

**UPPER BRUSHY CREEK
WATER CONTROL AND IMPROVEMENT DISTRICT
1850 ROUND ROCK AVE, ROUND ROCK, TX 78681
REGULAR BOARD MEETING MINUTES
JANUARY 17, 2019**

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; Jeremiah D. Williams, Vice-President (4:04 Arrival); Miguel Villarreal Secretary/Treasurer; and Kathy Cook, Director

DIRECTORS ABSENT: Casey Clawson, Director

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

CITIZEN COMMUNICATIONS: No input received

I. ACTION ITEMS:

1. Consider approval of the December 2018 monthly financials submitted by Richard Crow and accepting the summary of expenses.

Richard Crow, CPA (District Accountant) was introduced to the Board. Staff advised Richard will be more hands on in the future to provide accounting advice and assist with setting up debit/credit accounts for our financials. Staff is in discussions with Richard to provide to the Board that will allow him to provide more extensive financial reports on a quarterly basis.

Motion by Vice-President Williams, second by Director Cook to approve the monthly financials as presented. Motion carried unanimously.

2. Consider approval of 2018 Audit Report as prepared by Maxwell, Locke & Ritter, LLP.

Tessa Daniel, Maxwell, Locke & Ritter was present to provide a brief update on the annual audit. She advised the District received the highest auditing standard and read aloud from the report the following statement *"The financial statements present fairly, in all material respects, the respective financial position of the governmental activities and the General Fund of the District as of September 30, 2018, and the respective changes in financial position and the respective budgetary comparison for the General Fund for the year then ended in accordance with accounting principles generally accepted in the United States of America."* Other discussion included internal controls being in compliance and acceptable by the auditor.

Motion by Director Cook, second by Vice-President Williams to accept the FY 2018 Audit Report. Motion carried unanimously.

3. Consider award of 2019 Grounds Maintenance Services Contract.

Staff advised three (3) proposals were received on December 20, 2018. Staff evaluated and scored the proposals and advised two were qualified. Due to the closeness between the two proposers scores, interviews were conducted on January 8, 2019. Staff recommends Unity Contractors Services, Inc.

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Motion by Vice-President Williams, second by President Freeman to award the 2019 Grounds Maintenance Services Contract to Unity Contract Services and authorizes staff to begin contract negotiations. Motion carried unanimously.

II. REPORTS:

4. Consideration and possible action on Capital Improvement Program Report.

Staff presented a Capital Improvement Program Report. Kitchell Constructors has provided an updated January 2019 baseline construction schedule that reflects additional delays, with a projected completion date of April 2019. This schedule includes additional inclement weather days. Further discussion will be during executive session.

5. Consideration and possible action on General Manager's Report.

- The General Manager advised the Flood Management System (FMS) is functioning on a revised simplified status to ensure our gauge information is still readily available. She has reached out to LCRA regarding a long-term solution for hosting data on Hydromet, which is their publicly available system. Additionally, she reached out to Halff requesting they pull data directly from the USGS for map application and a proposal was received in the amount of \$10,000 to update the mapping portion of their application to pull directly from USGS.
- The General Manager advised the Community Impact reached out requesting an update on the Dam 101 project.
- The General Manager advised the March meeting will likely not be cancelled, but recommends cancelling the meeting of the month when staff will be moving into the new office building.

III. EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TITLE 5, TEXAS GOVERNMENT CODE. The Board went into executive session at 4:25 p.m.

6. Executive session as authorized by §551.071 (Consultation with Attorney) regarding possible litigation as it relates to: New District Offices Construction Contract

IV. RECONVENE TO OPEN SESSION TO TAKE ACTION, IF ANY, ON MATTERS DISCUSSED IN EXECUTIVE SESSION. The Board adjourned out of executive session at 5:36 p.m.

7. Discuss and consider action related to construction contract with Kitchell Constructors.

Motion by President Freeman, second by Secretary/Treasurer Villarreal directing staff to continue making a good faith effort to induce contractor to conform to contract, and if unsuccessful, authorize legal counsel to pursue default provisions of contract against contractor and surety. Motion carried unanimously.

V. **ADJOURNMENT.** There being no further business, the meeting was adjourned at 5:40 p.m.

DATED AT ROUND ROCK, TEXAS ON THIS 21st DAY OF FEBRUARY 2019.

ATTEST:



Lisa Moravitz, District Clerk



Mike Freeman, President