

**UPPER BRUSHY CREEK**  
**WATER CONTROL AND IMPROVEMENT DISTRICT**  
**460 TEXAS AVENUE, ROUND ROCK, TX 78664#**  
**REGULAR BOARD MEETING MINUTES**  
**JUNE 17, 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 4:06 p.m. by Vice President Casey Clawson and he announced a quorum was present.

**DIRECTORS PRESENT:** Casey Clawson, Vice President (*Chaired the meeting*); Jeremiah D. Williams, Secretary; Kathy Cook, Treasurer and Greg Brill, Vice Treasurer.  
(*President Mike Freeman had technical issues and was only able to view and listen, but not to speak*)

**STAFF PRESENT:** Alysha Girard, General Manager; Lisa Moravitz District Clerk; Gregor Forbes, Manager Capital Improvement Programs; District Counsel, Stephanie Sandre, District Counsel

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

**CONSENT AGENDA:**

- C.1 Consider approval of the Minutes for May 20, 2021 Regular Meeting.
- C.2 Consider approval of the Monthly Financial Statement for May 2021.

**Motion by Secretary Williams, Treasurer Cook to approve the consent agenda as presented.**  
**Ayes: 4 Nays: 0 Motion carried.**

**D. ACTION ITEMS:**

- D.1 Consider authorizing the Board President to execute an Engineering Services Contract with Schnabel Engineering, LLC for the design and bid phase services for Dam 14 – 2022 Rehabilitation project.

**Motion by Secretary Williams, second by Vice Treasurer Brill authorizing the Board President to execute an Engineering Services Contract with Schnabel Engineering, LLC for the design and bid phase services for Dam 14 – 2022 Rehabilitation Project in an amount not to exceed \$365,000. Motion carried. Ayes: 4 Nays: 0 Motion carried.**

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- D.2 Consider award of the Dam 8 – Permanent Fencing project and authorization by the Board President to execute a contract to the lowest qualified bidder.

**Motion by Vice President Clawson, second by Vice Treasurer Brill to award the Dam 8 Permanent Fencing Contract to Arbizu Fencing, in the amount of \$61,012.50 and authorizing the Board President to execute a contract in a form approved by legal counsel. Ayes: 4 Nays: 0 Motion carried.**

- D.3 Consider authorizing the Board President to execute a Real Estate Purchase Contract with Austin White Lime Company, Ltd for the purchase of the first portion of the Dam 8 structure area.

**Motion by Secretary Williams, second by Vice President Clawson authorizing the Board President to execute a Real Estate Purchase Contract, as approved by District Counsel, in the amount of \$1,707,816.84 with Austin White Lime Company, Ltd. for the acquisition of 30.350 acres required for the Dam 8 structure area. Ayes: 4 Nays: 0 Motion carried.**

- D.4 Consider authorizing the Board President to execute a Real Estate Purchase Contract with Robinson 1987 Tract LLC. for the purchase of the second portion of the Dam 8 structure area.

**Motion by Secretary Williams, second by Vice Treasurer Brill authorizing the Board President to execute a Real Estate Purchase Contract, as approved by District Counsel, in the amount of \$1,602,882.55 with Robinson 1987 Tract LLC. for the acquisition of 9.563 acres required for the Dam 8 structure area. Ayes: 4 Nays: 0 Motion carried.**

#### **PRESENTATIONS AND REPORTS:**

- E.1 Mercury Public Affairs' report regarding coordination with State and Local officials. Parker McCollough, Senior Vice President of Mercury, was present to provide an update on the status of HB1606. This was the final update following the passage of the bill.

- 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 4:52 pm.**

- F.1 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 5:15 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 5:19 p.m.

**DATED AT ROUND ROCK, TEXAS ON THIS 15<sup>th</sup> DAY OF JULY 2021.**

ATTEST:

  
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Lisa Moravitz, District Clerk

  
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Casey Clawson, Vice President