

**UPPER BRUSHY CREEK
WATER CONTROL AND IMPROVEMENT DISTRICT
1850 ROUND ROCK AVE, ROUND ROCK, TX 78681
REGULAR BOARD MEETING MINUTES
June 21, 2018**

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

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

DIRECTORS PRESENT: Mike Freeman, President; Jeremiah Williams, Vice-President; Miguel Villarreal, Secretary/Treasurer; Kathy Cook, Director; and Casey Clawson, 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
- David Zwernemann, Williamson County
- Randy Lueders, City of Cedar Park

CITIZEN COMMUNICATIONS:

No citizen in-put

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.

- *1. Approval of Meeting Minutes:
 - a. May 15, 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 Director Cook, second by Vice-President Williams to approve the consent agenda as presented. Motion carried unanimously. (5-0).

DAM MODERNIZATION PROJECTS:

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

The Senior Project Manager advised Payment Request No. 22 (Work Period: March 27 to April 24, Amount \$897,112) has been reviewed and recommended for payment by the engineer (FNI). This payment request is releasing \$893,155 in retainage (approximately half). The District has received the Consent of Surety to Release of Retainage and Consent of Surety to Final Payment form. Releasing half of the retention to the Surety should help ASI to obtain lien releases from its sub-contractors. The remaining retainage is sufficient to cover

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liquidated damages and outstanding work items. The construction team is negotiating Change Order 4. Project closeout is underway.

ASI has requested a time extension for final completion. The additional time is needed to meet the revegetation requirements and to irrigate the landscape plantings.

The Dam 7 Modernization project was awarded a Texas Chapter of the American Public Works Association Project of the Year Award. The award will be presented to the District at a banquet June 28 during the Association's annual meeting in Fort Worth. Director Cook will be attending the banquet to receive the award on behalf of the District. A press release has been prepared by FNI to be published in the local newspaper. ***Secretary/Treasurer Villarreal advised the consultant should not be paid if they are not performing any work during the project. This should be the practice for all consultants on all projects.***
No action taken.

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

The Senior Project Manager advised URS is finalizing the design documents for staff to submit to the City of Austin Site Development Permit. The TCEQ Water Pollution Abatement Plan (WPAP) and Dam Safety submittals was made on May 24th. A CCTV camera inspection was completed on April 23rd, and the video has been reviewed by URS. They have concluded that the conduit is good enough condition that it will not require replacement, however it will require repair. URS recommends repair of the two items noted in the video: a full-circumference crack in the pipe (likely associated with stresses posed by nearby anti-seep collar), and a pinhole leak (that appears to be partially healed). Staff proposes to include these repairs in the Dam 8 modernization project and has requested a proposal from URS/AECOM for these additional services.

The Possession and Use Agreement was fully executed on May 10, 2018. This District's legal counsel is working with the property owners' attorney to complete the negotiations for the value of the easements. The landowners have stated they may want the District to purchase the land (rather than purchase easements) because the structure easement will be fenced and unusable for livestock grazing. Easement acquisitions will be further discussed in executive session.

No action taken.

CAPITAL IMPROVEMENT PROJECTS:

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

President Freeman and Vice-President Williams met with the City of Round Rock on June 19, 2018 to discuss the Dam 101 Project. Directors Freeman/Williams indicated that the next steps will be to get the 100% design completed, obtain the permits and easements required for the project and then the City of Round Rock and the District will meet again in a few months to measure the progress of the project. Director Freeman said that it is too early to pursue grant funding at this time.

No action taken.

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

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.

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

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The Senior Project Manager advised the Board requested a proposal from FNI to implement design modifications to Dam 22 at the May 15, 2018 Board meeting to achieve 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.

FNI provided the requested proposal on June 4. Staff recommends approval of Work Authorization 4, Amendment 4, authorizing FNI to conduct Design Modifications in the amount of \$292,235.

Motion by Vice-President Williams, second by Director Clawson approving Work Authorization 4, Amendment 4, authorizing FNI to conduct Design Modifications in the amount of \$292,235. Motion carried unanimously.

REHABILITATION PROJECTS:

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

The Senior Project Manager advised a proposal was received from FNI for Final Design, Bid Phase, and Construction Phase Services on May 29.

Staff recommends approval of FNI Work Authorization 7, Amendment 2, for Task 3, Task 4, Task 5 and Owner – Authorized Contingency in the amount of \$116,975.

Motion by Vice-President Williams, second by Director Clawson approving Work Authorization 7, Amendment 2, for Task 3, Task 4, Task 5 and Owner – Authorized Contingency in the amount of \$116,975. Motion carried unanimously. Secretary/Treasurer Villarreal requested that recommendations to approve future work authorization amendments should include the current contract amount and the new contract amount.

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

The Senior Project Manager advised plans and specifications prepared by the consultant have been finalized and issued for bid. Advertisement process for the competitive sealed bid will begin next week through Civcast with a bid opening on July 24.

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

No action taken.

MISCELLANEOUS PROJECTS:

10. Staff report on a New District Facility.

The Senior Project Manager advised site development permit was received today. The building permit will be received within the next few weeks. An updated schedule will be provided once the permits have been issued.

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Construction of the Texas Ave Extension project is underway. The city intends to have the water quality/detention pond substantially completed by July 31; the City's plans do not include related improvements and utility easements required by City planning and zoning ordinances. These improvements include a compatibility buffer on the eastern property line, landscape screening for the water quality/detention pond, and irrigation for the landscaping. In addition, the City constructed a 24" RCP storm water line along the eastern property line which created a physical constraint which may preclude installation of the required buffer wall and landscape screening. It appears the City planning and zoning requirements were not followed during design of the Texas Avenue project by the City. To resolve the issues described above, the City is requiring the District to revise its landscape plan to include all the improvements described above, and the City is also requiring that the improvements be constructed before the City closes out the site development permit for the District's new office project.

Staff anticipates change orders, which may require a future budget increase for this project.

Motion by Vice-President Williams, second by Director Clawson authorizing the Board President to execute the Deed Recordation Affidavit for Edwards Aquifer Protection Plan. Motion carried unanimously.

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

The fourth round of PFMA Workshops were conducted on Thursday, June 7 and Friday, June 8 with a Board workshop on Saturday, June 9, from 8:00 am until noon. The prior workshop notes are under the assessments page in drop box or on the website under the Board of Directors page.

No action taken.

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

Dam 20 – The scope of work involves clearing and grading approximately 250 feet of the outlet channel downstream of the primary spillway outlet of Dam 20. M & E provided the plans, specifications and City of Hutto tree removal application to the District on June 4. The Senior Project Manager advised he has not reviewed the submittal, these projects will be assigned a low priority until the staffing shortages are resolved.

Dam 18 – The scope of work involves grading approximately 200 feet of the outlet channel downstream of the primary spillway outlet at Dam 18. M & E provided the plans, specifications and City of Hutto tree removal application to the District on June 6. The Senior Project Manager advised he has not reviewed the submittal, these projects will be assigned a low priority until the staffing shortages are resolved.

The scope of work also includes a new primary access to Dam 18; M & E has analyzed a few access routes and has recommended a meeting with the landowner to discuss an alternate route that would avoid design constraints and reduce construction costs.

No action taken.

CLOSING ITEMS:

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

The project tracking report prepared by K Friese & Associates was presented to the Board on the active development within the district easements.

FM 1431 is being widened by TxDOT in Cedar Park across Spanish Oak Creek (RM 1431 "Gap" Project) – Dam 4

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access. Chad Cormack, K Friese & Associate and staff met with the landowner on April 18 to discuss the proposed driveway improvements and would agree to the District recessing the gate by 20' at the District's expense. Staff also discussed improving the driveway access to the right abutment of Dam 4 and resolving the drainage issue causing an erosion at this location. The current access is very steep and the top layer is loose gravel. Staff proposes to negotiate a proposal with M & E engineers to improve the access to Dam 4 at the locations described above.

Manville Waterline – Dam 21: When meeting with the landowner's attorney onsite to discuss the Dam 21 Rehab project, the waterline issue was brought up. The attorney stated the District had not talked to the landowner about relocating the water line and had only talked to the water company who extended the line across the dam to serve the property. The attorney suggested abandoning the underground 2" line in place and attaching the line to the parapet wall (similar to utilities strapped to the side of bridges).

Sienna Subdivision (near Paloma Lakes) – On June 11, Chad Cormack, K Friese & Associate and staff met with the engineer (R. Brent Jones) for the Sienna Development. The engineer wanted a letter from the District stating it was okay to discharge post-developed storm water flows (un-detained) from Sienna into the Dam 15 reservoir. The engineer said that Williamson County had requested a letter from the District giving the developer permission to do this. Staff advised that this issue was discussed with the Board a few months and asked if the developer had any written documentation from the District that allowed or permitted the discharge of un-detained flows into the reservoir. The engineer said no, but they have been doing so for years based on a verbal approval from Judge Miles. Absent a District policy or board approval, staff cannot provide the requested letter. Staff anticipates the developer may raise the issue with the Board in the future.

No action taken.

14. General Manager's report.

The Budget Projection Report prepared by the District Secretary was included with the staff report.

Dam Inspections and Maintenance

Staff is working with NRCS to schedule the next round of CCTV inspections for the primary spillway conduits.

Moir Watershed Services proposes to perform the summer maintenance in July on the District's dams.

Emergency Action Plan

The Senior Project Manager will be on vacation the last week of June, two URS engineers will be Designated Alternates for the EAP.

Animal Intrusions

Staff needs to coordinate with Wildlife Services and the landowner (CORR) to conduct another site visit at Dam 13A and Dam 16. Nutria have been reported at Dam 13A and beavers have been reported at Dam 16.

On-Call Surveying

Halff is working to map the existing blanket easements for each dam onto a new layer of the web map (which can be superimposed over the current parcel layer). The work should be completed in 60 days.

15. 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:

- Notice to Purchasers form will be added to the August agenda.

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- Election places will be added to the August agenda.
- Presentation by the City of Cedar Park regarding the Lakeline Park at Dam 6.

EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TITLE 5, TEXAS GOVERNMENT CODE. The board went into executive session at 5:27 pm.

3. Executive session as authorized by Sec. 551.071 (Consultation with District Counsel) regarding pending or contemplated litigation, to-wit:
 - a. Dam 4 easement/Edgewater Condominiums

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

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

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

18. Executive session as authorized by Sec. 551.074 (Personnel Matters).
 - a. Discuss and Consider hiring 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 pm. No action taken.

ADJOURNMENT.

DATED AT ROUND ROCK, TEXAS ON THIS 19th DAY OF July 2018.

ATTEST:

Mike Freeman, President

Lisa Moravitz, District Secretary

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