



**UPPER BRUSHY CREEK**  
**WATER CONTROL AND IMPROVEMENT DISTRICT**  
**REGULAR CALLED BOARD OF DIRECTORS MEETING**

**Jeremiah D. Williams, President**

**Casey Clawson, Vice President**

**Greg Brill, Secretary**

**Lyle Grimes, Director**

**Ed Orlin, Director**

Notice is hereby given for a meeting of the Board of Directors of the Upper Brushy Creek WCID to be held on February 23, 2023 at 4:00 p.m. at 460 Texas Avenue, Round Rock Texas 78664 for the purpose of considering the following agenda items. The Board of Directors will meet, consider, deliberate, and may take action on all agenda items.

**A. CALL MEETING TO ORDER AND ANNOUNCE A QUORUM IS PRESENT**

**B. CITIZEN COMMUNICATION:** *Citizen communications is an opportunity for the public to address the Board on agenda items or concerns not on the agenda (limited to 3 minutes each).*

**C. CONSENT AGENDA:** *The items on the consent agenda are considered 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.*

C.1 Consider approval of the Minutes for December 15, 2022 Regular Meeting.

C.2 Consider approval of the Minutes for January 19, 2023 Special Meeting.

C.3 Consider approval of the Financial Statement and Quarterly Investment Report.

**D. ACTION ITEMS:**

D.1 General Discussion and Update on Dam 101.

D.2 Consider authorizing the General Manager to negotiate and complete any necessary actions to purchase the proposed fee structure 8.307-acre tract of land and the proposed inundation easement 9.710-acre tract of land from 304 Joint Venture or other Robinson family related entities (Parcel 1) as needed for the Dam 101 construction project.

D.3 Consider authorizing the General Manager to negotiate and complete any necessary actions to purchase the proposed fee structure a 4.1101 (part 1) and 3.364-acre (part 2) tracts of land and the proposed inundation easement 83.299-acre tract of land from Robinson Land or other Robinson family related entities (Parcel 2) as needed for the Dam 101 construction project.

D.4 Consider authorizing the General Manager to negotiate and complete any necessary actions to purchase the proposed fee structure 3.205-acre tract of land and the proposed inundation easement 8.077-acre tract of land from GER Land or other Robinson family related entities (Parcel 3) as needed for the Dam 101 construction project.

D.5 Consider authorizing the General Manager to negotiate and complete any necessary actions to purchase the proposed inundation easement 2.642-acre and 0.027-acre tracts of land

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**REGULAR CALLED BOARD OF DIRECTORS MEETING**

(Parcels 13&15) from Robinson Ranch or other Robinson family related entities as needed for the Dam 101 construction project.

- D.6 Consider authorizing the General Manager to execute a letter agreement with Lewis Woods, LLC for acquisition of a 0.557-acre inundation easement required for construction of Dam 101 project.
- D.7 Consider authorizing the General Manager to execute an Agreement with Sundt Construction, Inc. for the Dam 101 flood mitigation project.
- D.8 Consider authorizing the General Manager to execute an Agreement with HDR, Inc. for construction engineering and inspection services on the Dam 101 project.
- D.9 Consider authorizing the General Manager to negotiate and complete any necessary actions to purchase Temporary Construction Easements from 304 Joint Venture, Robinson Land Ltd, and GER Land or other Robinson family related entities as needed for the Dam 101 construction project.
- D.10 Consider authorizing the General Manager to negotiate and complete any necessary actions to execute a possession and use agreement with O'Farrell (parcel 7) for the 12.341-acre inundation easement needed for the Dam 101 construction project.
- D.11 Consider authorizing the General Manager to negotiate and complete any necessary actions to execute a possession and use agreement with RDO Assets, Ltd. (parcels 10 &11) for 10.737 acre and 7.026 inundation easement needed for the Dam 101 construction project.

**E. PRESENTATIONS AND REPORTS:**

- E.1 General Manager's Report providing updates on various O&M and CIP activities.

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

- F.1 Executive session as authorized by §551.072 (Real Property) related to the deliberation regarding purchase, exchange, lease, or value of real property: Land and/or Easement acquisition for the Dam 101 project.
- F.2 Executive session as authorized by §551.071 (Consultation with Attorney) regarding ongoing and possible litigation as it relates to: Construction, Permitting, and/or Landowner issues at Dam 3 and 4, including:
  - a. *Charles Tremblay and Leah Tremblay v. Upper Brushy Creek Water Control & Improvement District* in the Williamson County 395<sup>th</sup> Judicial District Court (Cause No. 22-1167-C395).

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

- G.1 Consider, discussion and/or possible action related to Land and/or Easement acquisition

**UPPER BRUSHY CREEK**  
**WATER CONTROL AND IMPROVEMENT DISTRICT**  
**REGULAR CALLED BOARD OF DIRECTORS MEETING**

for the Dam 101 project.

- G.2 Consider, discussion and/or possible action related to possible litigation as it relates to: Construction, Permitting, and/or Landowner issues at Dam 3 and 4, including:
- a. *Charles Tremblay and Leah Tremblay v. Upper Brushy Creek Water Control & Improvement District* in the Williamson County 395<sup>th</sup> Judicial District Court (Cause No. 22-1167-C395).

**ADJOURNMENT.**

“The Upper Brushy Creek Water Control & Improvement District Board of Directors reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations regarding Real Property), 551.073 (Deliberations regarding Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations regarding Security Devices) and 551.087 (Deliberations regarding Economic Development Negotiations).”

**CERTIFICATION**

I certify that a copy of the February 23, 2023 agenda of items to be considered by the Board of Directors of the Upper Brushy Creek WCID was posted by February 20, 2023 before 4:00 pm.



Lisa Moravitz, District Clerk

In compliance with the Americans with Disabilities Act, the Upper Brushy Creek WCID will provide reasonable accommodations for persons attending the Board of Directors meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Lisa Moravitz, District Clerk at 512-652-3512.