

**UPPER BRUSHY CREEK**  
**WATER CONTROL AND IMPROVEMENT DISTRICT**  
**~~460 TEXAS AVENUE, ROUND ROCK, TX 78664~~<sup>#</sup>**  
**REGULAR BOARD MEETING MINUTES**  
**February 25, 2021**

*#Pursuant to the March 16, 2020 proclamation issued by Governor Abbott, this meeting was held by videoconference in order to advance the public health goal of limiting face-to-face meetings to slow the spread of COVID-19. The Board of Directors attended the meeting via video conference.*

*This meeting was able to be viewed live via Zoom. Members of the public that wished to speak during citizen communication were able to register ahead of time via the link provided on the meeting agenda.*

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

**DIRECTORS PRESENT:** Mike Freeman, President; Kathy Cook, Vice Treasurer; Jeremiah D. Williams, Secretary; and Greg Brill, Director

**DIRECTORS ABESENT:** Casey Clawson, Vice President

**STAFF PRESENT:** Alysha Girard, General Manager; Lisa Moravitz District Clerk; Gregor Forbes, Manager Capital Improvement Programs; District Counsel, Charlie Crossfield; and Tiffany White, Executive Assistant

**CITIZEN COMMUNICATIONS:**

Mark Bofferding was present to request the Board of Directors to adopt a Resolution supporting HB1283 and HJR71 that would allow freezing the homestead property tax for Over 65 and disabled.

**Motion by President Freeman, second by Treasurer Cook to move item E.1 up on the agenda for further discussion of citizen communication. Motion carried unanimously.**

**CONSENT AGENDA:**

- C.1 Consider approval of the Minutes for December 17, 2020 Regular Meeting.
- C.2 Consider approval of the Monthly Financial Statements for December 2020.
- C.3 Consider approval of the Monthly Financial Statements for January 2021.
- C.4 Consider approval of the 1<sup>st</sup> Quarter Investment Report for FY2021.

**Motion by Treasurer Cook, second by Vice Treasurer Brill to accept the Consent agenda as presented. Motion carried.**

**D. ACTION ITEMS:**

- D.1 Consider authorizing the Board President to execute the Abandonment and Release of Dam 10B easements.

**UPPER BRUSHY CREEK**  
WATER CONTROL AND IMPROVEMENT DISTRICT  
REGULAR MEETING MINUTES FEBRUARY 25, 2021

**Motion by Treasurer Cook, second by Secretary Williams to authorize the Board President to execute the Abandonment and Release of Dam 10B easements. Motion carried unanimously.**

D.2 Consider authorizing the Board President to accept the Dedication Deed from Taylor Morrison of Texas, Inc. for the Dam 2 Structure Area.

**Motion by Secretary Williams, second by Treasurer Cook to authorize the Board President to accept the Dedication Deed from Taylor Morrison Texas, Inc. for the Dam 2 Structure Area. Motion carried unanimously.**

D.3 Consider authorizing the Board President to approve Change Order Number #3 for \$55,074 with Patin Construction, LLC for the Flood Prevention Dam No. 8 Modernization Project.

**Motion by Secretary Williams, second by President Freeman to approve Change Order #3 in the amount of \$55,074 with Patin Construction, LLC. Motion carried unanimously.**

D.4 Consider approval of the renewal and Supplemental Agreement #3 for the Grounds Maintenance Services Contract with UNITY Contractor Services, Inc.

**Motion by Secretary Williams, second by Treasurer Cook to approve the renewal and Supplemental Agreement #3 for the Grounds and Maintenance Services Contract with Unity Contractor Services, Inc. Motion carried unanimously.**

**PRESENTATIONS AND REPORTS:**

E.1 Mercury Public Affairs' report regarding coordination with State and Local officials. *This item was moved at 4:03 pm to the beginning of the meeting.* Parker McCollough, Senior Vice President of Mercury was present to provide an update on efforts to engage local and area officials regarding opportunities and issues that impact the District's ability to serve the public.

The Over 65 Tax Freeze exemption that was introduced into legislation was discussed briefly and it was consensus of the Board to include a support Resolution on the April agenda.

Additionally, the Lower Brushy Creek WCID contacted the Board President and the General Manager requesting to be included on HB 1606, which would require a substitution of the bill. Parker advised it should not slow down the process. It was the consensus of the Board that Lower Brushy Creek WCID hire their own lobbyist and the Upper Brushy Creek WCID would be willing to provide a Letter of Support.

E.2 Update and Discussion regarding the 2021 Bond Program.  
The General Manager provided an update on the application to TCEQ and other items required for the first issuance of bond funds. The partner project participation were discussed.

**UPPER BRUSHY CREEK**  
WATER CONTROL AND IMPROVEMENT DISTRICT  
REGULAR MEETING MINUTES FEBRUARY 25, 2021


- E.3 General Manager's Report providing updates on various O&M and CIP activities.  
A review of the Capital Improvements Report and the Permit Status Report was provided.
- F. EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TITLE 5, TEXAS GOVERNMENT CODE.** The board retired into executive session at 5:00 pm.
- F.1 Executive session as authorized by §551.072 (Real Property) related to the deliberation regarding purchase, exchange, lease, or value of real property: Easement acquisition of Dams 8 and 101.
- 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 Dams 3, 8, and/or 101.
- G. RECONVENE TO OPEN SESSION TO TAKE ACTION, IF ANY, ON MATTERS DISCUSSED IN EXECUTIVE SESSION.** The Board reconvened at 5:47 pm.
- G.1 Discuss and consider action related to items listed under F above.

**ADJOURNMENT.** There being no further business, the meeting was adjourned at 5:49 p.m.

**DATED AT ROUND ROCK, TEXAS ON THIS 25<sup>th</sup> DAY OF MARCH 2021.**

ATTEST:

  
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Lisa Moravitz, District Clerk

  
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Mike Freeman, President