

## **Lavaca-Navidad River Authority**

### **Minutes of May 19, 2021 Board Meeting**

A meeting of the Lavaca-Navidad River Authority Board of Directors was held on Wednesday, May 19, 2021, at 7:30 a.m. in the Board Meeting Room of the Lavaca Navidad River Authority Office Complex, 4631 FM 3131, located approximately seven (7) miles east of Edna, Jackson County, Texas off FM 3131 and also was available through video teleconference. Board members present were President Kubecka, Vice President Adelman, and Directors Aimone, Johs, Steffek, and Taylor. Also present was LNRA Staff: Brzozowski, Anders, Gregory, Pearson, Terry, Hartl, Sklar, and Crenshaw. Also present was Bill Dugat of Bickerstaff Heath Delgado Acosta LLP and Matt Moses of Freese and Nichols. Director Kucera and Mike Rivet of Formosa Plastics attended the meeting through video conferencing.

President Kubecka called the meeting to order.

### **Public Comments**

There were no public comments.

### **General Manager's Report**

- Sale of Interruptible Water
- Texas Parks and Wildlife Shooting Sports Grant
- Quarterly Meeting with City of Corpus Christi
- East Delivery System Auxiliary Generators
- Transco Pipeline repairs in Lake Texana
- I & E project at Brackenridge Park
- First Responders and Health Care Heroes Appreciation – June 5, 2021
- TWCA Summer Conference – June 9-11, 2021- Horseshoe Bay Resort
- Texas Ethics Commission Personal Financial Statements due June 30, 2021
- TCEQ Water Rights Alert
- Sunset Review Scheduled Meeting

### **Consent Agenda**

President Kubecka called for questions or comments to the Consent Agenda items as follows:

1. Consider approval of Board meeting minutes of April 21, 2021 and act as necessary.
2. Consider acceptance of April 2021 financial statements and act as necessary.
3. Consider approval of invoices for payment and act as necessary.
4. Consider approval of proposed budget amendment(s) and act as necessary.

Director Adelman moved to approve the Consent Agenda items 1-4 as presented. Director Steffek seconded the motion. Motion passed.

### **Regular Agenda**

#### **Proposed Reserve Contingency Fund Expenditures**

Brzowski briefed the Board on the proposed reserve contingency fund expenditures. The Board was presented a copy of the proposed expenditures as follows:

##### *Recreation*

Texana Park Cabins

Replace existing roof and porch roof on two (2) cabins \$ 25,728.00

MEC Restrooms and Outside Concessions

To complete the necessary repairs resulting from freeze damages \$ 2,000.00

In accordance with LNRA BOARD POLICY 304 – PROCUREMENT, bids are solicited for proposed expenditures as applicable.

Director Aimone moved to approve the proposed reserve contingency fund expenditures as presented. Director Steffek seconded the motion. Motion passed.

#### **Annual Cybersecurity Training Compliance**

Brzowski informed that in compliance with Texas Government Code 2054.5191, LNRA employees and Board of Directors completed the required annual cybersecurity training.

Completion of the training was reported to the Department of Information Resources on May 12, 2021, as required.

The Board was presented a copy of the compliance report as sent to the Department of Information Resources.

Director Aimone moved to approve the compliance report as sent to the Department of Information Resources. Director Steffek seconded the motion. Motion passed.

#### **LNRA Information Technology Strategic Plan**

Gregory briefed the Board on the revised LNRA Information Technology Strategic Plan. The IT Strategic Plan outlines LNRA's current and future initiatives, procedures, policies, and infrastructure. The Board was presented a copy of the Plan for their review.

#### **FNI Task Order Palmetto Bend Dam Seepage Issue**

Brzowski informed the Board that the dam safety anomaly that appeared in December 2020, requires additional investigation and analysis. Work performed by Willowstick Technologies gave insight to a possible flow path from the reservoir to the downstream drain. The next step is to quantify and develop a more exacting description and understanding of the issue. LNRA has been working with Freese and

Nichols dam safety team on the development of the work order related to the evaluation of the seepage beneath the dam and associated preliminary design for remedial alternatives. The Board was presented a copy of the proposed FNI Task Order No. 38 for their review. Funds are available in the Reserve Fund.

Director Adelman moved to approve the proposed Freese and Nichols Task Order No. 38 not to exceed \$299,147 as presented. Director Taylor seconded the motion. Motion passed.

### **2021 Palmetto Bend Dam and Spillway Settlement Survey**

Brzozowski briefed the Board on the proposed Ganem & Kelly Surveying, Inc. work order to perform 2021 Palmetto Bend Dam and Spillway Settlement Survey. Estimated cost is \$36,000.00. The Board was presented a copy of the proposed Ganem & Kelly work order for their review.

Director Johs moved to approve Ganem & Kelly Surveying, Inc. work order for the 2021 Palmetto Bend Dam and Spillway Settlement Survey as presented. Director Steffek seconded the motion. Motion passed.

### **Modify Recreation Maintenance Equipment**

Brzozowski informed the Board that modification to the recently purchased demo AgVag Agricultural Vacuum is necessary to meet the needs of recreation maintenance. The cost of the modification is approximately \$2,500.00. Funds are available in the reserve contingency fund.

Director Taylor moved to approve the expenditure of reserve funds to modify recreation maintenance equipment as presented. Director Adelman seconded the motion.

### **TCEQ Clean Water Act Section 319 Grant Funding**

Brzozowski briefed the Board on the discussion with Texas Water Resources Institute (TWRI) and Texas Commission on Environmental Quality (TCEQ) about specie specific bacteriological testing on the Lavaca River and Rocky Creek. Funding is available through TCEQ under the Clean Water Act (CWA) Section 319(h) Grant Program.

The Board is to consider authorizing Brzozowski to engage Tom Brown with MRB Group, and authorizing submittal of application to access TCEQ grant funding in support of the Lavaca River and Rocky Creek Watershed Protection Plans. If TWRI decides to include this testing in their application, or if TCEQ decides to not fund this type of analysis, LNRA will not apply. LNRA will be prepared to apply if necessary and bring an application to the Board for final authorization.

Director Adelman moved to authorize the General Manager to engage Tom Brown with MRB Group and authorize submittal of application to access TCEQ CWA grant funding for specie specific bacteriological testing in support of the Lavaca River and Rocky Creek Watershed Protection Plans as presented. Director Aimone seconded the motion. Motion passed.

### **87<sup>th</sup> Legislature Bills of Interest**

Dugat briefed the Board on bills of interest that were still alive. An update will be available at the next Board meeting indicating which bills have passed that impact LNRA.

### **Lake Texana Yield Enhancement Project**

Brzozowski informed the Board that there have been some discussions on title issues related with the purchase of the land from Formosa. More detailed focus will be on the dam safety project until a better understanding is established.

The Board was presented a copy of Freese and Nichols Status Report as of April 1-30, 2021.

### **Community Education Center Project**

President Kubecka declared the Board to convene in Executive Session, 551.071 (Consultations with Attorney) under Texas Government Code at 8:53 a.m.

Executive Session ended at 9:24 a.m. and President Kubecka declared the full Board to be in Open Session.

Director Johs moved to authorize the General Manager to act to remedy outstanding issues unresolved by Gourley Contractors, (Community Education Center Project), approve associated expenditures, and utilize the retainage if necessary. Director Steffek seconded the motion. Motion passed.

### **Election of Board of Director Officers**

President Kubecka informed the Board that the current Board of Director Officer's terms would expire May 31, 2021. He requested nominations for officers.

Director Steffek moved to nominate Director Parker for Secretary-Treasurer. Director Johs seconded the motion. Motion passed

Director Taylor moved to nominate Director Adelman as Vice President. Director Aimone seconded the motion. Director Steffek moved to nominate Director Johs as Vice President. There was no second to Director Steffek's motion. The Board voted on nomination of Director Aleman as Vice President. The motion passed by a vote of six in favor one against.

Director Adelman moved to nominate Director Kubecka as President. Director Taylor seconded the motion. Motion passed.

### **Briefing on LNRA Board Committee Assignments**

The Board was asked to review the proposed individual assignments, committee structure, and function of each committee.

The Board meeting adjourned at 9:36 a.m.

---

Ronald Kubecka  
President

---

Terri Parker  
Secretary-Treasurer