

**UPPER BRUSHY CREEK**  
**WATER CONTROL AND IMPROVEMENT DISTRICT**  
**460 TEXAS AVENUE, ROUND ROCK, TX 78664**  
**REGULAR BOARD MEETING MINUTES**  
**APRIL 21, 2022**

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

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

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

**CITIZEN COMMUNICATIONS:** No public input received.

**CONSENT AGENDA:**

- C.1 Consider approval of the Minutes for March 24, 2022 Regular Meeting.
- C.2 Consider approval of Monthly Financials for March 2022.
- C.3 Consider approval of 2<sup>nd</sup> Quarterly Investment Report.

**Motion by Vice Treasurer Brill, second by Director Grimes to approve the consent agenda and hearing no objection, the consent agenda was approved as presented. Motion carried unanimously.**

**ACTION ITEMS:**

- D.1 Consider authorizing the Board President to execute an Engineering Services Agreement with Schnabel Engineering, LLC for the Schnabel 2024 Contract.

**Motion by Secretary Williams, second by Vice Treasurer Brill authorizing the Board President to execute an Engineering Services Agreement with Schnabel Engineering, LLC for the Schnabel 2024 Contract. Motion carried unanimously.**

- D.2 Consider authorizing the Board President to execute an Engineering Services Agreement with Scheibe Consulting, LLC for the Scheibe 2024 Contract.

**After a lengthy discussion, Motion by Secretary Williams, second by Treasurer Cook to table this item. Ayes 4, Nays: 1 – Brill. Motion tabled.**

- D.3 Consider approval of Resolution 2022-03 regarding TexPool authorized signors.

**Motion by Vice Treasurer Brill, second by Vice President Clawson approving Resolution TexPool Resolution 2022- 03. Motion carried unanimously.**

**The Board President moved to item F.1**

**UPPER BRUSHY CREEK**  
WATER CONTROL AND IMPROVEMENT DISTRICT  
REGULAR MEETING MINUTES APRIL 21, 2022

**EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TITLE 5, TEXAS GOVERNMENT CODE. The board retired into executive session at 4:27 p.m.**

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 22.

**RECONVENE TO OPEN SESSION TO TAKE ACTION, IF ANY, ON MATTERS DISCUSSED IN EXECUTIVE SESSION. The Board reconvened at 5:00 p.m.**

G.1 Consider discussion and/or possible action related to Land and/or Easement acquisition for Dam 22.

Motion by Vice President Clawson, second by Secretary Williams authorizing the Vice President to negotiate purchase and completion documents for acquisition easements for Dam 22, in an amount not to exceed \$37,045. Motion carried unanimously.

D.4 Consider approval of Resolution No 2022-02 determining the necessity and authorizing the use of eminent domain to condemn (0.68 acres for a permanent dam structure easement and 2.68 acres temporary construction workspace easement) required to construct improvements to Dam 22 and take appropriate action. (Alan Fletcher and Karol Fletcher/Parcel 1) *This item was discussed in executive session as part of F.1. No action taken.*

**PRESENTATIONS AND REPORTS:**

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

**EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TITLE 5, TEXAS GOVERNMENT CODE. The board retired into executive session at 5:09 p.m.**

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.

**RECONVENE TO OPEN SESSION TO TAKE ACTION, IF ANY, ON MATTERS DISCUSSED IN EXECUTIVE SESSION. The Board reconvened at 5:19 p.m.**


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 5:19 pm.

**DATED AT ROUND ROCK, TEXAS ON THIS 19<sup>th</sup> DAY OF MAY 2022.**

ATTEST:

  
\_\_\_\_\_  
Lisa Moravitz, District Clerk

  
\_\_\_\_\_  
Casey Clawson, Vice President