

UPPER BRUSHY CREEK
WATER CONTROL AND IMPROVEMENT DISTRICT
460 TEXAS AVENUE, ROUND ROCK, TX 78664
REGULAR BOARD MEETING MINUTES
JUNE 22, 2023

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

DIRECTORS PRESENT: Jeremiah D. Williams, President; Casey Clawson, Vice President; Greg Brill, Secretary; Ed Orlin, Director, Lyle Grimes, Director.

STAFF PRESENT: Alysha Girard, General Manager; Lisa Moravitz District Clerk; Kimberly Kelley, BHDA, District Counsel; Gregor Forbes, Chief Project Manager; Laura Harris, Capital Programs Manager; Tiffany White, Executive Assistant; Don Childs, District ROW agent

CITIZEN COMMUNICATIONS: No public input received.

CONSENT AGENDA:

- C.1 Consider approval of the Minutes for May 11, 2023, Regular Meeting.
- C.2 Consider approval of the Financial Statement.
- C.3 Consider the assignment of the engineering services contracts with K Friese + Associates, to H.W. Lochner, Inc.

Hearing no objection, the consent agenda was approved. Motion carried unanimously.

D. ACTION ITEMS:

- D.1 Consider the election of officers.

Nominations were made to elect the same officers. Motion by Secretary Brill, second by Vice President Clawson to appoint Casey Clawson, Vice President; and Greg Brill, Secretary. Motion carried unanimously.

- D.2 Consider action to approve and authorize the General Manager to execute a Consulting Services Agreement with Cambrian Environmental for environmental services on the Dam 101 Project.

Motion by Director Orlin, second by Secretary Brill to approve and authorize the General Manager to execute a Consulting Services Agreement with Cambrian Environmental for environmental services on the Dam 101 Project in an amount not to exceed \$450,000. Motion carried unanimously.

- D.3 Consideration and action to update the authorized contract amount and authorize the General Manager to finalize and execute an Agreement with Dalrymple Gravel & Contracting Co., Inc. for the Dam 14 Rehabilitation Phase 1 – Embankment Project.

Motion by Secretary Brill, second by Vice President Clawson to update the authorized contract amount and authorize the General Manager to finalize and execute an Agreement with Dalrymple Gravel & Contracting Co., Inc. for the Dam 14 Rehabilitation Phase I - Embankment Project in an amount not to exceed \$1,779,854. Motion carried unanimously.

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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. The Board of Directors went into executive session at 4:34 pm to discuss F.1. Gunnar Seaquist, Lead Litigator for BHDA was on telephone conference.

F.1 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 395th Judicial District Court (Cause No. 22-1167-C395).

F. EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TITLE 5, TEXAS GOVERNMENT CODE. The Board of Directors went into executive session at 4:47 pm to discuss F.2. Don Childs was present.

F.2 Executive session as authorized by §551.072 (Real Property) and §551.071 (Consultation with Attorney) related to the deliberation regarding purchase, exchange, lease, or value of real property: Land and/or Easement acquisition for the Dam 101 project, including 7.247 acres required from North Austin Crossroads Community Church.

G. RECONVENE OPEN SESSION TO TAKE ACTION, IF ANY, ON MATTERS DISCUSSED IN EXECUTIVE SESSION. The Board of Directors reconvened into open session at 5:40 pm. No action taken.

G.1 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 395th Judicial District Court (Cause No. 22-1167-C395).

G.2 Consider, discussion and/or possible action related to Land and/or Easement acquisition for the Dam 101 project, including 7.247 acres required from North Austin Crossroads Community Church.

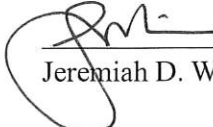
ADJOURNMENT. There being no further business, the meeting was adjourned at 5:40 pm.

DATED AT ROUND ROCK, TEXAS ON THIS 3rd DAY OF AUGUST 2023.

ATTEST:



Lisa Moravitz, District Clerk



Jeremiah D. Williams, President