



## Board Agenda

Wednesday, March 23, 2022  
LCRA General Office Complex  
Board Room – Hancock Building  
3700 Lake Austin Blvd.  
Austin, TX 78703  
Earliest start time: 10:15 a.m.

### Item From the Chair

- 1. Comments From the Public ..... 3

### Items From the General Manager

General Manager’s Update

### Consent Items

- \*2. Sale of Land in Burnet County (Parcel JE-03) ..... 5
- \*3. Sale of Land in Llano County (Parcel BW-09) ..... 8
- 4. Minutes of Prior Meeting..... 11

**\*This agenda item requires the approval of at least 12 Board members.**

### Executive Session

- 1. Competitive Electric Matters
- \*2. Lease of Canyon of the Eagles
- 3. Cybersecurity Update
- 4. Candidate Conservation Agreement with Assurances for Freshwater Mussels
- 5. Litigation Update

**\*This agenda item requires the approval of at least 12 Board members.**

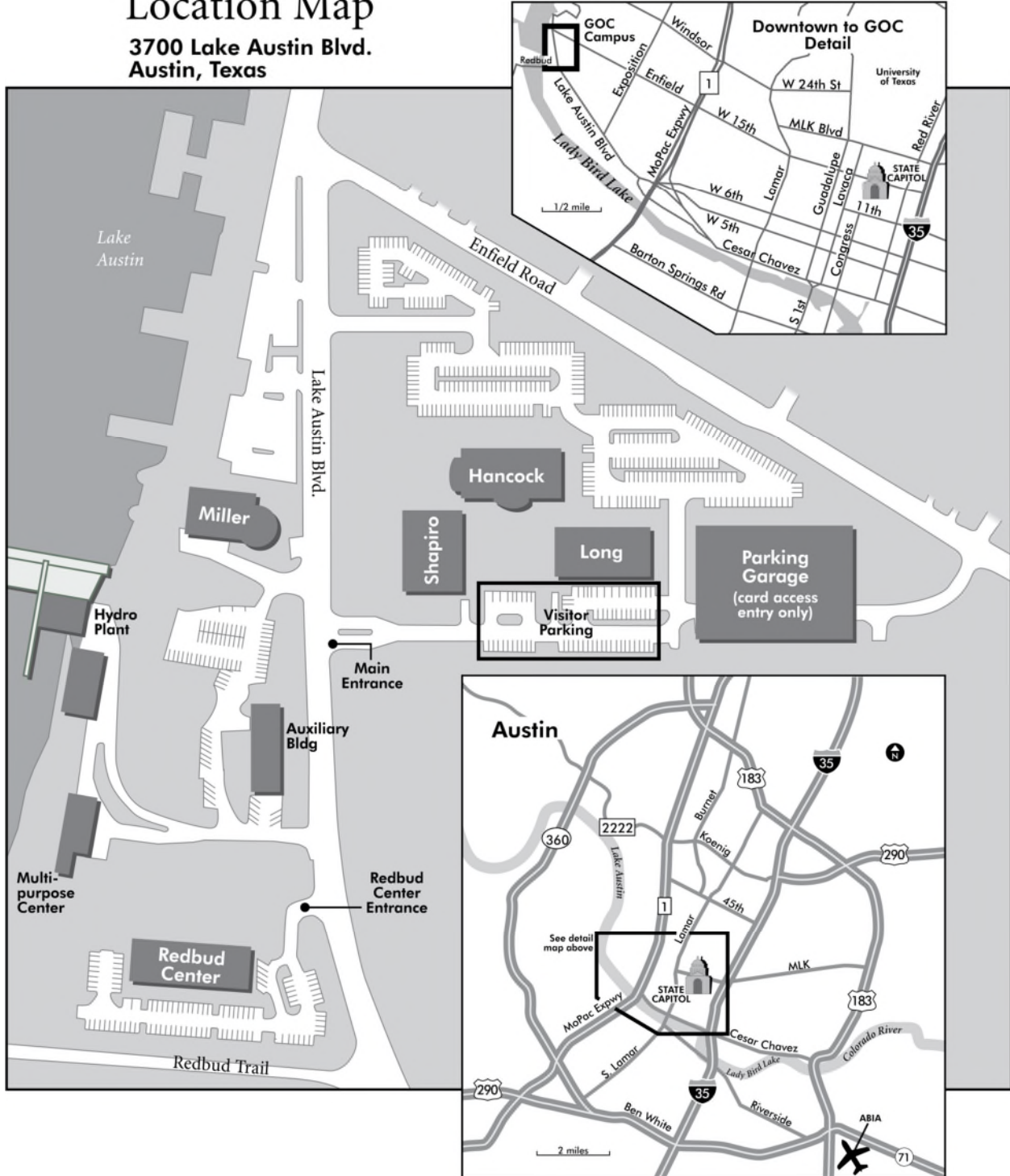
The Board also may go into executive session on any item listed above, pursuant to Chapter 551 of the Texas Government Code, including, but not limited to, sections 551.071, 551.072, 551.074, 551.076, 551.086, 551.089 and 418.183(f) of the Texas Government Code.

### Legal Notice

Legal notices are available on the Texas secretary of state website 72 hours prior to the meeting at the following link: <https://www.sos.texas.gov/open/index.shtml>

# LCRA General Office Complex Location Map

3700 Lake Austin Blvd.  
Austin, Texas



## **FOR DISCUSSION**

# **1. Comments From the Public**

### **Summary**

This part of the meeting is intended for comments from the public on topics under LCRA's jurisdiction but not related to an item on the Board of Directors agenda. No responses or action may be taken by the Board during public comments.

In order to address the Board, a member of the public is required to sign and complete the registration form at the entrance to the meeting room. Please see the Protocols for Public Communication at Board and Committee Meetings as shown in Exhibit A for details.

Any member of the public wishing to comment on an item listed on this agenda will be called to make comments at the appropriate time.

### **Exhibit(s)**

A – Protocols for Public Communication at Board and Committee Meetings

## EXHIBIT A

### **PROTOCOLS FOR PUBLIC COMMUNICATION AT BOARD AND COMMITTEE MEETINGS**

**Approved by the LCRA Board of Directors on Dec. 11, 2018**

- 1. Oral Presentations on Issues Under LCRA's Jurisdiction.** Any person wishing to make an oral presentation at a Board meeting on any matter under LCRA's jurisdiction must complete a registration form that indicates the agenda item or other topic on which they wish to comment, along with the speaker's name, address and other relevant information. Any person making an oral presentation to the Board may distribute related materials to the Board at the meeting.
- 2. Time Allocation.** The presiding officer may limit the length of time for each speaker. Speakers may not trade or donate time to other speakers without permission from the presiding officer, and repetitive testimony shall be minimized.
- 3. Rules of Decorum.** Speakers and members of the audience must avoid disruptive behavior that interferes with the orderly conduct of a public meeting. Placards, banners, and hand-held signs are not allowed in Board or committee meetings, and speakers and members of the audience must avoid personal affronts, profanity, booing, excessive noise, and other disruptive conduct. The presiding officer may direct that anyone who disrupts a meeting be removed from the room.
- 4. Recording.** Any person making an audio or video recording of all or any part of a Board meeting must do so in a manner that is not disruptive to the meeting. During a meeting, members of the public must remain in or behind the public seating area and are not permitted to record from any other area of the meeting room.
- 5. Committee Meetings.** The protocols outlined in 1-4 above also apply to members of the public wishing to address any LCRA Board committee whose membership comprises the entirety of the LCRA Board on matters within the scope of each of those committees.

**FOR ACTION (CONSENT)**

This agenda item requires the approval of at least 12 members of the Board.

## **2. Sale of Land in Burnet County (Parcel JE-03)**

### **Proposed Motion**

Declare an approximately 0.036-acre tract of land, being a portion of LCRA Parcel JE-03 in Burnet County, nonessential, and authorize the general manager or his designee to sell the property to the adjoining landowner.

### **Board Consideration**

Section 8503.020(b) of the Texas Special District Local Laws Code requires the approval of at least 12 members of the LCRA Board of Directors to convey any interest in real property. LCRA Board Policy 401 – Land Resources requires at least 12 members of the LCRA Board to declare the land no longer necessary or of beneficial use to the business of LCRA before conveyance. Additionally, Section 8503.020 of the Texas Special District Local Laws Code and LCRA Board Policy 401 require Board approval of the terms of all land sales before conveyance.

### **Budget Status and Fiscal Impact**

The fiscal year 2022 business plan contains the administrative costs associated with the sale of this land. The proceeds of \$25,104 will be credited to the Public Recreation and Conservation Land Acquisition Fund.

### **Summary**

Daniel and Yvette Romasko, the adjacent landowners, have agreed to purchase the 0.036-acre encroachment tract, which will permanently resolve the encroachment. The 0.036-acre tract is priced at \$25,104. Staff determined the price based on the Burnet County Appraisal District's assessed values of Romasko's adjacent lot and other nearby waterfront lots.

LCRA staff will complete environmental and cultural resource due diligence assessments in accordance with Board Policy 401.403 – Land Disposition before the sale of the property.

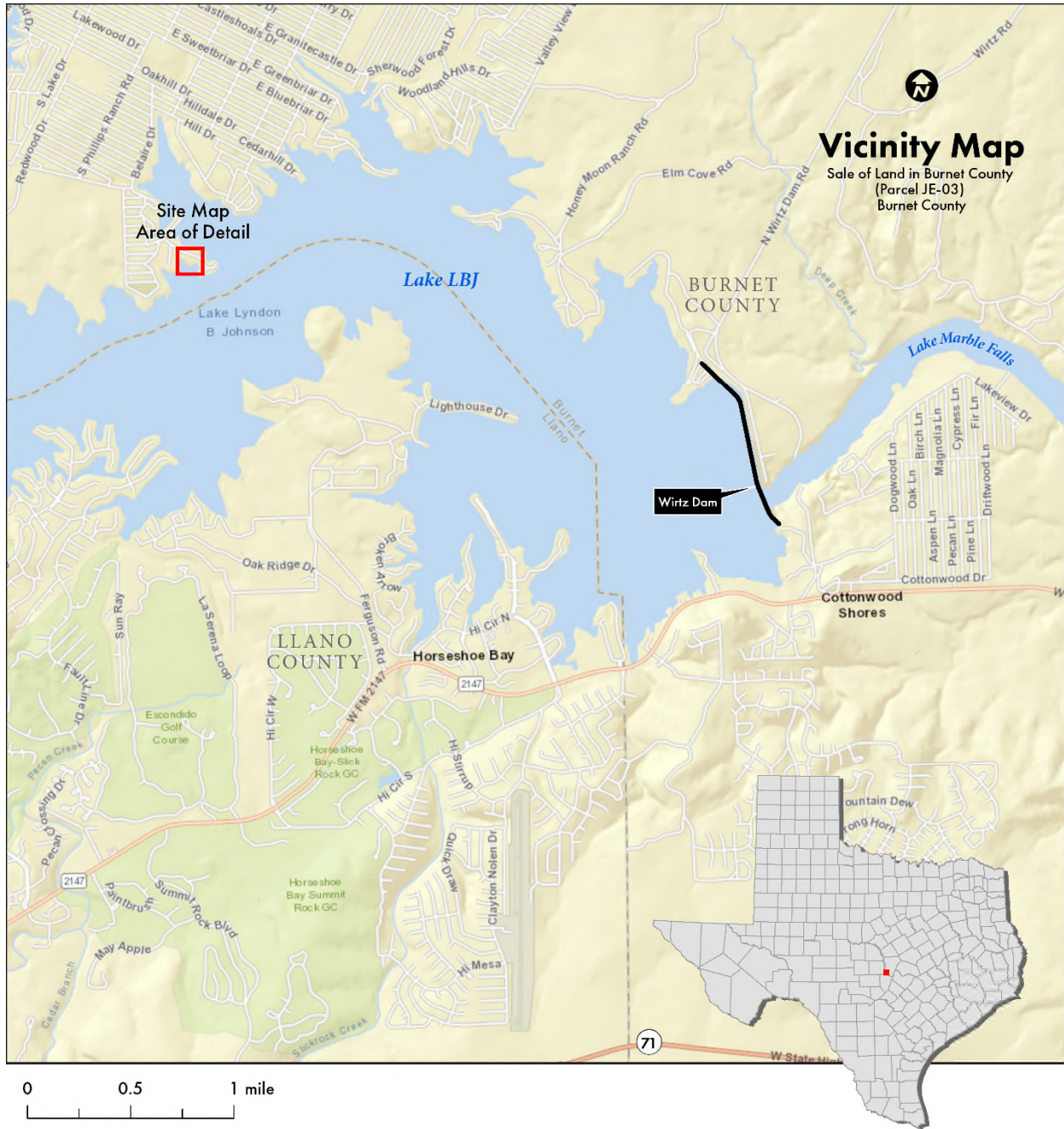
The property will be sold subject to the following reservations and restrictions:

- 1) LCRA will reserve all presently held oil, gas and other mineral rights of every kind or character in, on and under the property, provided that LCRA shall not be permitted to drill or excavate for minerals on the surface of the property.
- 2) LCRA will retain a 20-foot-wide recreation easement abutting the high-water line of Lake LBJ for use by the public as required by Section 8503.023(d) of the Texas Special District Local Laws Code.
- 3) LCRA will retain the right to inundate with water all or any part of the property from time to time without any compensation.

### **Exhibit(s)**

- A – Vicinity Map
- B – Site Map

**EXHIBIT A**



**EXHIBIT B**



**FOR ACTION (CONSENT)**

This agenda item requires the approval of at least 12 members of the Board.

### **3. Sale of Land in Llano County (Parcel BW-09)**

#### **Proposed Motion**

Declare an approximately 0.112-acre tract of land, being a portion of LCRA Parcel BW-09 in Llano County, nonessential, and authorize the general manager or his designee to sell the property to the adjoining landowner.

#### **Board Consideration**

Section 8503.020(b) of the Texas Special District Local Laws Code requires the approval of at least 12 members of the LCRA Board of Directors to convey any interest in real property. LCRA Board Policy 401 – Land Resources requires at least 12 members of the LCRA Board to declare the land no longer necessary or of beneficial use to the business of LCRA before conveyance. Additionally, Section 8503.020 of the Texas Special District Local Laws Code and LCRA Board Policy 401 require Board approval of the terms of all land sales before conveyance.

#### **Budget Status and Fiscal Impact**

The fiscal year 2022 business plan contains the administrative costs associated with the sale of this land. The proceeds of \$23,147 will be credited to the Public Recreation and Conservation Land Acquisition Fund.

#### **Summary**

Nancy Stanford and Karen Osowski, the adjacent landowners, have agreed to purchase the 0.112-acre encroachment tract, which will permanently resolve the encroachment. The 0.112-acre tract is priced at \$23,147. Staff determined the price based on the Llano County Appraisal District's assessed values of Stanford's and Osowski's adjacent lot and other nearby waterfront lots.

LCRA staff will complete environmental and cultural resource due diligence assessments in accordance with Board Policy 401.403 – Land Disposition before the sale of the property.

The property will be sold subject to the following reservations and restrictions:

- 1) LCRA will reserve all presently held oil, gas and other mineral rights of every kind or character in, on and under the property, provided that LCRA shall not be permitted to drill or excavate for minerals on the surface of the property.
- 2) LCRA will retain a 20-foot-wide recreation easement abutting the high-water line of Lake Buchanan for use by the public as required by Section 8503.023(d) of the Texas Special District Local Laws Code.
- 3) LCRA will retain the right to inundate with water all or any part of the property from time to time without any compensation.

#### **Exhibit(s)**

- A – Vicinity Map
- B – Site Map



**EXHIBIT A**



**EXHIBIT B**



**FOR ACTION (CONSENT)**

## **4. Minutes of Prior Meeting**

**Proposed Motion**

Approve the minutes of the Feb. 23, 2022, meeting.

**Board Consideration**

Section 2.04 of the LCRA bylaws requires the secretary to keep minutes of all meetings of the Board of Directors.

**Budget Status and Fiscal Impact**

Approval of this item will have no budgetary or fiscal impact.

**Summary**

Staff presents the minutes of each meeting to the Board for approval.

**Exhibit(s)**

A – Minutes of Feb. 23, 2022, meeting

## **EXHIBIT A**

Minutes Digest  
Feb. 23, 2022

- 22-11 Approval of Amendment (No. Five) to the Lower Colorado River Authority Retirement Plan and Trust Agreement effective April 1, 2022, and authorization of the use of the recommended actuarial and mortality assumptions recommended by LCRA actuaries and approved by the LCRA Retirement Benefits Board of Trustees.
- 22-12 Approval of amendments to the LCRA Land and Water Use Regulations to include new regulations, provide clarifications and better address current issues on LCRA Land and Water. [Upon LCRA Board approval and a submittal to the Texas Parks and Wildlife Department, the updated regulations will become effective April 1, 2022.]
- 22-13 Approval of changing the date of the April 2022 LCRA Board of Directors meeting to Tuesday, April 19.
- 22-14 Approval of directors' attendance at seminars or conferences for an additional conference in calendar year 2022.
- 22-15 Approval of the minutes of the Jan. 19, 2022, meeting.
- 22-16 Authorization for the general manager or his designee to negotiate and execute a 12-year lease extension with The Creek at Hurst Harbor, LLC for the operation of a commercial marina, being about 5.05 acres of LCRA Parcel TS-06 and 5.894 acres of LCRA Parcel TN-15 in Travis County.
- 22-17 Authorization for the general manager or his designee to negotiate and execute the following contracts and contract changes: Contract No. 3672 (CH2M Hill Engineers, Inc.); contract numbers 5838 and 5839 (Delta Star, Inc. and Hyundai Electric America Corporation); and contract numbers 4756, 4757, 4758, 4762, 4763 and 4765 (Trans American Power Poles Inc., Pinnacle Steel Inc., Trinity Industries De Mexico S De RL De Cv, Valmont Industries Inc., Valmont Industries Inc. (Microflect) and CHM Industries Inc.).

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF THE  
LOWER COLORADO RIVER AUTHORITY  
Austin, Texas  
Feb. 23, 2022

Pursuant to notice posted in accordance with the Texas Open Meetings Act, the Board of Directors (Board) of the Lower Colorado River Authority (LCRA) convened in a regular meeting at 11:01 a.m. Wednesday, Feb. 23, 2022, in the Board Room of the Hancock Building, at the principal office of LCRA, 3700 Lake Austin Blvd., Austin, Travis County, Texas. The following directors were present, constituting a quorum:

Timothy Timmerman, Chair  
Stephen F. Cooper, Vice Chair  
Joseph M. "Joe" Crane, Secretary  
Michael L. "Mike" Allen  
Matthew L. "Matt" Arthur  
Melissa K. Blanding  
Carol Freeman  
Thomas L. "Tom" Kelley  
Robert "Bobby" Lewis  
Thomas Michael Martine  
Margaret D. "Meg" Voelter  
Nancy Eckert Yeary

Absent: Laura D. Figueroa  
Raymond A. "Ray" Gill Jr.  
Martha Leigh M. Whitten

Chair Timmerman convened the meeting at 11:01 a.m.

There were no general comments from the public on topics under LCRA's jurisdiction not related to an item on the agenda [Agenda Item 1]. Patti Aarons, a homeowner on Lake Travis, addressed the Board regarding Consent Item 3 – amendments to LCRA Land and Water Use Regulations and expressed concerns about an abandoned houseboat on the lake.

The Board next took action on the consent agenda. Upon motion by Director Allen, seconded by Director Yeary, the Board unanimously approved consent items 2, 3, 4, 5 and 6 by a vote of 12 to 0 as follows:

22-11 Approval of Amendment (No. Five) to the Lower Colorado River Authority Retirement Plan and Trust Agreement effective April 1, 2022, and authorization of the use of the recommended actuarial and mortality assumptions recommended by LCRA actuaries and approved by the LCRA Retirement Benefits Board of Trustees, as recommended in Consent Item 2 [attached hereto as Exhibit A].

22-12 Approval of amendments to the LCRA Land and Water Use Regulations to include new regulations, provide clarifications and better address current issues on LCRA Land and Water [Upon LCRA Board approval and a submittal to the Texas Parks and Wildlife Department, the updated regulations will become effective April 1, 2022.], as recommended by staff in Consent Item 3 [attached hereto as Exhibit B].

22-13 Approval of changing the date of the April 2022 LCRA Board of Directors meeting to Tuesday, April 19, as recommended in Consent Item 4 [attached hereto as Exhibit C].

22-14 Approval of directors' attendance at seminars or conferences for an additional conference in calendar year 2022, as recommended in Consent Item 5 [attached hereto as Exhibit D].

22-15 Approval of the minutes of the Jan. 19, 2022, meeting [Consent Item 6].

22-16 Director of Real Estate Services Mark Sumrall presented for consideration a staff recommendation, described in Agenda Item 7 [attached hereto as Exhibit E], that the Board authorize the general manager or his designee to negotiate and execute a 12-year lease extension with The Creek at Hurst Harbor, LLC for the operation of a commercial marina, being about 5.05 acres of LCRA Parcel TS-06 and 5.894 acres of LCRA Parcel TN-15 in Travis County. Upon motion by Director Martine, seconded by Director Crane, the recommendation was unanimously approved by a vote of 12 to 0.

22-17 Vice President of Supply Chain Matt Chavez presented for consideration a staff recommendation, described in Agenda Item 8 [attached hereto as Exhibit F], that the Board authorize the general manager or his designee to negotiate and execute the following contracts and contract changes: Contract No. 3672 (CH2M Hill Engineers, Inc.); contract numbers 5838 and 5839 (Delta Star, Inc. and Hyundai Electric America Corporation); and contract numbers 4756, 4757, 4758, 4762, 4763 and 4765 (Trans American Power Poles Inc., Pinnacle Steel Inc., Trinity Industries De Mexico S De RL De Cv, Valmont Industries Inc., Valmont Industries Inc. (Microflect) and CHM Industries Inc.). Upon motion by Director Lewis, seconded by Director Arthur, the recommendation was unanimously approved by a vote of 12 to 0.

Chair Timmerman declared the meeting to be in executive session at 11:17 a.m., pursuant to sections 551.071, 551.072, 551.074, 551.076, 551.086, 551.089 and 418.183(f) of the Texas Government Code. Executive session ended, and Chair Timmerman declared the meeting to be in public session at 11:33 a.m.

Chair Timmerman recessed the meeting at 11:33 for a break. The Board reconvened at noon and met over lunch with Texas Sen. Charles Schwertner to discuss issues facing the lower Colorado River basin and the LCRA service area.

There being no further business to come before the Board, Chair Timmerman adjourned the meeting at 12:41 p.m.

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Joseph M. Crane  
Secretary  
LCRA Board of Directors

Approved: March 23, 2022

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