

## **Lavaca-Navidad River Authority**

### **Minutes of July 19, 2023 Board Meeting**

A meeting of the Lavaca-Navidad River Authority Board of Directors was held on Wednesday, July 19, 2023 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 was also available through video teleconference. Board members present were President Adelman, Secretary-Treasurer Storz, and Directors Aimone, Mitchell, Parker, Steffek, and Taylor. Also present was LNRA Staff: Brzozowski, Gregory, Anders, Hartl, Martin, Pearson, Terry, Sklar, and Crenshaw, and Bill Dugat of Bickerstaff Heath Delgado Acosta LLP, Cody Cockcroft and Jason Ward of Freese and Nichols, Tim Andruss of Texana Groundwater Conservation District, and Stephen Phillips of Formosa Plastics.

President Adelman called the meeting to order.

### **Public Comments**

There were no public comments.

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

- General Manager's Quarterly Report
- Drone Spray Application
- End of Summer Bash – July 22, 2023
- Lavaca Regional Water Planning Group Meeting – July 24, 2023
- Community Development Partnership Program Grant Applications due July 28, 2023
- Budget and Strategic Plan Workshop - August 8<sup>th</sup>
- HHRC Renovations

### **Consent Agenda**

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

1. Consider approval of Board meeting minutes of June 21, 2023 and act as necessary.
2. Consider acceptance of June 2023 financial statements and act as necessary.
3. Consider approval of invoices for payment and act as necessary.
4. Consider approval of proposed budget amendments and act as necessary.
5. Consider approval of Quarterly Investment Report as of June 30, 2023.

Gregory briefed the Board on the activity of investments as reported in the Quarterly Investment Report as of June 30, 2023. Texpool earned an average rate of 4.95% while Prosperity Bank earned .30% for the quarter.

The Board was presented with a copy of the quarterly report for their review.

Director Taylor moved to approve Consent Agenda items 1-5 as presented. Director Steffek seconded the motion. Motion passed.

## **Regular Agenda**

### **Reserve Contingency Fund Proposed Expenditure**

Brzowski informed the Board of the following proposed reserve contingency fund expenditure.

Recreation	
Texana Park Comfort Stations	
Amenities repair	\$10,000.00

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

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

### **Agreement between LNRA and U.S. Geological Survey**

Brzowski briefed the Board on the proposed standard joint-funding agreement between LNRA and U.S. Geological Survey (USGS) for surface-water and water-quality data collection activities for the period from October 1, 2023 to September 30, 2024.

LNRA will contribute budgeted funds of \$90,142 and USGS will contribute \$28,186 to cover the cost of the necessary field and analytical work related to the agreement for a total of \$118,328.

The Board was presented a copy of the agreement for their review.

Director Steffek moved to approve the agreement between LNRA and USGS as presented. Director Mitchell seconded the motion. Motion passed.

### **Land Purchase Agreement between LNRA and Mercer Family Limited Partnership**

In May 2023, the Board agreed for the General Manager to negotiate with the landowner (Mercer Family Limited Partnership) for the purchase of ½ -1 ½ acres. The Board was presented a copy of the proposed Land Purchase Agreement between LNRA and Mercer Family Limited Partnership for a 0.388-acre tract with a purchase price of \$7,760.00.

Director Mitchell moved to approve the Land Purchase Agreement as presented and to authorize President Adelman to execute all documents regarding the land purchase transaction. Director Parker seconded the motion. Motion passed.

### **TxDOT Agreement – LNRA Pipeline Abandonment**

According to the PUA Agreement with TxDOT and LNRA's construction contract with McKee Utility Contractors, LNRA would remove the abandoned portions of the 36" and 57" pipelines after construction of the new pipelines is complete.

Prior to today's Board meeting, TxDOT had requested LNRA to abandon LNRA's pipelines upon completion of construction. Brzowski informed the Board that TxDOT has rescinded the request and LNRA will remove the abandoned pipelines according to the PUA Agreement and construction contract.

### **Sunset Commission's Implementation Chart**

The Texas Sunset Act requires a review of the implementation of the Sunset Commission's statutory recommendations adopted by the Legislature and management recommendations adopted by the commission.

Sunset staff will begin its compliance review process in the fall of 2024 to assess the implementation of the statutory changes passed in the 2022-23 review cycle. Separately, the State Auditor's Office will conduct a review to assess the implementation of selected management recommendations adopted by the commission.

The Board was presented a copy of the LNRA Implementation Chart developed by the Sunset Commission.

The Board agreed for LNRA Management to begin working on the provisions and management action as shown on the Implementation Chart and bring recommendations to the Board regarding implementation.

### **WDS Expenditure for VFD Replacement**

Brzowski briefed the Board on the need to replace West Delivery System Pump No.3 drive unit. Since it is a 6-8-week delay in delivery of the unit, the Executive Committee was contacted on July 11, 2023 and approved the West Delivery System budget expenditure for VFD drive replacement.

The Board was presented a copy of the proposal from Summit Electric Supply for \$32,274,17.

Director Parker moved to ratify the Executive Committee's approval of the WDS expenditure as presented. Director Taylor seconded the motion. Motion passed.

### **Lynn Engineering Proposal**

Brzowski briefed the Board on the Lynn Engineering proposal for a metal building at the West Intake Pump Station site. At a prior Board meeting, Lynn Engineering was recommended as the consultant with the understanding that Lynn also constructs metal buildings.

The Board was presented a copy of the proposed scope of work for professional services associated with the design of the building along with a probable construction cost.

Director Mitchell moved to approve the proposal from Lynn Engineering for engineering services for \$61,307. Director Taylor seconded the motion. Motion passed.

### **Briefing on Safety of Dams Engineering Report**

Cody Cockcroft of Freese and Nichols (FNI) briefed the Board on the Safety of Dam Engineering Report, Main Embankment Under Seepage Evaluation by FNI. Cockcroft also presented a Power Point and video for the Board.

It was agreed that a Scope of Work with recommendations and cost estimate will be presented to the Board in August for consideration of approval.

**East Delivery System Waterline Relocation Project Update**

The Board was presented with a copy of the Freese and Nichols Status Report for the month of June.

Brzozowski reported as follows:

- Topsoil has been removed from the ROW on the 36” pipeline in preparation for trenching.
- Currently we are receiving loads of 36” ductile pipe and laying them along the ROW preparing for the trenching crew.
- We are also receiving casing material in preparation to bore driveways and other crossings. Boring contractor will be onsite at the end of July.
- We would like to discuss change order request procedure with the Board. Would it be prudent to set a maximum amount that the General Manager is authorized to approve?

Director Taylor moved to approve for the General Manager to approve change orders of the EDS Waterline Relocation Project up to the statutory limit. Director Parker seconded the motion. Motion passed.

**Lake Texana Yield Enhancement Project**

The Board was presented with a copy of the June 2023 Freese and Nichols Status Report.

Brzozowski reported that LNRA has been advised that we should receive a draft permit in August.

The Board meeting adjourned at 9:15 a.m.

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Jerry Adelman  
President

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Jennifer Storz  
Secretary-Treasurer