

UPPER BRUSHY CREEK
WATER CONTROL AND IMPROVEMENT DISTRICT
460 TEXAS AVENUE, ROUND ROCK, TX 78664
REGULAR BOARD MEETING MINUTES
FEBRUARY 17, 2022

CALL TO ORDER: The Regular meeting was called to order at 4:00 p.m. by Vice President and he announced a quorum was present.

DIRECTORS PRESENT: Casey Clawson, Vice President; Jeremiah D. Williams, Secretary; Greg Brill, Vice Treasurer; and Lyle Grimes, Director. *Note: The President role is unassigned.*

DIRECTORS ABSENT: Kathy Cook, Treasurer

STAFF PRESENT: Alysha Girard, General Manager; Lisa Moravitz District Clerk; Gregor Forbes, Chief Project Manager; Tiffany White, Executive Assistant; Stephanie Sandre, District Counsel

CITIZEN COMMUNICATIONS: No public input received.

CONSENT AGENDA:

- C.1 Consider approval of the Minutes for December 16, 2021, Regular Meeting.
- C.2 Consider approval of the Monthly Financial Statement for December 2021.
- C.3 Consider approval of the Monthly Financial Statement for January 2022.
- C.4 Consider approval of the Quarterly Investment Report.

Motion by Secretary Williams, second by Director Grimes to approve the consent agenda and hearing no objection, the consent agenda was approved as presented.

ACTION ITEMS:

- D.1 Review bids received for the District's \$51,965,000 Unlimited Tax Bonds, Series 2022 and consider awarding the sale of such Bonds.

Motion by Secretary Williams, second by Director Grimes to award the sale of the District's \$51,965,000 Unlimited Tax Bonds, Series 2022 to Citigroup Global Markets, Inc., as the bidder whose bid produced the lowest net effective interest rate as recommended by the District's Financial Advisor. Motion carried unanimously.

- D.2 Consideration and action with respect to "Order Authorizing the Issuance of \$51,965,000 Upper Brushy Creek Water Control and Improvement District Unlimited Tax Bonds, Series 2022; Levying an Ad Valorem Tax in Support of the Bonds; Approving an Official Statement; Authorizing Execution of a Paying Agent/Registrar Agreement; Awarding the Sale of the Bonds; and Authorizing Other Matters Related to the Issuance of the Bonds."

Motion by Secretary Williams, second by Vice President Clawson to approve the Order authoring the District's Unlimited Tax Bonds, Series 2022 as presented by Bond Counsel. Motion carried unanimously.

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D.3 Consider authorizing the Board President to execute an Engineering Services Agreement with K.Friese + Associates, LLC for the KFA 2024 - CIP Support Services Contract.

Motion by Vice Treasurer Brill, second by Director Grimes authorizing the Board President to execute an Agreement with K. Friese + Associates for a not to exceed amount of \$450,000. Motion carried unanimously.

D.4 Consider authorizing the Board President to execute an Engineering Services Agreement with K.Friese + Associates, LLC for the KFA 2024 - General Support Services Contract.

Motion by Vice Treasurer Brill, second by Director Grimes authorizing the Board President to execute an Agreement with K. Friese + Associates for a not to exceed amount of \$300,000. Motion carried unanimously.

D.5 Consider authorizing the Board President to execute an Agreement with Jerdon Enterprise, L.P. for the Dam 22 Rehabilitation project.

Motion by Director Grimes, second by Vice Treasurer Brill authorizing the Board President to execute an Agreement with Jerdon Enterprise, L.P. for a not to exceed amount of \$2,235,921.10. Motion carried unanimously.

D.6 Consider authorizing the Board President to execute an Engineering Services Agreement with Freese & Nichols LLC for the Dam 22 Construction Phase Services Contract.

Motion by Director Grimes, second by Secretary Williams authorizing the Board President to execute an Agreement with Freese & Nichols for a not to exceed amount of \$335,044. Motion carried unanimously.

D.7 Consider authorizing the Board President to execute a Development Agreement with KNR Properties, LLC for the site located at 1067 North Bagdad Road Leander which contains a portion of Dam 1.

Motion by Vice Treasurer Brill, second by Vice President Clawson authorizing the Board President to execute an agreement with KNR Properties, LLC.

D.8 Consider approval of Resolution 2022-01 Ordering the May 7, 2022, General Election.

Motion by Vice Treasurer Brill, second by Director Grimes to adopt Resolution 2022-01 ordering the May 7, 2022, General Election for the purpose of electing directors for places 1 and 2. Motion carried unanimously.

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. The board retired into executive session at 4:57 p.m. following a short break.

F.1 Executive session as authorized by §551.072 (Real Property) related to the deliberation

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regarding purchase, exchange, lease, or value of real property: Land and/or Easement acquisition for the Dam 22 and Dam 101 projects.

F.2 Executive session as authorized by §551.071 (Consultation with Attorney) regarding possible litigation as it relates to: Construction, Permitting, and/or Landowner issues at Dam 3 and 4.

G. RECONVENE TO OPEN SESSION TO TAKE ACTION, IF ANY, ON MATTERS DISCUSSED IN EXECUTIVE SESSION. The Board reconvened at 5:28 p.m.

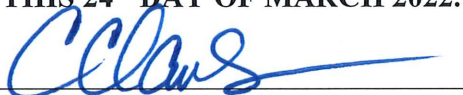
G. 1 Consider discussion and/or possible action related to Land and/or Easement acquisition for the Dam 22 and Dam 101 projects. **No action taken.**

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. **No action taken.**

ADJOURNMENT. There being no further business, the meeting was adjourned at 5:30 p.m.

DATED AT ROUND ROCK, TEXAS ON THIS 24th DAY OF MARCH 2022.

ATTEST:



Casey Clawson, Vice President



Lisa Moravitz, District Clerk

