CEO called upon Brian Baer, resident of Canyon Lake, who made public comments related to the replacement of dams in the New Braunfels area and the effect it will have on the flow rate being released from Canyon Lake. Mr. Nichols then called upon Lewis Dawkins, resident of Canyon Lake, who made public comments on the Texas Water Company and the 20 percent rate increase for customers, as well as the addition of new subdivisions, hydrilla issues, and stage 3 water reductions and penalties.

There being no further business to be brought before the Board, the open meeting was recessed at 11:15 a.m. subject to call by the Chairman and convened the meeting in executive session at 11:30 a.m. pursuant to Chapter 551, Texas Government Code.

The open meeting reconvened at 12:04 p.m.

There being no further business to be brought before the Board, the meeting was adjourned at 12:04 p.m. subject to a call by the Chairman.


Chairman
Secretary/Treasurer