

## **Lavaca-Navidad River Authority**

### **Minutes of November 18, 2015**

#### **Board Meeting**

A meeting of the Lavaca-Navidad River Authority Board of Directors was held on Wednesday, November 18, 2015 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. Board members present were President Kubecka, Directors Adelman, Parker, Johs, Martin, Muegge, Sachtleben, and Taylor and LNRA Staff: Brzozowski, Anders, Gregory, Martin, Janak, Pearson, Fleeman, and Crenshaw. Also present was Bill Dugat of Bickerstaff Heath Delgado Acosta LLP, and Matt Moses of Freese & Nichols.

President Kubecka called the meeting to order.

#### **Public Comments**

There were no public comments.

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

Brzozowski reported on the following:

- 2015 Janik Alligator Report
- Freese & Nichols Contractor Change Order – Spillway Gate No. 6
- Meeting with Naismith Engineering regarding LNRA Parks and Open Space Master Plan and Boat Ramp Improvements Grant
- Hay Meadow Leases
- LRWPG – Final Regional Water Plan 2016
- West Delivery System Update

#### **Consent Agenda**

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

1. Approval of Board meeting minutes of October 21, 2015.
2. Approval of Recreation, Fish and Wildlife Committee meeting minutes as of November 10, 2015.
3. Acceptance of October 2015 financial statements.
4. Approval of invoices for payment.

Director Adelman moved to approve the Consent Agenda as presented. Director Johs seconded the motion. Motion passed.

#### **Allocation of Fiscal Year 2015 Fund Balance**

Brzozowski briefed the Board on the proposed allocations of Fiscal Year 2015 fund balance. The Board was presented a summary outlining the proposed allocations and a summary of the Reserve Contingency Fund balances.

Director Parker moved to approve the proposed 2015 fund balance allocations as presented. Director Adelman seconded the motion. Motion passed.

#### **MOU between Jackson Electric, Jackson County and LNRA**

Brzowski briefed the Board on the proposed memorandum of Understanding between Jackson Electric Cooperative, Inc., Jackson County, and Lavaca-Navidad River Authority for Antenna Attachment to the Jackson County 500 Foot Communication Tower on LNRA Property. In 2011, Jackson County and LNRA entered into an MOU to address the County's placement of a 500 foot communication tower on LNRA property. Jackson Electric has approached the County and LNRA about use of the County's tower.

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

Director Martin moved to approve the proposed MOU between Jackson Electric, Jackson County and LNRA as presented. Director Muegge seconded the motion. Motion passed.

#### **Professional Services Agreement regarding proposed Off-Channel Reservoir**

The Board was briefed by Mike Reedy from Freese and Nichols at the October Board meeting on the proposed Scope of Work to evaluate alternative configurations for the development of an Off-Channel Reservoir (OCR) project, evaluate the impacts associated with new SB3 Environmental Flow criteria on a proposed new/amended water right and the existing Lake Texana water right.

The Board was presented a copy of the proposed Work Order from Freese and Nichols for the proposed Off-Channel Reservoir Water Rights Permit Evaluation and Recommendations. The amount of the work order is \$152,000.

Director Adelman moved to approve the Professional Services Agreement Work Order with Freese and Nichols as presented. Director Sachtleben seconded the motion. Motion passed.

#### **Professional Services Agreement for the Spillway Recoating Project**

Brzowski briefed the Board on the proposed Professional Services Agreement with Freese & Nichols for the design and bid support for the spillway recoating project. The Board was presented a copy of the Agreement and Work Order for their review. The Work Order includes the contract documents for the rehabilitation of the remaining eleven (11) spillway gates. The amount of the Work Order is \$89,000.

Director Martin moved to approve the Professional Services Agreement Work Order with Freese & Nichols as presented. Director Parker seconded the motion. Motion passed.

#### **Professional Services Agreement with Alpine Site Services**

Brzowski briefed the Board on the proposed Professional Services Agreement from Alpine Site Services in conjunction with the Main Event Center stall barn project. The Board was presented a copy of the Agreement for their review.

The Board previously approved Alpine Site Services to provide design and construction services associated with the MEC stall barn project. The General Manager recommends to approve the Professional Services Agreement as presented. After approval, a work order will be completed.

Director Adelman moved to approve the Professional Services Agreement with Alpine Site Services as presented and authorize the General Manager to execute the completed work order. Director Taylor seconded the motion. Motion passed.

**Procurement of Aggregate Materials**

The General Manager briefed the Board on the need of approximately 10,800 tons of base materials for the stall barn project. LNRA's current supplier of flex base aggregate is Sweet Home Sand & Gravel. The current price as agreed in the 2015 bid is \$16.50 per ton. Our basis for the bid in 2015 was set at 3,000 tons. It is anticipated that the price will increase for the 2016 bid.

The General Manager recommends to purchase 3,000 tons from the current supplier, Sweet Home Sand & Gravel.

Director Muegge moved to authorize the General Manager to purchases 3,000 tons of base materials as presented. Director Martin seconded the motion. Motion passed.

**BRIEFING ON WATER DELIVERY OPERATIONS**

**BRIEFING ON CORRESPONDENCE TO THE ATTORNEY GENERAL OF TEXAS**

President Kubecka declared the Board to convene in Executive Session, 551.071 (Consultation with Attorney) at 8:36 a.m. to receive legal advice regarding potential claims relating to water delivery operations and relating to carrying firearms on LNRA property.

Executive Session ended at 9:15 a.m. and President Kubecka declared the full Board to be in Open Session.

In open session, Brzozowski briefed the Board on proposed correspondence to the Attorney General of Texas requesting an AG opinion of whether LNRA can regulate the open carry of firearms on LNRA park property.

Director Adelman moved to approve the proposed correspondence to the Attorney General of Texas as presented. Director Johs seconded the motion. Motion passed.

The Board meeting adjourned at 9:16 a.m.

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Ronald Kubecka  
President

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Terri Parker  
Secretary-Treasurer