

**UPPER BRUSHY CREEK
WATER CONTROL AND IMPROVEMENT DISTRICT
1850 ROUND ROCK AVE, ROUND ROCK, TX 78681
REGULAR BOARD MEETING MINUTES
JANUARY 18, 2018**

CALL TO ORDER: The Regular meeting was called to order at 4:00 p.m. by President Jeff Sawyer.

ROLL CALL: The roll call was taken by Lisa Moravitz, District Secretary.

DIRECTORS PRESENT: Jeff Sawyer, President; Robert Adams, Vice-President; Miguel Villarreal, Secretary/Treasurer; Mike Freeman, Director; and Jeremiah Williams, Director (Late Arrival)

STAFF PRESENT: Ruth Haberman, General Manager; Lisa Moravitz District Secretary; Chris Tschirhart, Senior Project Manager; and District Counsel, Charlie Crossfield

RESIDENTS AND OTHERS PRESENT AT SAID MEETING:

- Tara Hojnacki, Maxwell, Locke & Ritter (Auditor)
- Alysha Girard, City of Round Rock
- David Zwernemann, Williamson County
- Tina Stanard, FNI (Consultant)
- Randy Lueders, City of Cedar Park
- Kathy Cook, Citizen
- Karl McArthur, City of Austin
- Mike Lenherr, AECOM/URS (Consultant)

CITIZEN COMMUNICATIONS:

Kathy Cook advised the City of Cedar Park will hold a second hearing on the sales tax reallocation, and that the issue may be put on the May 2018 ballot. The reallocated sales tax would be used for stormwater and flood mitigation projects.

PRESENTATIONS:

1. Presentation, discussion, and possible action regarding FY 2017 Audit Report by Maxwell Locke & Ritter.

Motion by Vice President Adams, second by President Sawyer to accept the FY 2017 Audit as presented by Maxwell, Locke & Ritter. Motion carried unanimously (4 – 0)

CONSENT AGENDA:

2. Approval of Meeting Minutes:
 1. December 21, 2017 Regular Meeting
3. Discussion and possible action on financial reports, payment of bills, credit card statement, and TexPool statements:
 - a. Financial Reports;
 - b. Payment of Bills;
 - c. Credit Card Statement;
 - d. TexPool Statements.

Motion by President Sawyer, second by Director Freeman to approve the consent agenda as presented. Motion carried unanimously. (4-0). Note: Secretary/Treasurer Villarreal requested the TexPool statements be pulled out of the consent calendar and discussed as a separate agenda item at next month's meeting.

ADMINISTRATION:

4. Discussion and possible action on Moir Watershed Services LLC Supplemental Contract #1.

Motion by Vice-President Adams, second by President Sawyer to approve the Moir Watershed Services, LLC Supplemental Contract #1. Motion carried unanimously. (4-0)

DAM MODERNIZATION PROJECTS:

5. Staff report on the Dam #7 Modernization Project – Construction, and discussion and possible action on Dam #7 Modernization Change Order #3.

The Senior Project Manager provided a brief report on the status of the project. He advised the Dam #7 Modernization Change Order #3 will not be ready for approval until next month.

He advised the following activities are underway: 1) Replacement of the rock rip rap on upstream slope of dam. 2) Construction of the Regional Trail segment on the downstream slope of the dam. 3) Excavation (rock milling) in auxiliary spillway. 4) Processing of onsite and imported materials. 5) Construction of the Regional Trail on the upstream slope of dam (concrete and architectural block placement). 6) Continue review of submittals and certified test reports.

Staff provided an update on the work by PEC to reconnect the electrical service to the Henry parcel. PEC has installed the poles and wires, however PEC advised they may need to move the middle pole on the dam because it was installed out of alignment with the poles on either end. Staff requested a credit back from PEC because PEC modified their design to use 45-foot tall wood poles and eliminate the 70-foot tall transmission poles described in the work order.

Director Villarreal inquired as to who would be responsible for maintaining the landscaping along the Regional Trail. Staff advised that under the current ILA, the County will own, operate and maintain the Dam #7 trail improvements. The General Manager has contacted the County and requested that the County also maintain the landscaping along the trail. If the County agrees, the District and County would enter into a formal agreement concerning maintenance of the landscaping.

No action taken.

6. Staff report on the Dam #8 Modernization Project – 90% Design.

The Senior Project Manager provided a brief report on the status of the project to include the following:

- 1) The final design consultant (URS/AECOM) has incorporated the landowner requested changes agreed to by the District, and provided a pre-final (check set) of plans to the District for review.
- 2) Permitting – URS is finalizing the design documents for the City of Austin Site Development Permit and TCEQ Water Pollution Abatement Plan (WPAP) and Dam Safety submittals.
- 3) The District has delivered the check set of plans to the landowners. Staff will schedule another meeting with the landowners and request confirmation that their questions/issues have been resolved.

UPPER BRUSHY CREEK WATER CONTROL AND IMPROVEMENT DISTRICT
REGULAR MEETING MINUTES JANUARY 18, 2018

- 4) The District's legal counsel is working with the property owners' attorney to negotiate a Possession and Use Agreement, with input from staff and exhibits prepared by URS/AECOM; this process has involved several iterations of the draft P&U Agreement.

No action taken.

CAPITAL IMPROVEMENT PROJECTS:

7. Staff report on the City of Round Rock/District Dam #101 Project.

The General Manager advised she had met twice with City of Round Rock staff to coordinate the new Interlocal Agreement on a conceptual level. The General Manager received a draft bullet list of items that is the City of Round Rock's proposal for the new ILA. The General Manager will be adding some comments and forwarding the City's proposal to the District's ILA Technical Committee for consideration. The City thinks the ILA can be negotiated and agendized for approval by both entities in the April 2018 timeframe.

No action taken.

8. Staff report on the Dam #102 Project – 30% Design.

The Senior Project Manager provided a brief report on the project and advised he has reviewed the 30% Design plans and will be submitting his comments within the next thirty (30) days.

No action taken.

9. Staff report on the Dam #22 Permanent Repairs Project, Task 3 (Design and Construction Documents).

The Senior Project Manager provided a brief report on the project. Staff provided a briefing document to the Technical Committee concerning the recent developments that could impact the current design. Staff also advised that the General Manager authorized the Principal Spillway Conduit Evaluation Services via Work Authorization #4, Amendment #3, not to exceed \$9,400. The draft technical memorandum should be delivered to the District by February 5th and submitted to the Technical Committee for review prior to the February 15th meeting. Staff also requested a proposal from HDR to evaluate the impacts to the downstream floodplain if Dam 22 were to be decommissioned.

No action taken.

REHABILITATION PROJECTS:

10. Staff report on the Dam #10B Outlet Remediation Project.

The Senior Project Manager provided a brief report on the project and advised FNI has determined the existing culvert under the Conveyor Road is undersized and can backup water onto the downstream toe of the dam in large storm events. Adding another culvert under the Conveyor Road could add substantial costs to the project. In light of the cost impacts, the District needs to consider various options which could include decommissioning Dam 10B (which the landowner prefers). Staff will coordinate with the Technical Committee and provide additional documentation and options for their consideration. The preliminary design can be submitted once the District considers the findings memo and provides direction to the design consultant.

No action taken.

UPPER BRUSHY CREEK WATER CONTROL AND IMPROVEMENT DISTRICT
REGULAR MEETING MINUTES JANUARY 18, 2018

11. Staff report on Dam #21 Downstream Embankment Repair, Phase 2 – Design, Construction Oversight, and Monitoring.

The General Manager provided a brief report on the project and advised the final construction document submittal by URS has been delayed.

No action taken.

MISCELLANEOUS PROJECTS:

12. Staff report on a New District Facility.

The General Manager provided a brief report on the project and advised the 90% design plans and specs have been received. The goal is to submit the plans to the City of Round Rock for permitting in February.

No action taken.

13. Staff report on the Dam Assessment and Prioritization Project - Phase 2.

The General Manager provided a brief update on the project. She advised there will be a day and a half Potential Failure Modes Analysis Workshop next week followed by a Risk Communication Workshop on Saturday.

No action taken.

CLOSING ITEMS:

14. Staff report on active Development Permits and other activity within District easements.

The General Manager provided a brief update on the Development Permits and other activity within the District easements. Additional discussion included a component of the dam maintenance database being developed by Halff that will automate and geographically reference the development permit tracking.

15. General Manager's report.

The General Manager advised when she was hired in 2011, the District had just drafted an action plan that laid out a list of objectives that was used as a roadmap for action. Some of the objectives included taking good care of dams, opening a District office, gathering Technical Advisory Committee and completing the watershed study, working with FEMA to improve the floodplain maps for the District, improving the flood monitoring system and website, getting the emergency action plan finalized and approved by TCEQ, and of course, completing the Dam Modernization Program. The General Manager then submitted her resignation effective February 16, 2018 and advised it has been an honor and privilege to serve the District for the past seven (7) years.

16. Discussion and possible action on items to be added to the agenda for the next meeting and workshop.
 - a) TexPool to be added to the next regular meeting.
 - b) General Manager Duties and Personnel search to be added to the workshop/special meeting.
 - c) iPads to be added to the workshop/special meeting.

UPPER BRUSHY CREEK WATER CONTROL AND IMPROVEMENT DISTRICT
REGULAR MEETING MINUTES JANUARY 18, 2018

EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TITLE 5, TEXAS GOVERNMENT CODE.

The Board went into executive session at 5:05 p.m.

17. Executive session as authorized by Sec. 551.074 (Personnel Matters).
 - a. Chris Tschirhart, Senior Project Manager

EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TITLE 5, TEXAS GOVERNMENT CODE.

18. Executive session as authorized by Sec. 551.074 (Personnel Matters).
 - a. Ruth Haberman, General Manager

RECONVENE TO OPEN SESSION TO TAKE ACTION, IF ANY, ON MATTERS DISCUSSED IN EXECUTIVE SESSION. The Board adjourned out of executive session at 6:18 p.m.

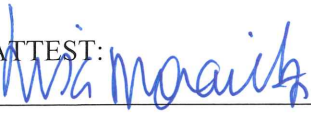
The Board of Directors accepted Ruth Haberman's resignation effective February 16, 2018.

20. Discussion and possible action on a Board approved policy detailing the hiring and dismissal of District staff.

Motion made by Vice-President Adams, second by Director Williams to table this item.

DATED AT ROUND ROCK, TEXAS ON THIS 15th DAY OF FEBRUARY 2018.

ATTEST:



Lisa Moravitz, District Secretary



Jeff Sawyer, President