

UPPER BRUSHY CREEK
WATER CONTROL AND IMPROVEMENT DISTRICT
~~460 TEXAS AVENUE, ROUND ROCK, TX 78664#~~
REGULAR BOARD MEETING MINUTES
March 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; Casey Clawson, Vice President; Kathy Cook, Vice Treasurer; Jeremiah D. Williams, Secretary; and Greg Brill, Director

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: No public input received.

CONSENT AGENDA:

C.1 Consider approval of the Minutes for February 25, 2021 Regular Meeting.

C.2 Consider approval of the Monthly Financial Statement for February 2021.

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

At this time, the President moved the agenda order to item E.1.

D. ACTION ITEMS:

D.1 Consider adoption of Resolution 2021-01 supporting Legislation for tax limitation for disabled or elderly.

Motion by Vice Treasurer Brill, second by Treasurer Cook to adopt Resolution 2021-01 supporting Legislation for tax limitation for disabled or elderly. Ayes: 4 Nays: 0 Williams temporarily unavailable.

D.2 Consider approval of a Resolution 2021-04 authorizing application to TCEQ for Approval of Project and Bonds.

Motion by Secretary Williams, second by Vice Treasurer Brill to adopt Resolution 2021-04 authorizing application to TCEQ for Approval of Project and Bonds. Motion carried unanimously.

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D.1 Consider adoption of Resolution 2021-02 authorizing condemnation for 9.563 acres out of Abstract 169 owned by Robinson 1987 Tract, LLC as it relates to Dam 8.

Treasurer Cook moved that the Upper Brushy Creek WCID authorize the use of power of eminent domain to acquire 9.563 acres out of A-163 for Dam 8 modernization, hereby adopting Resolution 2021-02, second by President Freeman. A roll call vote was made: Freeman – Aye; Clawson – Aye; Cook – Aye; Brill – Aye; Williamson – Nay Motion carried 4 – 1.

D.2 Consider adoption of Resolution 2021-03 authorizing condemnation for 30.350 acres out of A-280 owned by Austin White Lime Company as it relates to Dam 8.

President Freeman moved that the Upper Brushy Creek WCID authorize the use of power of eminent domain to acquire 30.350 acres out of A-280 for Dam 8 modernization, hereby adopting Resolution 2021-03, second by Vice President Clawson. A roll call vote was made: Freeman – Aye; Clawson – Aye; Cook – Aye; Brill – Aye; Williamson – Nay Motion carried 4 – 1.

PRESENTATIONS AND REPORTS:

E.1 Mercury Public Affairs’ report regarding coordination with State and Local officials. *This item was moved at 4:06 pm to the beginning of the meeting.*

Parker McCollough, Senior Vice President of Mercury, was present to provide an update on the status of HB1606 and SB588. There was also discussion regarding Lower Brushy Creek WCID (LBC) interest in joining the bills. It was the consensus of the Board that since there was not an agreement in place yet and delays could impact our progress – Parker should keep the bill moving forward ‘as is’.

E.2 Update and Discussion regarding the 2021 Bond Program.

The General Manager noted that this item was inadvertently left on the agenda and any needed discussion occurred on the action item D.2.

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 4:33 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.


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G. RECONVENE TO OPEN SESSION TO TAKE ACTION, IF ANY, ON MATTERS DISCUSSED IN EXECUTIVE SESSION. The Board reconvened at 5:01 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 5:04 p.m.

DATED AT ROUND ROCK, TEXAS ON THIS 15th DAY OF APRIL 2021.



Casey Clawson, Vice President

ATTEST:



Lisa Moravitz, District Clerk