



# BRUSHY CREEK

REGIONAL UTILITY AUTHORITY

A Partnership of Cedar Park, Leander, and Round Rock

**BRUSHY CREEK REGIONAL UTILITY AUTHORITY, INC.  
BOARD OF DIRECTORS MEETING  
WEDNESDAY, OCTOBER 22, 2008 at 7:00 P.M.  
ROUND ROCK CITY HALL – COUNCIL CHAMBER  
221 E. MAIN STREET  
ROUND ROCK, TEXAS 78664**

**DIRECTORS**

Scott Rhode, President  
Mitch Fuller, Vice-President  
John D. Cowman, Secretary/Treasurer

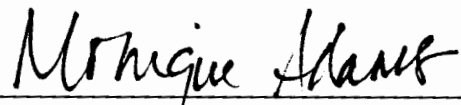
**AGENDA**

1. **CALL BOARD MEETING TO ORDER – 7:00 p.m.**
2. **ROLL CALL**
3. **CITIZENS COMMUNICATIONS**
4. **APPROVAL OF MINUTES**
  - 4A. Consider approval of the Brushy Creek Regional Utility Authority, Inc. meeting minutes for September 2, 2008.
5. **REGULAR BUSINESS**
  - 5A. Consider a discussion regarding the Village of Volente joint meeting agenda.
6. **EXECUTIVE SESSION:**
  - 6A. Executive session as authorized by §551.072 Government Code, related to the purchase and value of real property.
7. **DIRECTOR COMMENTS**
8. **ADJOURNMENT**

The Board of Directors of the Brushy Creek Regional Utility Authority, Inc., reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney); 551.072 (Deliberations about Real Property); 551.073 (Deliberations about Gifts and Donations); 551.074 (Personnel Matters); 551.076 (Deliberations about Security Devices); and 551.087 (Economic Development).

**CERTIFICATE**

I certify that the above notice of the Brushy Creek Regional Utility Authority, Inc. meeting was posted on the City Hall official bulletin board of the City of Round Rock, Texas at 3:00 P.M. on Thursday, the 16<sup>th</sup> day of October 2008.



Monique Adams on behalf of the  
Brushy Creek Regional Utility Authority

The City Council Chamber is wheelchair accessible. Requests for any special accommodations must be made 48 hours prior to the meeting. Please contact 218-5401. Requests for information may be faxed to 218-7097.

**BRUSHY CREEK REGIONAL UTILITY AUTHORITY, INC.  
BOARD OF DIRECTORS MEETING  
TUESDAY, SEPTEMBER 2, 2008 at 7:00 P.M.  
PAT BRYSON MUNICIPAL HALL  
201 NORTH BRUSHY STREET  
LEANDER, TEXAS 78641**

**DIRECTORS**

Scott Rhode, President  
Mitch Fuller, Vice-President  
John D. Cowman, Secretary/Treasurer

**AGENDA**

1. **CALL BOARD MEETING TO ORDER – 7:00 p.m.**

President Rhode called the meeting to order at 7:10 p.m.

2. **ROLL CALL**

Directors in Attendance:

President Scott Rhode

Vice-President Mitch Fuller was tardy arriving shortly after the meeting started.

Secretary John D. Cowman

3. **CITIZENS COMMUNICATIONS**

Judy Graci – 15775 Booth Circle, Volente, TX 78641

Connie Ripley – 15781 Booth Circle, Volente, TX 78641

Charles Rowland – 600 N. Bell, Cedar Park, TX 78613

4. **APPROVAL OF MINUTES**

4A. Consider approval of the Brushy Creek Regional Utility Authority, Inc. meeting minutes for July 29, 2008.

MOTION: Vice-President Fuller moved to approve the minutes. Secretary Cowman seconded the motion.

ACTION: Ayes: President Rhode  
Vice-President Fuller  
Secretary Cowman

VOTE: Approved by unanimous vote.

5. **PRESENTATIONS**

**5A. Consider a presentation and discussion from Jacobs Carter Burgess on the scope of work related to the deep water intake site due diligence and recommended route across Sandy Creek Arm of Lake Travis.**

Chris Lippe, General Manager of BCRUA, introduced Drew Harding with Jacobs Carter Burgess. Mr. Drew Harding discussed the current status and the proposed scope of work for the design of Alternative 1 Pipeline around Sandy Creek Park including the probable construction costs for Phase 1 & 2. Mr. Harding discussed the benefits of the selection of Alternative 1 as the preferred alignment. He also reviewed the engineering design of the underwater pipeline and discussed the scope of work for the due diligence study. This scope of work includes a bathymetric survey, a desktop analysis of surface and subsurface condition consisting of a geotechnical, hydrogeologica (location of wells), and environmental reviews, on-site field investigation, detailed layout of intake(s), and detailed investigation of pipeline route which should take about 120 days to complete.

**5B. Consider a presentation and discussion regarding the requested agenda items for the proposed joint meeting with the Village of Volente, to wit:**

- 1. Village of Volente's development ordinances;**
- 2. Village of Volente's request for information regarding the project and an impact study for the deep water intake site;**
- 3. A third party analysis regarding the deep water intake and raw water pipeline; and**
- 4. A third party analysis regarding alternative water sources.**

Item 1 - Steve Sheets, City Attorney for the City of Round Rock, discussed the general issues regarding city ordinances and explained that a city can not pass a law that prevents another government entity to complete a project. He mentioned how the City of Round Rock recently met with other entities to discuss city ordinances that were affected by their project.

Item 2 - Drew Harding discussed the major potential impacts concerning the deep water intake and pipeline project explaining how these impacts were considered as part of the site selection study and will continue to be reviewed with the due diligence study. The potential impacts include health & safety, quality of life, personal property, and environmental concerns.

Item 3 & 4 – Chris Lippe introduced Neil Graff with HDR. Mr. Graff reviewed the site selection process which included seven intake sites and six alternative intake types. He outlined the process that lead to the recommendation of the preferred alternative of Site 4 with a Consolidated Shaft Tunnel Intake as the preferred type of intake. Mr. Graff covered the details, including the costs, of the joint intake site study with the City of Austin and the shared facilities. Neil also reviewed the findings of the 2005 Raw Water Supply System study performed for the City of Round Rock. He also discussed the alternative water sources and summary costs for each option.

6. **RESOLUTIONS**

**6A. Consider a resolution approving the Bylaws of the Brushy Creek Regional Utility Authority, Inc.; authorizing the execution of the Master Contract for the Financing, Construction, and Operation of the Brushy Creek Regional Utility Authority, Inc. Regional Water Treatment and Distribution Project; and approving the Financing Agreement with the Texas Water Development Board.**

Diana Granger, City Attorney for City of Leander, explained that each respective city has discussed and approved the bylaws, master contract and financing agreement.

MOTION: Secretary Cowman moved to approve the resolution. Vice-President Fuller seconded the motion.

ACTION: Ayes: President Rhode  
Vice-President Fuller  
Secretary Cowman

VOTE: Approved by unanimous vote.

7. **APPOINTMENTS**

**7A. Consider designation of Charles Rowland, Cedar Park City Attorney, as one of the attorneys representing the Brushy Creek Regional Utility Authority.**

Vice-President Fuller commended Leonard Smith's participation as part of the legal team on this project.

MOTION: Vice-President Fuller moved to approve the appointment. Secretary Cowman seconded the motion.

ACTION: Ayes: President Rhode  
Vice-President Fuller  
Secretary Cowman

VOTE: Approved by unanimous vote.

8. **DIRECTOR COMMENTS**

Secretary Cowman did not have any comments.  
Vice-President Fuller discussed the work of the Brushy Creek Regional Utility Authority and the necessity of the regional project.  
President Rhode mentioned how is looking forward to meeting with the Village of Volente.

9. **ADJOURNMENT**

The meeting adjourned at 8:29 p.m.

Minutes respectfully submitted by Monique Adams.

October 8, 2008

RECEIVED  
OCT 13 2008

The Round Rock City Council  
221 E. Main Street  
Round Rock, TX 78664



VILLAGE OF  
**VOLENTE**

Dear Mayor and Councilmembers:

The Village of Volente has proposed the enclosed agenda for a meeting with elected officials of Leander, Cedar Park and Round Rock. The purpose of this meeting is for the elected officials of the three cities to address Volente's concerns with regard to the BCRUA's Phase 2 deep water intake and pipeline plans. Please note that neither the BCRUA, nor the 3 cities individually, have established their ability to build their Phase 2 industrial structures at the single-family zoned sites they have proposed within our incorporated Village. The preliminary plan for Phase 2 violates the residential land use defined by the Village's ordinances and master plan. It is far from clear that Phase 2 can proceed as currently represented. Any entity committing funds for Phase 1 should be fully aware that Phase 2 faces major foreseeable obstacles to approval by the Village of Volente.

Jan Yenawine  
MAYOR

Brian Nasky  
COUNCIL

Gary Murphy  
COUNCIL

Lee Bass  
COUNCIL

Justine Blackmore-  
Hlista  
COUNCIL

Frederick Graber  
COUNCIL

Sincerely,

Jan Yenawine, Mayor

Brian Nasky, Councilmember

Gary Murphy, Councilmember

Lee Bass, Councilmember

Justine Blackmore-Hlista, Councilmember

Frederick Graber, Councilmember

**Notice of a Joint Meeting of the Village of Volente Council, Council  
Members of Leander, Cedar Park and Round Rock and the Brushy  
Creek Regional Utility Authority Board,  
TBA, 2008, 7:00 P.M. VVFD and Community Center, 15406 FM 2769,  
Volente, Texas.**

Notice is hereby given that the Council of the Village of Volente, Council Members of Leander, Cedar Park and Round Rock and Brushy Creek Regional Utility Board, will hold a joint meeting at 7:00 P.M., TBA, 2008, at the VVFD & Community Center, 15406 FM 2769, Volente, Texas, at which time the following items will be discussed. To –wit: **A quorum of the Planning & Zoning or Board of Adjustments may be present.**

1. Call to Order. (Mayor Jan Yenawine and President Scott Rhode)
2. Roll Call for Village of Volente
3. Roll Call for BCRUA Board, Mayors and Council Members of Leander, Cedar Park and Round Rock.
4. Introduction of Village of Volente Council Members and introductory comments regarding the purpose of the meeting.
5. Discussion of compliance with all of Volente's ordinances and zoning during construction and operation of the deep water intake and pipeline.
6. Discussion of the quantitative data used to measure the potential impacts to individual residents during construction and operation and the specific proposed mitigation for each of these impacts, including any proposed benefits to Volente at large.
7. Discussion of funding an independent, third party analysis of alternatives and technologies for their deep water intake and raw water pipeline including options that their staff and engineering consultants may have rejected or may not have considered.
8. Discussion of potential health and safety issues in Volente resulting from the construction and operation of this project.
9. Discussion of financial responsibility, accountability, liability and insurance for the construction and operation of deep water intake and pipeline.
10. Future meetings and agenda items.
11. Closing comments. ( Mayor Yenawine and President Rhode)
12. Adjourn

If you have questions or comments, please contact the Village Office at (512) 250- 2075.

The Village of Volente is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal access to communications will be provided to those who provide notice to the Village Office at (512) 250- 2075 at least 48 hours in advance.

**I certify that a copy of the \_\_\_\_\_, agenda of items to be considered by the Council of the Village of Volente was posted on the Village Office Window on \_\_\_\_\_.**

**Jennifer Zufelt, City Secretary**