

**UPPER BRUSHY CREEK
WATER CONTROL AND IMPROVEMENT DISTRICT
1850 ROUND ROCK AVE, ROUND ROCK, TX 78681
REGULAR BOARD MEETING MINUTES
May 15, 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: 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
- Scott Smith, Citizen
- David Zwernemann, Williamson County
- Kathy Cook, Citizen
- Darrell Jones, AECOM/URS (Consultant)
- Mike Lenherr, AECOM/URS (Consultant)
- Jeff Irvin, AECOM/URS (Consultant)
- Randy Lueders, City of Cedar Park
- Tim Hudgeons, Citizen
- Casey Clausen, Citizen

CITIZEN COMMUNICATIONS:

Scott Smith, HOA President of Ranch of Brushy Creek was present to request the District consider budgeting to assist HOA's with the maintenance of the detention ponds.

Robert Adams and Jeff Sawyer advised it was an honor serving with the other Directors and staff and congratulated the candidates that will be sworn in.

A plaque for years of service was presented to Robert Adams and Jeff Sawyer.

OFFICIAL CANVASS OF THE MAY 5, 2018 GENERAL ELECTION

1. Execution of the Summary and Canvass of Election Returns
2. Oath of Office administered to the newly elected Directors
3. Statement of Officer administered to the newly elected Directors
4. Certificate of Election is presented to the newly elected Directors

The official canvass of the election returns for the May 5, 2018 General Election was conducted by Secretary/Treasurer Miguel Villarreal, Director Mike Freeman, and Director Jeremiah Williams. Legal Counsel Charlie Crossfield administered the Statement of Election and the Oath of Office to the elected candidates Kathy Cook and Casey Clawson. The Certificate of Election was presented to each of the elected officials.

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ADMINISTRATION

5. Appointment of Board Officers and Committee Assignments as appropriate.

Director Williams nominated Mike Freeman as the President and Director Clawson seconded the nomination. Mike Freeman accepted the nomination.

President Mike Freeman nominated Jeremiah Williams as the Vice-President and Director Cook seconded the nomination. Jeremiah Williams accepted the nomination.

President Freeman nominated Miguel Villarreal as the Secretary/Treasurer and Director Cook seconded the nomination. Miguel Villarreal accepted the nomination.

Motion by Mike Freeman to approve the Board Officer nominations. Motion carried unanimously (5-0).

Committee Assignments as follows: IT/Administration Committee (Mike Freeman/Kathy Cook); Regional Issues Committee (Kathy Cook/Jeremiah Williams); Finance Committee (Jeremiah Williams/Miguel Villarreal); Administration Committee (Mike Freeman and Jeremiah Williams); Technical/Capital Improvements/Dam 101 ILA Technical Committee (Miguel Villarreal and Casey Clawson) and assigning other committees as needed when projects are addressed.

Motion by President Freeman, second by Vice-President Williams approving the Committee Assignments as described above. Motion carried unanimously (5-0).

6. Discussion and possible action approving the TexPool Resolution to update signatures and open TexPool Prime Account; and authorizing staff to coordinate with Regions Bank to update the new bank account signature cards.

Motion by Secretary/Treasurer Villarreal, second by Vice-President Williams to approve the TexPool Resolution updating signatures; authorizing staff to coordinate with Regions Bank to update the new bank account signatures by removing Jeff Sawyer and Robert Adams; and adding Kathy Cook and Casey Clawson. Motion carried unanimously.

CONSENT AGENDA:

All items listed with an asterisk (*) are considered to be routine by the District and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Board member, in which event the item will be removed from the consent agenda and considered during this meeting.

- *7. Approval of Meeting Minutes:
a. April 19, 2018 Regular Meeting
- *8. 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.

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**Motion by Vice President Williams, second by Director Clawson to approve the consent agenda as presented.
Motion carried unanimously. (5-0).**

DAM MODERNIZATION PROJECTS:

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

The Senior Project Manager advised Payment Request No. 21 (Work Period: February 20 to March 26, Amount \$178,140) was submitted late; it has been reviewed and recommended for payment by the engineer FNI and staff. ASI did not submit a payment request for April. The construction team is negotiating Change Order 4. Project closeout is underway. The District is holding 10% retainage from ASI's payment requests, approximately \$1.8 million. ASI has verbally requested a partial release of retainage. Per the contract, any release or reduction in retainage is contingent upon consent of the Surety to such reduction in retainage, which has been received along with the Consent of Surety to Final Payment. Staff is okay with releasing half of the retention to the Surety so that ASI can release retention to its subcontractors and Affidavit of Release of Liens and Affidavit of Payment of Debts and Claims can be obtained.

Site restoration and demobilization has been completed with the exception of temporary irrigation of the landscaping. PEC released the funds held in escrow for the PEC utility easements, a check in the amount of \$150,021.49 was delivered to the District. With FNI's assistance, staff nominated the project for a Texas Public Works Association Project of the Year Award. Other discussion included the No Trespassing signs being installed and the possibility of the installation of a camera quote.

No action taken.

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

The Senior Project Manager advised the Possession and Use Agreement has been executed. The final design consultant (URS/AECOM) has incorporated the landowner requested changes agreed to by the District and is finalizing the design documents. URS is finalizing the design documents for staff to submit to the City of Austin Site Development Permit and TCEQ Water Pollution Abatement Plan (WPAP) and Dam Safety submittals. Moir Watershed Services completed the temporary access road the week of April 16-20. Staff conducted a walk through with the property owner who was pleased with the road work. A CCTV camera inspection was completed on April 23rd, and the video has been forwarded to URS for review. Staff coordinated with Moir Watershed Services to reduce the flows through the conduit before the camera inspection. This was accomplished by temporarily plugging the weir notch in the primary spillway inlet; this approach avoided lowering the reservoir level.

No action taken.

CAPITAL IMPROVEMENT PROJECTS:

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

The Senior Project Manager advised work is continuing on some interim scope items authorized by the City of Round Rock. In March, staff was directed to schedule a meeting with the CORR to schedule a meeting between the District and CORR concerning the proposed ILA amendment. The meeting has been scheduled but will need to be rescheduled for mid-June. Staff suggested the meeting be scheduled following the Budget Workshop proposed in June.

No action taken.

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

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The Senior Project Manager advised the preliminary design is complete. Further progress on this project is dependent on the upcoming amendment to the Dam 101 ILA between the District and City of Round Rock.

No action taken.

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

The Senior Project Manager advised the Technical Committee met on May 4th and has recommended the following:

- a) The District rehabilitate Dam 22 to obtain an additional 50-year design life. Rehabilitation components include: principal spillway replacement, removal of the parapet wall and raising the dam with earth fill, increasing the capacity of the auxiliary spillway to convey the design flood, armoring the spillway if deemed necessary, and raising/extending the outer spillway dike to the new top of the dam elevation.
- b) The District acquire additional inundation easement from the upstream landowners to the new top of the dam elevation.
- c) The District implement the rehabilitation project using District funds only, and without anticipation of receiving any reimbursement from NRS or other entity in the future.

Motion by Secretary/Treasurer Villarreal, second by Vice-President Williams approving the recommendation of the Technical Committee and directing staff to solicit a proposal from Freese & Nichols for required final design services, bid phase services and construction phase services. Motion carried unanimously.

REHABILITATION PROJECTS:

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

The Senior Project Manager advised Freese & Nichols submitted the preliminary design plans and Opinion of Probable Construction Costs to the District on April 27th. Staff reviewed the submittal and provided comments to FNI on April 30th. FNI estimated construction to cost \$157,000 (including a 25% contingency) at the preliminary design stage.

The District has authorized Task 1 (Site Investigation) and Task 2 (Preliminary Design). Staff has requested a proposal from FNI for Task 3 (Final Design), Task 4 (Bid Phase Services) and Task 5 (Construction Phase Services). Staff proposes to negotiate the proposal with FNI and request Board authorization at the June 2018 regular meeting.

The Agreement for entry onto the Texas Crushed Stone property will expire on September 30, 2018. Prior to expiration, staff will request an extension of the term from landowners (likely through April or May 2019).

No action taken.

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

The Senior Project Manager advised the design consultant submitted the draft contract documents to the District for review on April 27th. Comments will be provided by staff once reviewed.

Staff will coordinate with the landowner's legal counsel to develop a new access agreement; the original agreement expired on March 30, 2018.

No action taken.

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MISCELLANEOUS PROJECTS:

16. Staff report on a New District Facility.

The Senior Project Manager advised the City of Round Rock should begin construction on the Texas Ave Extension project very soon. The city plans to have the water quality pond substantially completed by July 31st.

Kitchell is working to obtain the Site Development Permit and Building Permit from the City of Round Rock, however it has been stalled due to the city requiring the water quality pond being screened with trees. In the schedule submitted with the Design-Build Amendment (dated December 11, 2017), the Building Permit milestone was to occur by February 28, 2018. The contractor may be able to make up some time, depending on the weather over the next few months.

KGA's civil engineering subconsultant (Land Dev Consulting) submitted the TCEQ WPAP Modification application the week of April 16-20.

No action taken.

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

The Senior Project Manager advised HDR has conducted the Primary Failure Mode Analysis (PFMA) workshops for Dams: 4, 15, 17, 18, 12, 13A, and 19. The fourth round of PFMA Workshops are scheduled for Thursday, June 7 and Friday, June 8 with a Board workshop on Saturday, June 9, from 8:00 am until noon. He advised the Technical Committee members are welcome to attend the workshops on June 7 and June 8. He also advised to prepare for the workshop, Directors can review the prior workshop notes that are under the assessments page in drop box or on the website under the Board of Directors page.

No action taken.

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

The Senior Project Manager advised M&E completed a tree survey and topographic survey at Dam 20 and is now working on the outlet channel design. M&E will prepare a tree removal and grading plan for submittal to the City of Hutto. Once the plan is approved by the City, the project can be implemented. He also advised M&E performed a topographic survey at Dam 18. M&E has indicated both designs should be completed by May 31.

No action taken.

CLOSING ITEMS:

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

The project tracking report was presented to the Board on the active development within the district easements. The Senior Project Manager advised K Friese and Associates is the consultant that is working with the District to track and be involved in the permitting and progress of the development.

No action taken.

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20. General Manager's report.

Budget Workshop:

A Budget Workshop is being proposed for June 14 at 4:00 pm.

Dam Inspections and Maintenance

The last round of Quarterly Inspections was performed by FNI in March 2018. FNI provided the inspection report to the District on April 24.

On April 23-24, NRCS conducted the most recent round of CCTV inspections for the primary spillway conduits at Dams 8, 16, 1 and 2.

Performance Plus, Inc. performed most of the District dam drain valve exercise and maintenance at the end of January that is required annually. There are seven valves that require additional maintenance that will be conducted in May to complete the additional maintenance.

Moir Watershed Services completed the Spring 2018 maintenance at the District dams.

Animal Intrusions

Staff needs to coordinate with Wildlife Services and the landowner (CORR) to conduct another site visit at Dam 13A during nighttime to determine if nutria are present, and if so to remove from the property.

On-Call Surveying

Staff received a proposal from Halff to map the existing blanket easements for each dam onto a new layer of the web map. This will help the District and landowners to see which current parcels are subject to the blanket easements. The proposed scope and fee is attached, and the \$19,890 fee results in an average cost of \$869 per dam. It was the consensus of the Board to direct staff to authorize Halff to complete the work since the proposal is under \$25,000.

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

Motion by Director Clawson, second by Vice-President Williams authorizing the Administrative Committee to proceed with the component-based search offered by SGR in an amount not to exceed \$10,000 to fill the vacant General Manager position. Motion carried unanimously.

22. Discussion and possible action on replacing iPads.

Motion by Vice-President Williams, second by Director Clawson authorizing the IT Committee to proceed with the purchase of electronic devices for the Directors and staff for the total amount not to exceed \$10,000. Motion carried unanimously.

23. 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:

- Filling the General Manager position
- Open Meetings rules and regulations

EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TITLE 5, TEXAS GOVERNMENT CODE. The board went into executive session at 5:50 pm.

24. Executive session as authorized by Sec. 551.072 (Real Property) related to the deliberation regarding purchase, exchange, lease, or value of real property.

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- a. Easement acquisition: Dams 8, 22, 101, and 102.

RECONVENE TO OPEN SESSION TO TAKE ACTION, IF ANY, ON MATTERS DISCUSSED IN EXECUTIVE SESSION.
The Board adjourned out of executive session at 6:32 pm. No action taken.

ADJOURNMENT.

DATED AT ROUND ROCK, TEXAS ON THIS 21st DAY OF June 2018.

ATTEST:



Lisa Moravitz, District Secretary



Mike Freeman, President