



On Monday, April 13, 2020

Ed Komandosky, President

John Kitsmiller, Vice President  
Scott Ging, Treasurer

Monica Masters, Secretary  
Mike Schneider, Director

Notice is hereby given for a regular called meeting of the Board of Directors of the Lower Brushy Creek Water Control & Improvement District ("WCID") to be held on Monday, April 13, 2020 at 7:30 am on the Board Room of the Greater Taylor Chamber of Commerce located at 1519 North Main Street, Taylor, Texas 76574.

**In accordance with the Governor's emergency proclamation suspending certain provisions of the Texas Open Meetings Act effective March 16, 2020 in response to the COVID-19 virus, all persons, including Board members and members of the public may participate in the meeting remotely by videoconferencing using the instructions below. Due to COVID-10 social gathering restrictions, members of the public may not physically enter the Greater Taylor Chamber of Commerce offices.**

**Zoom Videoconferencing Instructions:**

- Log in at: <https://us04web.zoom.us/j/399996198>
- Meeting ID: 399 996 198

**Citizens Communications:**

- Members of the public that desire to provide public comment may do so during the Citizens Communications portion of the meeting (Agenda Item 2) and
- Member of the public will be muted during all other portions of the meeting.

The Board of Directors will meet, consider, deliberate and may take action on all agenda items.

**AGENDA**


1. Welcome, Call to Order, and determination of a Quorum;
2. Citizens Communications - *an opportunity for the public to address the Board on agenda items or concerns not on the agenda (limited to 3 minutes each);*
3. Consider approval of meeting minutes: *February 14, 2020 and February 24, 2020;*
4. Consider approval of financial reports:
  - a. *Checking Account Register for February and March,*
  - b. *Financial Statement for February and March and*
  - c. *Investment Report for Second Quarter of FY 20.*

7. Consideration and possible action to confirm the approval of Change Order 2 in the amount of \$10,320.00 for re-seeding and related work at Sites 29 and 32 to the contract with Hall Bros Construction, LLC for the FY 20 Winter Maintenance Program;
8. Consideration and possible action to approve the submittal of grant applications to the Texas State Soil and Water Conservation Board for state funding of:
  - a. Structural Repairs to Lower Brushy Creek Watershed Sites 6, 17, and 20 and
  - b. High Hazard Dam Upgrade to Upper Brushy Creek Watershed Site 25;
9. Consideration and possible action to approve Task Order No. 2 with Freese & Nichols, Inc. prepare an electronic *Emergency Action Plan* template and to complete Plans for the initial 12 sites;
10. Consideration and discussion of the General Manager's report and update;
11. Director's Comments; and
12. Adjournment.

"The Lower Brushy Creek Water Control & Improvement District Board of Directors reserves the right to adjourn into executive session at any time during the meeting to discuss any of the matters listed above, as authorized by Texas Local 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 April 13, 2020 agenda of items to be considered by the Board of Directors of the Lower Brushy Creek WCID was posted on April 8, 2020.

  
\_\_\_\_\_  
James R. Clarno, P.E.  
General Manager

President Ed Komandosky called the Regular Meeting of the Board of Directors of the Lower Brushy Creek WCID to order at 7:35 am on Friday, February 14, 2020 in the Board Room of the Greater Taylor Chamber of Commerce, 1519 North Main, Taylor, Texas; 76574. Other Board members present included Treasurer Scott Ging, Director Michael Schneider and Secretary Monica Masters. Others present included General Manager Jim Clarno, Board Attorney Ted Hejl, Consultant Richard Stone, District Clerk Sue Lilly, and Bookkeeper Paula Marak. Also present were Karin Sladek, representative from Maxwell, Locke and Ritter; Jay Scanlon and Rojin Tuladher, representatives from Freese & Nichols; and a community member Herbert Brinkmeyer Jr.

Ed Komandosky announced that a quorum was present.

There were no Citizen's Communications.

The minutes of the December 9, 2019 meeting were presented for consideration. A motion was made by Treasurer Ging to approve the minutes as presented. The motion was seconded by Secretary Masters and approved by a vote of 4-0.

General Manager Clarno presented the Checking Account Register and Financial Statement for December 2019-January 2020 and the Investment Report for the first quarter of FY 20 for consideration. Clarno reported that the current balance in both WCID accounts was \$294,292.11. A motion was made by Director Schneider to approve the financial reports as presented. The motion was seconded by Treasurer Ging and approved by a vote of 4-0.

Karin Sladek of Maxwell, Locke and Ritter, LLP presented the FY 19 Audit Report for consideration and approval. Copies of the audit packets were provided and explained. There was some discussion about the value and depreciation of the individual dams. Karen Sladek stated that WCID is currently in compliance with audit guidelines, found no significant deficiencies and that adequate internal controls are in place. Secretary Masters suggested that a discussion take place at a future meeting about the valuation of the dams and the depreciation schedule. A motion was made by Secretary Masters to approve the FY 19 Audit Report as presented. The motion was seconded by Director Schneider and approved by a vote of 4-0.

Jay Scanlon, with Freese & Nichols, Inc, presented draft copies of the inspection report completed in December 2019 and reviewed slides of the dams. In summary, Freese & Nichols stated that LBCWCID "is going a great job maintaining the assets."

Clarno recommended that the Board consider and approve an Order calling an Election for 2 seats of the Board of Directors. The term for each member is 4 years and the election would take place on May 2, 2020. A motion was made by Secretary Masters to approve the Order of

Clarno stated that the consideration and possible action to the Ethics Policy and Director Election and Appointment Policy are currently pending. He recommend that the Board not take any action during the election cycle and to re- visit these items in June. Board Attorney Hejl and Clarno are currently working on preparing the items for future presentation and consideration. There were no objections to this suggestion.

Jim Clarno presented the General Manager's report and update. There was some discussion on the condition of Site 25 and the construction status of the repairs at Site 20

There were no Agency reports or updates

Ed Komandosky thanked consultant Richard Stone for educating the public and posting information about the WCID on Facebook, website, etc.

Another board meeting has been set for Monday, February 24<sup>th</sup>, 2020 to either draw for ballot position or cancel the May election.

There being no further business, President Ed Komandosky made a motion to adjourn the meeting at 9:07am. The motion was seconded by Secretary, Monica Masters and approved by a vote of 4-0.

Respectfully submitted:

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Monica P Masters, Secretary

President Ed Komandosky called the Special Meeting of the Board of Directors of the Lower Brushy Creek WCID to order at 7:31 am on Monday, February 24, 2020 in the Board Room of the Greater Taylor Chamber of Commerce, 1519 North Main, Taylor, Texas 76574. Board members present included, Secretary Monica Masters, Treasurer Scott Ging and Director Mike Schneider. Others present included General Manager Jim Clarno, Board Attorney Ted Hejl, Communications Consultant Richard Stone, Ken and Nelson Hall with Hall Brothers Construction, and District Clerk, Sue Lilly.

President Komandosky announced that a quorum was present.

Consideration and possible acceptance of a Certification of Unopposed Candidates for the May 2, 2020 Election for Directors was presented by General Manager Clarno. A motion was made to approve the Certification of Unopposed Candidates by Treasurer Scott Ging. The motion was seconded by Director Mike Schneider and approved by a vote of 4-0.

Consideration and possible action to approve an Order of Cancellation for the May 2, 2020 Election for Directors was presented by Clarno. A motion was made to approve the Order of Cancellation by Treasurer Scott Ging. The motion was seconded by Director Mike Schneider and approved by a vote of 4-0.

Consideration and possible action to approve an agreement for FY 20 Winter Maintenance was presented by General Manager Clarno. Clarno stated that 3 newspaper advertisements were posted regarding the bid. The bid packages were mailed to 4 firms and LBCWCID received 2 bids for FY 20 Winter Maintenance. Clarno, recommended the bid award to Hall Bros Construction, LLC in the amount of \$92,820.00. A motion was made by Director Mike Schneider to award the contract to Hall Bros Construction, LLC. The motion was seconded by Secretary Monica Masters and approved by a vote of 4-0.

Jim Clarno presented the General Manager's report and update. In his report, Clarno:

- Updated the WCID calendar.
- Informed the board about new rules regarding TSSWCB requirements: All EAP's must be "approved" to receive construction grants
- Working on a fencing grant and bids for 2-3 sites
- Suggested a replacement of some gates
- Site 18 rehabilitation is under design and hopeful for completion early next year... but need to move forward with EAP

There were no Director's Comments and President Ed Komandosky made a motion to adjourn the meeting at 7:53am. The motion was seconded by Secretary Monica Masters and approved by a vote of 4-0.

Respectfully submitted:

**Balance as of February 1, 2020**

TexPool Acct

\$247,373.97

City National Bank Acct

\$46,918.14**Total Funds Available****\$294,292.11****Income**

02/03/20	AT&T	WiFi modum	\$199.99
02/28/20	TexPool	Transfer from TexPool to checking	\$10,000.00
02/28/20	TSSWCB - HWH Industrial	Site 20 - Pay Est 8	\$114,048.68
various	TexPool	Tax Revenue - February	\$75,363.80
02/29/20	TexPool	Interest Posted - February	\$384.07
03/25/20	TSSWCB - HWH Industrial	Site 20 - Pay Est 9	\$41,143.58
various	TexPool	Tax Revenue - February	\$7,169.50
03/31/20	TexPool	Interest Posted - February	<u>\$269.86</u>

**Total Income****\$248,579.48****Expenses**

02/03/20	Debit Card - USPS	Stamps	\$110.00
02/03/20	Debit Card - Office Depot	Office supplies	\$86.40
02/03/20	1563 RTC Connect	Consulting - January	\$1,000.00
02/04/20	1570 Clarno Consulting, LLC	Salary and Mileage - January	\$3,250.00
02/04/20	1571 Clarno Consulting, LLC	Site 20 Rehab - Oct to Dec	\$7,957.00
02/07/20	1564 Sue Lilly	Contract Labor - December	\$432.00
02/19/20	1579 Taylor Daily Press	Ads for Winter Maintenance	\$189.00
02/19/20	1576 Hejl and Schroeder	Legal fees - January	\$800.00
02/19/20	1575 Clark L Jackson	Bookkeeping - Oct to Dec	\$1,050.00
02/21/20	1578 Greater Taylor Chamber of Commerce	Banquet tickets	\$135.00
02/21/20	1573 RTC Connect	Consulting - February	\$1,000.00
02/21/20	1577 Freese & Nichols	Task Order 1 - partial	\$18,903.41
02/24/20	1574 Sue Lilly	Contract Labor - January	\$396.00
02/28/20	TexPool	Transfer from TexPool to checking	\$10,000.00
02/28/20	Debit Card - Apple	Apple	\$75.76
03/02/20	Debit Card - Greater Taylor Chamber	March monthly luncheon	\$15.00
03/03/20	1583 Clark L Jackson	Bookkeeping - January	\$350.00
03/03/20	1581 Maxwell Locke & Ritter	FY 20 audit	\$8,500.00
03/04/20	1584 Ed Komandosky	Board meeting per diem	\$200.00
03/09/20	1580 Clarno Consulting, LLC	Salary and Mileage - February	\$3,250.00
03/10/20	1586 Scott Ging	Board meeting per diem	\$200.00
03/12/20	1582 Mike Schneider	Expenses to attend seminar	\$180.00
03/12/20	1587 Mike Schneider	Board meeting per diem	\$200.00
03/13/20	Debit Card - El Corral Lozano	Breakfast mtg with Richard Stone	\$19.82
03/13/20	1589 Clark L Jackson	Bookkeeping - February	\$350.00
03/16/20	1593 Wmsn Central Appraisal District	Quarterly fee	\$654.00
03/18/20	1588 HWH Industrial	Site 20 Rehab - Pay Est 8	\$114,048.68
03/24/20	1590 RTC Connect	Consulting - March	\$1,000.00
03/25/20	1594 Clarno Consulting, LLC	Salary and Mileage - February	<u>\$3,250.00</u>

**Total Expenses****\$177,602.07****Balance as of March 31, 2020**

TexPool Acct

\$320,561.20

City National Bank Acct

\$44,708.32**Total Funds Available****\$365,269.52**

ADMINISTRATIVE INCOME AND EXPENSES	Oct-Nov	Dec-Jan	Feb-Mar	Total to Date	(Approved)	% of budget
<b>INCOME</b>						
Tax Income	\$25,757.80	\$316,236.31	\$82,533.30	\$424,527.41	\$439,454.39	96.60%
TSSWCB Grants						
Maintenance Grants		\$20,515.95		\$20,515.95	\$220,500.00	9.30%
Repair Grants				50.00	\$1,575,000.00	0.00%
Rehabilitation Grants	\$114,696.25	\$171,789.13	\$155,192.26	\$441,677.64	\$1,040,000.00	42.47%
<b>Total TSSWCB Grant Income</b>	<b>\$114,696.25</b>	<b>\$192,305.08</b>	<b>\$155,192.26</b>	<b>\$462,193.59</b>	<b>\$2,835,500.00</b>	<b>16.30%</b>
Other Income						
Williamson County				\$0.00	\$0.00	
Permits, fees and interest	\$15.49	\$364.37	\$853.92	\$1,233.78	\$500.00	246.76%
<b>Total Other Income</b>	<b>\$15.49</b>	<b>\$364.37</b>	<b>\$853.92</b>	<b>\$1,233.78</b>	<b>\$500.00</b>	<b>246.76%</b>
<b>TOTAL INCOME</b>	<b>\$140,469.54</b>	<b>\$508,905.76</b>	<b>\$238,579.48</b>	<b>\$887,954.78</b>	<b>\$3,275,454.39</b>	<b>27.11%</b>
<b>EXPENSES</b>						
Administrative Expenses						
General Manager	\$9,750.00	\$28,000.00	\$9,750.00	\$47,500.00	\$61,000.00	77.87%
District Clerk	\$162.00	\$162.00	\$828.00	\$990.00	\$12,000.00	8.25%
Directors Fees		\$500.00	\$600.00	\$1,100.00	\$7,500.00	14.67%
Professional Services - Accounting	\$3,615.26		\$1,750.00	\$5,365.26	\$4,000.00	134.13%
Professional Services - Auditing			\$8,500.00	\$8,500.00	\$13,500.00	62.96%
Professional Services - Communications	\$2,000.00	\$1,000.00	\$3,000.00	\$6,000.00	\$12,000.00	50.00%
Professional Services - Engineering/Surveying			\$18,903.41	\$18,903.41	\$2,000.00	945.17%
Professional Services - Legal	\$1,385.20		\$800.00	\$2,385.20	\$10,000.00	23.83%
Advertising/Legal Notices	\$598.50		\$189.00	\$787.50	\$1,000.00	78.75%
Bonds/Insurance	\$962.36	\$452.00		\$1,414.36	\$1,500.00	94.29%
Dues/Subscriptions/Prof Development	\$200.00		\$180.00	\$380.00	\$2,500.00	15.20%
Meals/Entertainment		\$181.08	\$169.82	\$350.90	\$500.00	70.18%
Office Supplies		\$2,608.61	\$162.16	\$2,770.77	\$600.00	461.80%
Postage/Delivery Charges			\$110.00	\$110.00	\$300.00	36.67%
Travel/Mileage				\$0.00	\$3,500.00	0.00%
Website	\$512.94	\$191.75		\$704.69	\$1,800.00	44.04%
Williamson Central Appraisal District		\$654.00	\$654.00	\$1,308.00	\$3,800.00	34.42%
Williamson County - Election Office				\$0.00	\$18,000.00	0.00%
Williamson County - Tax Collector/Assessor		\$3,956.94		\$3,956.94	\$4,200.00	94.21%
Misc. (5% contingency)		\$100.00		\$100.00	\$8,250.00	1.21%
<b>Total Administrative Expenses</b>	<b>\$19,222.26</b>	<b>\$37,806.38</b>	<b>\$45,596.39</b>	<b>\$102,625.03</b>	<b>\$167,750.00</b>	<b>61.18%</b>
Project Expenses						
Dam Maintenance		\$23,070.50		\$23,070.50	\$251,000.00	9.19%
Dam Repairs				\$0.00	\$1,650,000.00	0.00%
Dam Rehabilitation	\$268,881.27	\$171,832.13	\$122,005.68	\$562,719.08	\$1,040,000.00	54.11%
Other Projects				\$0.00	\$135,000.00	0.00%
<b>Total Project Expenses</b>	<b>\$268,881.27</b>	<b>\$194,902.63</b>	<b>\$122,005.68</b>	<b>\$585,789.58</b>	<b>\$3,076,000.00</b>	<b>19.04%</b>
<b>TOTAL EXPENSES</b>	<b>\$288,103.53</b>	<b>\$232,709.01</b>	<b>\$167,602.07</b>	<b>\$688,414.61</b>	<b>\$3,243,750.00</b>	<b>21.22%</b>



505 West University Avenue, Suite C  
Georgetown, Texas 78626

**Board of Directors**

*Edmond Komandosky*  
President

*John Kitsmiller*  
Vice President

*Monica P. Masters*  
Secretary

*Scott Ging*  
Treasurer

*Mike Schneider*  
Investment Officer

**General Manager**

*James R. Clarno, P.E.*  
108 Trinity Lane  
Georgetown, TX 78633  
Cell: 512.517.7596  
Email: [jclarno.pe@gtt.net](mailto:jclarno.pe@gtt.net)

**Board Attorney**

*Ted W. Hejl*  
*Hejl & Schroeder, PC*  
P.O. Box 192  
311 Talbot Street  
Taylor, Texas 76574  
Office: 512.365.6348  
FAX: 512.365.2226

[LowerBrushyCreekWCID.com](http://LowerBrushyCreekWCID.com)

**TO:** President and Member of the Board of Directors  
**FROM:** Mike Schneider, Investment Officer  
**DATE:** April 13, 2020  
**SUBJECT:** Investment Report  
Second Quarter of FY 20

Following please find the Second Quarter Investment Report for FY 20 as required by the *Public Fund Investment Act* (Chapter 2459 of the Texas Government Code, as amended by Chapter 2256) and the *Investment Policy* adopted by the Board of Directors of the Lower Brushy Creek WCID on June 10, 2019:

Fund	TexPool - Operating Account
Book and Market Value on January 1, 2020	\$166,426.54
Total Deposits	\$183,200.92
Total Withdrawn	\$30,000.00
Interest Earned	\$933.74
Book and Market Value on March 31, 2020	\$320,561.20
Trade Date	n/a
Maturity Date	n/a

If you have any questions, please contact Jim Clarno or myself.

Sincerely,

Mike Schneider,  
Investment Officer



Please allow this to serve as my letter of resignation from the WCID Board of Directors.

Unfortunately with the amount of travel I do for work I am often unable to make Board meetings or be involved as much as I should be.

It has been a learning experience for the last several years.

If you need anything else from me, please let me know.

John Kitsmiller

[john@kitsmiller.net](mailto:john@kitsmiller.net)

(512) 994-4000

Twitter: @jkitsmiller

IG: @jkitsmiller, @kitsmiller\_pups, @johns\_always\_travelling

Skype: jkitsmiller

<http://linkedin.com/in/johnkitsmiller>

## **WCID AWARENESS CAMPAIGN – TALKING POINTS**

An awareness campaign for the WCID should include several components:

- New assets (video, etc) to better leverage the website
- A plan to “take the show on the road” to civic clubs, governments, the general public
- Direct marketing via traditional media

### **Video**

- 2 or 3 3-4 minute videos for website
- 1 8-10 minute video for “on the road”

We will need:

- Drone video
- On-site video
- Voice talent
- Editing/Post production
- Copy writing

### **On the road collateral**

- Hand outs
- Posters/banners
- Video
- Power-point

### **General Public**

- Taylor Business Expo (in September) — same materials as above
- Look for other opportunities to engage with the general public

### **Direct Marketing**

- Ads in Taylor 76574 magazine
- Advertorial print campaign in Taylor Press
- Digital “sponsored/branded content” on TP website
- Consider radio ads on Rockdale radio station  
(We would need voice talent for that, as well)

Total cost of the above \$10,000 +/- spread out over a 12 month period

Date: March 16, 2020  
Contract Number: LBC-2020-02  
Location: Williamson and Milam Counties

**DESCRIPTION OF MODIFICATION**

Following approval of the contract by the Board of Directors, the Owner and the Contractor agreed to additional work as described in the attached Bid Schedule. The work includes shredding at Site 32, reseeding at Sites 29 and 32 and replacing a gate at Site 29.

Original Contract Price \$92,820.00  
Change in Contract Price: \$10,320.00  
Revised Contract Price \$103,120.00

Change in Performance Time: none

**CONTRACTOR'S STATEMENT OF RELEASE**

In consideration of the modification agreed to herein as complete equitable adjustment for the Contractor's proposal, dated February 21, 2020, the Contractor hereby releases the Lower Brushy Creek WCID from any and all liability under this contact for further equitable adjustments attributable to such facts or circumstances concerning the added work, including all impacts to the work, overhead and profit.

**APPROVAL OF MODIFICATION/CHANGE ORDER No. 2**

**Hall Bros. Construction, LLC (Contractor)**

\_\_\_\_\_  
James "Ken" Hall  
Owner

\_\_\_\_\_  
Date

**Lower Brushy Creek WCID (Owner)**

\_\_\_\_\_  
James R. Clarno, P.E.  
General Manager/Contracting Officer

\_\_\_\_\_  
Date

(Dam Repair)

Use this application to request financial assistance for conducting structural repairs on flood control dams as defined by Texas Administrative Code, Title 31, Chapter 529, Subchapter B. Do not use this form to request grant funds to provide a portion of the matching funds required for a federal rehabilitation project or federal Emergency Watershed Protection Program project being performed by the USDA-Natural Resources Conservation Service. Funds for matching rehabilitation projects may be requested by submitting Form Number TSSWCB-FC-2; funds for matching Emergency Watershed Protection Program projects may be requested by submitting Form Number TSSWCB-FC-3.

**ADMINISTRATIVE FORM**

One Administrative Form must be completed for each application. An individual Technical Form [Form Number TSSWCB-FC-1B] must be completed for each flood control dam for which repair grant funds are requested. The combination of an Administrative Form, all associated Technical Forms, and all other required documentation constitutes a complete application.

Attention: Flood Control  
1497 Country View Lane  
Temple, TX 76504

(254) 773-2250

www.tsswcb.texas.gov/programs/  
flood-control-program

THIS SPACE FOR TSSWCB USE ONLY

SITES 6, 17 and 21  
REPAIRS

**Soil and Water Conservation District (SWCD) information:**

Provide the following information for the Soil and Water Conservation District (SWCD) that is a sponsor of the flood control dam or dams that are specified on Technical Forms submitted with this Administrative Form. To request grant funds for dams where another SWCD is a sponsor, complete another Administrative Form and submit it with the appropriate Technical Forms as a separate application.

SWCD Name:	TAYLOR SOIL & WATER CONSERVATION DISTRICT		
SWCD Number:	513	SWCD City:	Granger
Chairman First Name:	Kennoth	SWCD Zip Code:	78530
Chairman Last Name:	Hees	SWCD Phone Number:	
SWCD Address:	P.O. Box 856	SWCD Fax Number:	
SWCD Office/Suite Number:		SWCD Email Address:	TSWC@eccwireless.com

**Authorized Representative information:**

Provide the following information for the individual that the SWCD and other sponsors have mutually agreed should be the point of contact for all inquiries the Texas State Soil and Water Conservation Board (TSSWCB) may have regarding this application. The authorized representative must be an individual affiliated with one of the sponsors.

First Name:	James	Last Name:	Clarno
Organization:	LOWER BRUSHY CREEK WCID		
Address:	108 Trinity Lane	Zip Code:	78633
		Phone Number:	512-517-7596

Entity Name:	LOWER BRUSHY CREEK WCID	State:	texas
Contact Person:	Edmond S. Komandosky, President	Zip Code:	78626
Address:	505 West University, Suite C	Phone Number:	512-789-4401
Office/Suite Number:	c/o USDA - NRCS	Fax Number:	
City:	Georgetown	Email Address:	lowerbrushycreekwcid@gmail.com

**Non-SWCD Sponsor #2 information:**

Entity Name:		State:	
Contact Person:		Zip Code:	
Address:		Phone Number:	
Office/Suite Number:		Fax Number:	
City:		Email Address:	

**Non-SWCD Sponsor #3 information:**

Entity Name:		State:	
Contact Person:		Zip Code:	
Address:		Phone Number:	
Office/Suite Number:		Fax Number:	
City:		Email Address:	

**Non-SWCD Sponsor #4 information:**

Entity Name:		State:	
Contact Person:		Zip Code:	
Address:		Phone Number:	
Office/Suite Number:		Fax Number:	
City:		Email Address:	

The Taylor Soil & Water Conservation District (SWCD) and the Lower Brushy Creek WCID (WCID) are co-sponsors of twenty-three flood control structures within the Upper and Lower Brushy Creek watersheds in Williamson and Milam Counties. The WCID is the sponsor responsible for the operation, maintenance, repair and rehabilitation of these structures.

Three of these structures have significant wave erosion on the front slopes and other identified deficiencies. All of the WCID dams were inspected by a team from Freese & Nichols, NRCS and the WCID in December 2019. Freese & Nichols recommended that the wave erosion at these dams be repaired, the plunge pools be improved, fences and gates be replaced and other related improvements.

Lower Brushy Creek Sites 6 and 17 were reclassified from low to significant hazard by the Texas Commission on Environmental Quality in 2017. Lower Brushy Creek Site 21 is classified as a low hazard dam.

The Boards of Directors of the SWCD and the WCID supports this application for Structural Repair Grant Funds for the WCID to begin the necessary repairs to these flood control structures.

#### **Project Schedule:**

Use this space to describe the anticipated length of time, schedule of events, and target completion date for all work to be completed through structural repair grant funds.

The Texas State Soil and Water Conservation Board (State Board) will contract with a professional engineer for design of the project or projects. At about 40% completion of the design, the project engineer should be able to identify any additional temporary or permanent land rights needed for each project. The WCID will obtain the required land rights prior to completion of design. The WCID would anticipate that the Design Phase and Land Rights Acquisition would occur concurrently. The Bid and Award Phase will require 3 months. The Construction Phase for repair projects should only require 6 to 8 months.

#### **Contracting Preferences / Organization of Partners:**

Use this space to describe the preferable organization of contracting between the TSSWCB and local sponsors. Specify preferences for which local sponsors should enter into contracts with the TSSWCB for activities such as construction, land rights acquisition, or other allowable activities. The TSSWCB has designed this program to allow for significant flexibility for contracting with different types of local sponsors so that the most appropriate and efficient mechanisms are available for grant funds obligation.

The Boards of Directors of the SWCD and the WCID are in agreement that the WCID should be the contracting entity responsible for the coordination with the State Board and NRCS for permitting, acquisition of any land rights and construction management.

James R. Clarno, P.E., is the WCID's General Manager and has over 40 years experience managing major public works projects. On behalf of the WCID, he has been the single point of contact with the State Board and NRCS for the rehabilitation of Upper Brushy Creek Site 32 and Lower Brushy Creek Site 20 as well as the Emergency Watershed Protection funded projects at Lower Brushy Creek Sites 2 and 7. He would manage each of these projects.

1	TX01344	Lower Brushy Creek Site 6	\$ 600,000
2	TX01336	Lower Brushy Creek Site 17	\$ 800,000
3	TX01329	Lower Brushy Creek Site 21	\$ 600,000
4			\$
5			\$
6			\$
7			\$
8			\$
9			\$
10			\$
11			\$
12			\$
13			\$
14			\$
15			\$
16			\$
17			\$
18			\$
19			\$
20			\$

Total Construction Cost Estimate

If yes, characterize the anticipated type, extent, and cost:

Associate anticipated costs with specific flood control dams if this application addresses more than one dam.

on the final design prepared by the project engineer. At a minimum, current ownership records will be researched to verify existing easements. There may also be direct reimbursements to landowners for temporary loss of production. The WCID Board Attorney will review the land rights and issue a legal opinion for each site as required by grant requirements.

Estimated costs are \$15,000 per site.

TOTAL ESTIMATED COST OF PURCHASING EASEMENTS AND LAND RIGHTS

\$ 45,000

### Other Costs:

Are any costs other than those related to engineering design, construction, administration, easements, or land rights acquisition anticipated in order to perform the structural repairs identified in this application?

Yes  No

If "yes," describe the other anticipated costs:

The WCID has entered into a Professional Services Agreement with Clarno Consulting, LLC to perform Construction Management on behalf of the WCID.

Those services are estimated to be approximately 5% of the construction cost. There will be efficiencies if all three projects can be bid together.

TOTAL ESTIMATED AMOUNT OF OTHER COSTS

\$ 100,000

### ESTIMATED GRAND TOTAL FOR PROJECT:

\$ 2,195,000

### Calculation of Non-State Matching Funds Requirement:

In accordance with Texas Administrative Code, Title 31, Chapter 529, Subchapter B, 5% of the total cost of the proposed repairs must be provided through funds not appropriated by the Texas Legislature. The amount of match funding required for the repairs in this application is provided below.

Amount of match funding required from non state appropriated sources:

\$ 107,250 5%

Amount of State Grant Funds Requested from the TSSWCB:

\$ 2,145,750 95%

Characterize sources of match funding and describe any communications with the sources and their willingness to contribute funds. Obligation of required matching funds will be formalized during contracting.

The voters within the WCID approved a 2 cent per \$100 assessed valuation tax in November 2018. Funds from this tax can be used for operation, maintenance, repair and rehabilitation of the flood control structures managed by the WCID. This tax is providing approximately \$430,000 for FY 21 and is anticipated to increase 4-6% per year in the future. These funds will be used to provide the required local match.



application for additional guidance.

SWCD Signature:

Signature	Date
Kenneth	Hees
Chairman of the Taylor Soil & Water Conservation District	

<b>Non-SWCD Sponsor #1 Signature:</b>  Signature: _____ Date: _____ Edmond S. Komandosky President of the Lower Brushy Creek WCID	<b>Non-SWCD Sponsor #2 Signature:</b>  Signature: _____ Date: _____  
<b>Non-SWCD Sponsor #3 Signature:</b>  Signature: _____ Date: _____  	<b>Non-SWCD Sponsor #4 Signature:</b>  Signature: _____ Date: _____  

**Authorized Representative Certification Signature**

31 TAC §529.55 (d) requires that each application must identify one individual as the person that will represent all sponsors identified on the application. The authorized representative shall be the single point of contact for all communications regarding an application.

Signature	Date

2. ALL APPLICABLE TECHNICAL FORMS (Form Number TSSWCB-FC-1B)

2.(a). COLOR PHOTOGRAPHS OF EACH REPAIR NEED (after each corresponding Technical Form submitted)

3. OPERATION AND MAINTENANCE AGREEMENT(S) (other than NRCS agreements)

4. ANY ADDITIONAL REPORTS OR INFORMATION (if applicable and available)

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### **Submitting an Application:**

**Submit completed applications with original signatures to:**

TSSWCB  
Attention: Flood Control  
1497 Country View Ln  
Temple, TX 76504

### **Assistance in Preparing an Application:**

Contact TSSWCB Flood Control Programs  
(254) 773-2250 (ask for Flood Control Staff)

**OR:**

**Send Email to:**  
sbednarz@tsswcb.texas.gov  
anash@tsswcb.texas.gov  
lmunz@tsswcb.texas.gov

(Send email to all persons for quickest response)

**(High Hazard Dam Upgrade)**

Use this application to request financial assistance for conducting dam upgrades on flood control dams as defined by Texas Administrative Code, Title 31, Chapter 529, Subchapter B. Do not use this form to request grant funds to provide a portion of the matching funds required for a federal rehabilitation project or federal Emergency Watershed Protection Program project being performed by the USDA-Natural Resources Conservation Service. Funds for matching rehabilitation projects may be requested by submitting Form Number TSSWCB-FC-2; funds for matching Emergency Watershed Protection Program projects may be requested by submitting Form Number TSSWCB-FC-3.

**ADMINISTRATIVE FORM**

One Administrative Form must be completed for each application. An individual Technical Form (Form Number TSSWCB-FC-7B) must be completed for each flood control dam for which dam upgrade funds are requested. The combination of an Administrative Form, all associated Technical Forms, and all other required documentation constitutes a complete application.

Attention: Flood Control  
1497 Country View Lane  
Temple, TX 76504

(254) 775-2250  
www.tsswcb.texas.gov/programs/  
flood-control-program

THIS SPACE FOR TSSWCB USE ONLY

SITE 25 - High Hazard  
Dam Upgrade

**Soil and Water Conservation District (SWCD) information:**

Provide the following information for the Soil and Water Conservation District (SWCD) that is a sponsor of the flood control dam or dams that are specified on Technical Forms submitted with this Administrative Form. To request grant funds for dams where another SWCD is a sponsor, complete another Administrative Form and submit it with the appropriate Technical Forms as a separate application.

SWCD Name:	TAYLOR SOIL & WATER CONSERVATION DISTRICT		
SWCD Number:	513	SWCD City:	Granger
Chairman First Name:	Kenneth	SWCD Zip Code:	76530
Chairman Last Name:	Hees	SWCD Phone Number:	
SWCD Address:	P.O. Box 856	SWCD Fax Number:	
SWCD Office/Suite Number:		SWCD Email Address:	TSWC@ecwireless.com

**Authorized Representative information:**

Provide the following information for the individual that the SWCD and other sponsors have mutually agreed should be the point of contact for all inquiries the Texas State Soil and Water Conservation Board (TSSWCB) may have regarding this application. The authorized representative must be an individual affiliated with one of the sponsors.

First Name:	James	Last Name:	Clamo
Organization:	LOWER BRUSHY CREEK WCID		
Address:	108 Trinity Lane	Zip Code:	78626
		Phone Number:	512-717-7596

Entity Name:	LOWER BRUSHY CREEK WCID	State:	Texas
Contact Person:	Edmond S. Komandosky, President	Zip Code:	78626
Address:	505 West University, Suite C	Phone Number:	512-789-4401
Office/Suite Number:	c/o USDA - NRCS	Fax Number:	
City:	Georgetown	Email Address:	lowerbrushycreekwoid@gmail.com

**Non-SWCD Sponsor #2 information:**

Entity Name:		State:	
Contact Person:		Zip Code:	
Address:		Phone Number:	
Office/Suite Number:		Fax Number:	
City:		Email Address:	

**Non-SWCD Sponsor #3 information:**

Entity Name:		State:	
Contact Person:		Zip Code:	
Address:		Phone Number:	
Office/Suite Number:		Fax Number:	
City:		Email Address:	

**Non-SWCD Sponsor #4 information:**

Entity Name:		State:	
Contact Person:		Zip Code:	
Address:		Phone Number:	
		Fax Number:	

The Taylor Soil & Water Conservation District (SWCD) and the Lower Brushy Creek WCID (WCID) are co-sponsors of twenty-three flood control structures within the Upper and Lower Brushy Creek watersheds in Williamson and Milam Counties. The WCID is the sponsor responsible for operation, maintenance, repair and rehabilitation of these structures.

A slide occurred on the back or downstream side of the dam in January 2019. There are also smaller older slides along the auxiliary spillway. All of the WCID dams were inspected by a team from Freese & Nichols, NRCS and the WCID in December 2019. Freese & Nichols recommended that the slides be repaired, the plunge pool be improved, fences and gates be replaced and other related improvements.

Upper Brushy Creek Site 25 was classified as a high hazard dam in the early 1980's. Approximately 10 years ago it was reclassified to be a significant hazard dam.

During the Memorial Day weekend of 2015, a significant storm occurred in the Taylor area. US Highway 79 was closed downstream of Site 25 at Mustang Creek, the Taylor Municipal Airport had over \$10 million in damages and a low income apartment complex was evacuated. Site 25 operated as designed with only a small flow over the auxiliary spillway. A failure of this dam would be catastrophic to the Taylor area. The SWCD and the WCID request that this dam be repaired to high hazard criteria.

#### **Project Schedule:**

Use this space to describe the anticipated length of time, schedule of events, and target completion date for all work to be completed through structural repair grant funds.

The Texas State Soil and Water Conservation Board (State Board) would contract with a professional engineer for the design of the project. At about 40% completion of the design, the project engineer should be able to identify if any additional temporary and/or permanent land rights are needed for the project. The WCID would obtain the required land rights prior to completion of design. The WCID would anticipate that the Design Phase and Land Rights Acquisition would occur concurrently. The Bid and Award phase will require 3 months. The Construction Phase for rehabilitation projects should only require 15-18 months.

#### **Contracting Preferences / Organization of Partners:**

Use this space to describe the preferable organization of contracting between the TSSWCB and local sponsors. Specify preferences for which local sponsors should enter into contracts with the TSSWCB for activities such as construction, land rights acquisition, or other allowable activities. The TSSWCB has designed this program to allow for significant flexibility for contracting with different types of local sponsors so that the most appropriate and efficient mechanisms are available for grant funds obligation.

The Boards of Directors of the SWCD and the WCID are in agreement that the WCID should be the contracting entity responsible for the coordination with the State Board and NRCS for permitting, acquisition of any land rights and for construction management.

James R. Clarno, P.E., is the WCID's General Manager and has over 40 years experience managing major public works projects. On behalf of the WCID, he has been the single point of contract with the State Board and NRCS for the rehabilitation of Upper Brushy Creek Site 32 and Lower Brushy Creek Site 20 as well as the Emergency Watershed Protection projects on Lower Brushy Creek Sites 2 and 7. He would manage this project.

1	TX01339	Upper Brushy Creek Site 25	\$	2,500,000
2			\$	
3			\$	
4			\$	
5			\$	
6			\$	
7			\$	
8			\$	
9			\$	
10			\$	
11			\$	
12			\$	
13			\$	
14			\$	
15			\$	
16			\$	
17			\$	
18			\$	
19			\$	
20			\$	

Total Construction Cost Estimate

If yes, characterize the anticipated type, extent, and cost:

Associate anticipated costs with specific flood control dams if this application addresses more than one dam.

on the final design prepared by the project engineer. At a minimum, current ownership records will be researched to verify existing easements. There may also be direct reimbursements to landowners for temporary loss of production. The WCID Board Attorney will review the land rights and issue a legal opinion for the site as required by grant requirements.

TOTAL ESTIMATED COST OF PURCHASING EASEMENTS AND LAND RIGHTS  
\$ 15,000

**Other Costs:**

Are any costs other than those related to engineering design, construction, administration, easements, or land rights acquisition anticipated in order to perform the dam upgrades identified in this application?

Yes  No

If "yes," describe the other anticipated costs:

The WCID has entered into a Professional Services Agreement with Clarco Consulting, LLC to perform Construction Management of behalf of the WCID. These services are estimated to be 4% of the construction cost.

TOTAL ESTIMATED AMOUNT OF OTHER COSTS  
\$ 100,000

**ESTIMATED GRAND TOTAL FOR PROJECT:** \$ 2,615,000

**Calculation of Non-State Matching Funds Requirement:**

In accordance with Texas Administrative Code, Title 31, Chapter 529, Subchapter B, 1.75% of the total cost of the proposed dam upgrades must be provided through funds not appropriated by the Texas Legislature. The amount of match funding required for the dam upgrades in this application is provided below.

Amount of match funding required from non state appropriated sources: \$ 45,800 1.75%

Amount of State Grant Funds Requested from the TSSWCB: \$ 2,569,200 98.25%

Characterize sources of match funding and describe any communications with the sources and their willingness to contribute funds. Obligation of required matching funds will be formalized during contracting.

The voters within the WCID approved a 2 cent per \$100 assessed valuation tax in November 2018. Funds from this tax can be used for operation, maintenance, repair and rehabilitation of flood control structures managed by the WCID. This tax is providing approximately \$430,000 for FY 21 and is anticipated to increase 4-6% per year in the future. These funds will be used to provide the required local match.

one or more of the sponsors listed on the watershed agreement to no longer voluntarily submitting an application for additional guidance.

**SWCD Signature:**

Signature	Date
Kenneth	Hees
Chairman of the Taylor Soil & Water Conservation District	

**Non-SWCD Sponsor #1 Signature:**

Signature	Date
Edmond S. Komandosky, President	
Lower Brushy Creek WCID	

**Non-SWCD Sponsor #2 Signature:**

Signature	Date

**Non-SWCD Sponsor #3 Signature:**

Signature	Date

**Non-SWCD Sponsor #4 Signature:**

Signature	Date

**Authorized Representative Certification Signature**

31 TAC §529.55 (d) requires that each application must identify one individual as the person that will represent all sponsors identified on the application. The authorized representative shall be the single point of contact for all communications regarding an application.

Signature	Date
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2. ALL APPLICABLE TECHNICAL FORMS (Form Number TSSWCB-FC-7D)

2.(a). COLOR PHOTOGRAPHS OF ANY REPAIR NEED (after each corresponding Technical Form submitted)

3. OPERATION AND MAINTENANCE AGREEMENT(S) (other than NRCS agreements)

4. ANY ADDITIONAL REPORTS OR INFORMATION (if applicable and available)

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### **Submitting an Application:**

**Submit completed applications with original signatures to:**

TSSWCB  
Attention: Flood Control  
1497 Country View Ln.  
Temple, TX 76504

### **Assistance in Preparing an Application:**

Contact TSSWCB Flood Control Programs  
(254) 773-2250 (ask for Flood Control Staff)

**OR**

### **Send Email to:**


sbednarz@tsswcb.texas.gov  
anash@tsswcb.texas.gov  
lmunz@tsswcb.texas.gov

(Send email to all persons for quickest response)



## MEMORANDUM

**TO:** President Komandosky and  
Members of the Board of Directors

**FROM:** Jim Clarno 

**DATE:** March 13, 2020

**SUBJECT:** General Manager's Report

### Administration

- NRCS office has been closed to visitors. One NRCS staff person and one from the WCID may enter and use the office at a time.
- Landowner information has been updated. Letters providing basic information about the WCID dams and asking for updated contact information should still go out this month.

### Dam Operation & Maintenance

- A Notice to Proceed with the FY 20 Winter Maintenance has been issued to Hall Bros Construction. Change Order No. 1 changing the fertilizer application as agreed upon at the last Board meeting has been executed. Change Order No. 2 to include reseeding and related work at Sites 29 and 32 is on the current Board agenda for approval. The State Board grant includes funds for this additional work.
- With the CORID-19 impacts and limitations, we have not prepared a grant application for FY 20 funds for re-fencing. We anticipate requesting grant funds to do this in the fall.
- We still plan to prepare a grant application and bid documents for shredding all sites with bids due for approval at the June Board meeting.

### Capital Improvements

- Freese & Nichols has been asked to prepare the scope and budget to prepare an electronic template for Emergency Action Plans and to use it to update plans for Site 32 and 20 and too prepare a plan to use it as breach maps are provided by M&E Consultants.
- M&E Consultants has completed survey work for the 8 dams in the Turkey Creek basin as part of their Task Order No. 1 but due to other deadlines has not progressed on preparing breach mapping.
- Site 22 Rehab. Contractor has submitted an updated bid for Site 22 Rehab.

\$851,828.82. Pay Estimate No. 10 is currently under review. The March construction was held by conference call.

- Site 12 and 22 Repair projects – Draft final plans have been reviewed and comments sent to the engineer. Letters have been sent to affected landowners requesting acknowledgement of the project and the WCID easements.
- Grant application to the State Board for the repair of wave erosion and other improvements at Sites 6, 17 and 21 is on the current Board agenda for approval.
- Grant application to the State Board for the upgrade of Site 25 is on the current Board agenda for approval.

**Other**

- TAWS meeting scheduled for March 30<sup>th</sup> and 31<sup>st</sup> in Fredericksburg was cancelled.
- Met with Richard Stone to discuss a Public Awareness program for the WCID.
- Met by conference call with engineers from Halff regarding the City of Taylor Drainage Master Plan.