

**UPPER BRUSHY CREEK
WATER CONTROL AND IMPROVEMENT DISTRICT
1850 ROUND ROCK AVE, ROUND ROCK, TX 78681
REGULAR BOARD MEETING MINUTES
August 16, 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 D. 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:

- Thomas Lombardi, Big Red Dog Engineering
- Randy Lueders, City of Cedar Park
- Mike Lenherr, URS/AECOM (Consultant)
- Karl McArthur, City of Austin

PUBLIC HEARING

1. Conduct Public Hearing concerning the proposed 2018 Property Tax Rate.

No input received

2. Conduct Public Hearing concerning the proposed FY 2019 Operating Budget.

No input received

The Public Hearing was closed.

CITIZEN COMMUNICATIONS:

No input received

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. July 19, 2018 Regular Meeting
- *2. Discussion and possible action on financial reports, credit card statement, and TexPool Quarterly Report:
 - a. Financial Reports;
 - b. Payment of Bills;
 - c. Credit Card Statement;
 - d. TexPool Statements;
 - e. Maxwell, Locke & Ritter, LLP Annual Agreement for Auditing Services;

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- f. 2018 TCDRS 2018 Plan Assessment.

Motion by Director Clawson, second by Vice-President Williams to approve the consent agenda as presented, noting the addition by Secretary/Treasurer Villarreal to add the Regions Bank Account to the Quarterly Investment Reports. Motion carried unanimously.

ADMINISTRATION:

5. Discussion and possible action on Proposal and Record Vote for the Proposed Tax Rate for FY 2018.

Motion by President Freeman, second by Director Clawson setting the proposed tax rate at \$0.02/\$100. Poll vote was taken: President Freeman - Aye; Vice President Jeremiah D. Williams – Aye; Secretary/Treasurer Miguel Villarreal - Aye, Director Casey Clawson – Aye; Director Kathy Cook - Aye. Motion carried unanimously.

Motion by Vice-President Williams, second by President Freeman to set the date to adopt the tax rate for September 13, 2018 at Noon. Motion carried unanimously.

6. Discussion on the Draft FY 2019 Operating Budget.

The draft operating budget for FY 2019 was presented.

No action taken.

7. Discuss and consider adoption of board policy pursuant to Section 49.103(c) of the Texas Water Code to assign a position number to each director's office to allow for elections by position and not at-large.

Secretary/Treasurer expressed his concerns regarding run offs and the costs associated if the District is split into places.

Motion by Vice-President Williams authorizing Legal Counsel to draft a Board policy pursuant to Section 49.103(c) of the Texas Water Code to assign a position number to each director's office to allow for elections by position and not at-large. Position numbers were assigned as follows: Casey Clawson – Position Number 1; Kathy Cook – Position Number 2; Miguel Villarreal – Position Number 3; Jeremiah Williams – Position Number 4 and Mike Freeman – Position Number 5. Ayes: 3 Nays: Cook and Villarreal Motion carried.

8. Discuss and consider Resolution No. 2018-01 Amended Notice to Purchaser form.

Motion by Vice-President Williams, second by Secretary/Treasurer Villarreal to approve Resolution No. 2018 – 01 to amend the Notice to Purchaser form. Motion carried unanimously.

DAM MODERNIZATION PROJECTS:

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

The Senior Project Manager advised staff is working on the financial items needed to close out the project, to include preparation of record drawings. Work is being done on Change Order 4, which will include assignment of responsibility for reconstruction of the segment of regional trail across the stilling basis.

Director Clawson expressed his concern regarding the process involving Freese & Nichols being involved in the project versus the District. He felt the District should be instructing the contractor instead of the District paying Freese & Nichols for efforts the District should be doing.

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No action taken.

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

The TCEQ Water Pollution Abatement Plan (WPAP) submittal was made on May 24. The TCEQ Edwards Aquifer Protection Program staff conducted a site visit to Dam 8 on Monday, August 6. On Tuesday, August 7 an approval letter was received from TCEQ.

The next step is for URS to submit the formal Site Development Permit application to the City of Austin.

No action taken.

CAPITAL IMPROVEMENT PROJECTS:

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

No updated information reported.

No action taken.

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

No updated information reported.

No action taken.

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

No updated information reported.

No action taken.

REHABILITATION PROJECTS:

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

The Senior Project Manager advised he should be receiving the final design plans soon.

The agreement for entry onto the Texas Crushed Stone property will expire on September 30, 2018. Staff has been coordinating with the property owner for the one-year extension and the documents have been submitted.

No action taken.

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

Motion by Vice-President Williams, second by Director Cook, awarding a construction contract to Forsythe Bros. Infrastructure in the amount of \$88,963. Motion carried unanimously.

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MISCELLANEOUS PROJECTS:

16. Staff report on a New District Facility.

The Senior Project Manager advised the project is under construction. He stated the asbestos line has been removed and the \$25,000 contingency funds for the is project have been exhausted. The contractor paid for all the permit fees, however the District will receive a reimbursement request from Kitchell in a pay application.

Motion made by Vice-President Williams, second by Director Clawson to approve Change Order 1 in the amount of \$18,868. Motion carried unanimously.

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

The sixth round of PFMA workshops were conducted on August 14 and August 15. The seventh round of workshops are scheduled for September 27 and September 28.

NRCS and staff conducted CCTV inspections on Dams 7, 3, and 20 on August 2, 2018. Moir Watershed Services temporarily reduced the flows through the spillway conduits at Dams 7 and 3 making the CCTV inspections possible. Staff has coordinated with the City of Cedar Park to conduct the final CCTV inspection at Dam 6 on Friday, August 17. The tailwater in the half acre pond below the impact basin needs to be lowered by three feet to allow access to the outlet to the primary spillway conduit. Moir Watershed Services will pump the tailwater down over a few days to allow for the inspection.

No action taken.

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

No updated information reported.

No action taken.

CLOSING ITEMS:

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

Discussion included the Sam Bass Road modification at Dam 13A. Staff had a meeting with the project team on July 20 to discuss the District's access requirements for Dam 13A. Staff emphasized the need to preserve the primary (and only) access to the dam off Sam Bass Rd near FM 1431 and maintain a 20' clear zone from the downstream toe of slope to the new right-of-way (fence line).

20. Discuss and Consider the Scottsdale Crossing East Development Permit Application.

Discussion included whether a drainage study would be required for the permit application to be approved. It was the consensus of the Board to coordinate with K Friese and Associates regarding the necessity of a drainage study as it relates to our policy.

Motion by Director Clawson, second by Vice-President Williams to approve the permit application for Scottsdale Crossing East as presented. Ayes: 3 Naves: 2 Cook and Villarreal Motion carried.

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21. General Manager's report.

The Senior Project Engineer advised Jeff Irvin with URS/AECOM will be the designated alternate in case of an emergency situation while the Senior Project Engineer is on vacation from August 27 – August 31.

The Senior Project Engineer advised to be compliant with District Policy staff evaluations are to be conducted in August. It was the consensus of the Board the Administrative Committee will be conducting the annual staff evaluations in the absence of a General Manager.

22. Discussion and possible action on items to be added to the agenda for the next meeting.

Items requested by the City of Cedar Park by written request.

EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TITLE 5, TEXAS GOVERNMENT CODE. The Board went into executive session at 6:03 p.m.


23. 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.
20. 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 7:05 pm. No action taken.

ADJOURNMENT.

DATED AT ROUND ROCK, TEXAS ON THIS 20th DAY OF September 2018.

ATTEST:



Lisa Moravitz, District Secretary



Mike Freeman, President

