

**UPPER BRUSHY CREEK
WATER CONTROL AND IMPROVEMENT DISTRICT
1850 ROUND ROCK AVE, ROUND ROCK, TX 78681
REGULAR BOARD MEETING MINUTES
APRIL 19, 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

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

RESIDENTS AND OTHERS PRESENT AT SAID MEETING:

- Alysha Girard, City of Round Rock
- Tina Stanard, FNI (Consultant)
- David Zwernemann, Williamson County
- Kathy Cook, Citizen
- Darrell Jones, AECOM/URS (Consultant)
- Karl McArthur, City of Austin
- Randy Luedes, City of Cedar Park
- Tim Hudgeons, Citizen

CITIZEN COMMUNICATIONS:

President Sawyer expressed his appreciation to the Directors, contractors and staff involved in the Dam 7 Ribbon Cutting.

Tim Hudgeons was present to congratulate the District on the Dam 7 project. He advised the City of Cedar Park is planning for the Lakeline Park at Dam 6. They are hoping to build a trail around the park, which would require consideration from the District at some point.

CONSENT AGENDA:

1. Approval of Meeting Minutes:
 - a. March 22, 2018 Regular Meeting

2. 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 Vice President Adams, second by Director Freeman to approve the consent agenda as presented. Motion carried unanimously. (5-0).

UPPER BRUSHY CREEK WATER CONTROL AND IMPROVEMENT DISTRICT
REGULAR MEETING MINUTES APRIL 19, 2018

Secretary/Treasurer Villarreal asked if we received an invoice from ASI, which the District did not for the month of April. He also requested to review the Moir Watershed Services Invoice prior to payment.

The District Secretary advised the TexPool Resolution for the Prime Account will be included in the May agenda to avoid duplicating signatures with the upcoming election.

ADMINISTRATION:

3. Discussion and possible action on setting date to canvass the May 5, 2018 General Election.

Motion by President Sawyer, second by Director Williams to change the regular meeting date for next month to May 15, 2018 at 4:00 p.m. to canvass the election within the timeframe authorized by the Texas Election Code. Motion carried unanimously.

DAM MODERNIZATION PROJECTS:

4. Staff report on the Dam 7 Modernization Project – Construction.

The board thanked staff and FNI for the preparation and work done at the ribbon cutting at Dam 7. The Senior Project Manager advised there was an issue with the Regional Trail prior to the ribbon cutting causing ASI to add cement stabilized decomposed granite material to the trail in the stilling basin. After the recent rain event, it was discovered that the trail does not drain properly and has standing water after rain event. ASI constructed the trail to the lines according to the revised design provided by FNI during construction. FNI designed a drain across the bottom of the stilling basin, however it does not appear that the runoff from the trail actually drains downwards into the drain because of the backfill material (mill cuttings) is not permeable, and FNI's revised design resulted in a two-inch lip along the stilling basin, which prevents surface runoff from draining over the concrete end section. In an effort to have the trail repaired prior to the ribbon cutting event, the Senior Project Manager persuaded the contractor to complete the work and authorized a change order. Further discussion on payment to the contractor will be discussed at the next meeting.

The Magnolia Hospitality (Golf Course Owner) signed the permanent easement to PEC. Once its recorded, the District's counsel will submit a recorded copy to PEC's counsel and request that PEC release the \$150,000 held in escrow by PEC for the easements.

Director Williams requested more "No Trespassing" signage be placed at Dam 7.

5. Staff report on the Dam 8 Modernization Project – Final Design.

The Senior Project Manager advised the temporary access road has been completed by Moir Watershed Services. Additionally, staff is working with Moir Watershed Services to lower the lake level to allow for a CCTV camera inspection of the primary spillway conduit. Easement acquisition will be discussed in executive session.

The possession and use agreement is being circulated by the landowners and will hopefully be received within the week.

No action taken.

CAPITAL IMPROVEMENT PROJECTS:

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

UPPER BRUSHY CREEK WATER CONTROL AND IMPROVEMENT DISTRICT
REGULAR MEETING MINUTES APRIL 19, 2018

The Senior Project Manager advised the City of Round Rock will meet with the District on May 8, 2018 at 1:00 p.m. to discuss the Interlocal Agreement.

No action taken.

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

The Senior Project Manager advised the consultant has responded to his comments on the Preliminary 30% Design to the consultant.

No action taken.

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

The Senior Project Manager advised on April 2, FNI delivered two draft "Other Costs" deliverables to the District. One is a draft memo with Other Costs and Considerations. The other is a draft Summary of Project Impacts and Options for two approaches: District funded and NRCS funded. Staff will review and comment on the draft documents, then provide a briefing to the Technical Committee with recommendations.

The Senior Project Manager reported on the possible decommissioning of Dam 22: On April 5, HDR delivered the draft Decommissioning Decision memo which contains a summary of preliminary flood impacts evaluation and other considerations. Staff will review and comment on the draft document, then provide a briefing to the Technical Committee with recommendations.

Staff recommended the Technical Committee schedule a meeting between April 30th and May 4th to discuss staff recommendations. Staff will coordinate with the Technical Committee to get a meeting scheduled to present a final recommendation to the Board at the May regular meeting.

No action taken.

REHABILITATION PROJECTS:

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

The Senior Project Manager advised that it is not feasible to open-cut the conveyor road to install an additional culvert. It would negatively impact quarry operations and is unacceptable to Texas Crushed Stone. Staff has notified FNI to proceed with the design based on using the existing 24" diameter culvert beneath the conveyor road. A cost estimate will be provided next month.

FNI has provided an updated project schedule.

Lastly, the Agreement for Entry onto the Texas Crushed Stone property will expire on September 30, 2018, therefore staff will request an extension prior to the expiration date.

No action taken.

10. Staff report on Dam 21 Downstream Embankment Repair, Phase 2 (Design, Construction Oversight, and Monitoring)

The District's Access Agreement with the landowner to complete the rehabilitation work on Dam 21 expired on March 30, 2018. Prior to that time, staff contacted the landowner's counsel and requested a 240 – day extension. Staff anticipates a new Agreement will be developed.

UPPER BRUSHY CREEK WATER CONTROL AND IMPROVEMENT DISTRICT
REGULAR MEETING MINUTES APRIL 19, 2018

No action taken. Director Villarreal suggested getting a one-year extension.

MISCELLANEOUS PROJECTS:

11. Staff report on a New District Facility.

The Senior Project Manager reported the City of Round Rock has awarded the project for the Texas Avenue Extension project. A pre-construction meeting is scheduled for April 25th and the Notice to Proceed is scheduled for May 7th. The City plans to have the water quality pond substantially completed by July 31st.

Kitchell has submitted the Site Development Permit Application and the Building Permit Application to the City of Round Rock for review. The permits were scheduled to be complete in February, so there is a delay on the project. The current lease for the District has been extended our lease through November 2018.

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

The Senior Project Manager advised the Potential Failure Modes Analysis (PFMA) Workshops are scheduled for June 7th and June 8th with a Board workshop on June 9th. NRCS, Todd Marek will conduct the next round of CCTV inspections on April 23rd and April 24th.

No action taken.

13. Staff report on Minor Dam Repairs – Dams 18 and 20

The Senior Project Manager reported M&E completed the tree survey and topographic survey and is now working on the outlet channel design at Dam 20. Once the plan is approved by the City of Hutto, the project can be implemented.

On April 6, staff had an onsite meeting at Dam 18 with the downstream property owners to discuss the proposed project. The landowners requested payment of rent for the temporary construction easement (staging area).

The Senior Project Manager reported M&E will perform a topographic survey for Dam 18 outlet channel grading and primary access relocation in the near future. Once the survey is complete, M&E will prepare a grading plan and a primary access road construction plan.

The Senior Project Manager reported the projects will need to be considered as two separate projects and will be subject to the competitive bidding requirements.

No action taken.

CLOSING ITEMS:

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

The Senior Project Manager advised the proposed platting of lot by Chuck Holland at Dam 3 is being protested by Mr. Holland as it relates to the WCAD appraisal. Legal Counsel will be working with staff and provide a response regarding evidence that the subdivision cannot take place due to the spillway.

UPPER BRUSHY CREEK WATER CONTROL AND IMPROVEMENT DISTRICT
REGULAR MEETING MINUTES APRIL 19, 2018

Other discussion included a number of developers that are trying to use the District reservoirs as detention. It was the consensus of the Board that a policy needs to be created to be consistent.

Discussion was also held regarding the RM 1431 Gap Project. FM 1431 is being widened by TxDOT in Cedar Park across Spanish Oak Creek – Dam 4 access. Staff will request a proposal from M&E to setback the existing fence at the new driveway on FM 1431, and to improve access and resolve a drainage issue at the right abutment of Dam 4.

No action taken.

15. General Manager's report.

- Moir Watershed Services has completed maintenance at Dams 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13A, 14, 19, 21, and 22. MWS has been working with staff to draw down of some of the reservoirs for the CCTV inspections. Staff advised the access roads built by Moir Watershed Services look good and they have also filled the coyote dens at Dam 22.

16. Discussion and possible action on the General Manager position.

It was the consensus of the Board authorizing staff to get price quotes from Strategic Government Resources to advertise for the General Manager position and coordinate with the Administrative Committee.

17. Discussion and possible action on replacing iPads.

The IT Committee provided input on the Samsung Chromebook 3; Apple iPad upgrade; Lenovo Tablet, and the Amazon Fire as possible replacements for the current Apple iPad. This item will be brought back for further discussion at the next regular meeting.

18. Discussion and possible action on items to be added to the agenda for the next meeting. The following items will be included on the next regular meeting agenda:

- Replacement of the iPad
- Discussion on the General Manager position
- Election of Officers
- Committee Selections

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

The Board went into executive session at 5:50 p.m.

19. Executive session as authorized by Sec. 551.072 (Real Property) related to the deliberation regarding purchase, exchange, lease, or value of real property.
- a. Easement acquisition: Dams 8, 22, 101, and 102.

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

20. 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.

21. Executive session as authorized by Sec. 551.071 (Consultation with Attorney).
- a. Potential Flooding Issues

UPPER BRUSHY CREEK WATER CONTROL AND IMPROVEMENT DISTRICT
REGULAR MEETING MINUTES APRIL 19, 2018

RECONVENE TO OPEN SESSION TO TAKE ACTION, IF ANY, ON MATTERS DISCUSSED IN EXECUTIVE SESSION.

The Board adjourned out of executive session at 6:22 p.m.

Motion made by Director Freeman, second by President Sawyer to authorize Legal Counsel to proceed with eminent domain, including re-appraisals as it relates to item 19 above. Motion carried unanimously.

Motion made by President Sawyer, second by Director Freeman to expunge reprimand from personnel records as recommended by the Administrative Committee following an extensive, in depth investigation as it relates to item 20 above. Ayes: 4 Nays: 1- Villarreal Motion Carried.

Motion by Director Williams, second by Director Freeman authorizing Legal Counsel to revise the Notice to Purchasers on flooding as it relates to item 21 above. Motion carried unanimously.

ADJOURNMENT.

DATED AT ROUND ROCK, TEXAS ON THIS 15TH DAY OF MAY 2018.

ATTEST:



Lisa Moravitz, District Secretary



President