

**BRUSHY CREEK REGIONAL UTILITY AUTHORITY, INC.  
BOARD OF DIRECTORS MEETING  
WEDNESDAY, FEBRUARY 11, 2009 at 7:00 P.M.  
ROUND ROCK CITY HALL – COUNCIL CHAMBER  
221 E. MAIN STREET  
ROUND ROCK, TEXAS 78664**

**MEETING MINUTES**

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

President Rhode called the meeting to order at 7:02 p.m.

**2. ROLL CALL**

Directors in Attendance:  
President Scott Rhode  
Vice-President Mitch Fuller  
Secretary John Cowman

**3. CITIZENS COMMUNICATIONS**

Judy Graci – 15775 Booth Circle, Volente, TX 78641

**4. APPROVAL OF MINUTES**

**4A. Consider approval of the Brushy Creek Regional Utility Authority, Inc. meeting minutes for October 22, 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.

**4B. Consider approval of the Village of Volente and Brushy Creek Regional Utility Authority, Inc. joint meeting minutes for December 10, 2008.**

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

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

VOTE: Approved by unanimous vote.

5. **RESOLUTIONS:**

**5A. Consider a resolution authorizing the approval of the first amendment to the Master Contract for the Financing, Construction, and Operation of the Brushy Creek Regional Utility Authority, Inc. Regional Water Treatment and Distribution Project.**

Vice-President Fuller requested to have this agenda item amended as it is stated in the following agenda item indicating the approval is subject to the approval of City Council's of Cedar Park and Leander. There was no objection to this request.

Steve Sheets, City Attorney for the City of Round Rock, discussed the minor amendments to the agreement reflecting a change of two weeks in the project schedule.

President Fuller reiterated the necessity and analysis of the project.

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

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

VOTE: Approved by unanimous vote.

**5B. Consider a resolution approving the finance agreement subject to the approval by the City Council's of Cedar Park, Leander, and Round Rock.**

Carol Palumbo with McCall, Parkhurst, and Horton provided details about the financing agreement and how the timing has changed due to the potential closing for the bonds.

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.

6. **REGULAR BUSINESS:**

**6A. Discussion on the status of the Financial Advisor to the Brushy Creek Regional Utility Authority, Inc.**

Garry Kimball with Specialized Public Financing and Richard Ramirez, Senior Vice-President with First Southwest provided a report explaining that they will continue as co-financial advisors to the BCRUA. There will be no change to the price in the contract.

7. **EXECUTIVE SESSION:**

**7A. Executive Session as authorized by §551.072 Government Code, related to the deliberation of real property for Deep Water Intake and due diligence.**

The agenda item was discussed during the open session of the meeting. Drew Hardin with Jacobs discussed the due diligence phase of acquiring the property identified as Site Four.

The due diligence study will identify the exact location of the intake and provide alternatives for the location of the pipeline including the potential impacts for each alternative. Specific permits will also be identified during this phase. Mr. Harding also mentioned that the hydro geological and environmental evaluation will be included in the due diligence study.

There was discussion on the need to include specific operational impacts including noise and electrical concerns in the "Impacts memorandum".

8. **DIRECTOR COMMENTS**

Secretary Cowman did not make any comments.

Vice-President Fuller expressed his desire to keep the communication open with the Village of Volente. He discussed the fundamentals of the project and the need for the regional water project. Vice President Fuller also mentioned how he would like to add an agenda item for opening comments in addition to closing comments.

President Rhode announced his resignation from the Brushy Creek Regional Utility Authority board since will not run for re-election as a Round Rock City council member. President Rhode also discussed the importance of regional cooperation.

9. **RECOGNITION:**

**9A. Special recognition for President Scott Rhode.**

Vice-President Fuller and Secretary Cowman thanked President Rhode for his service with the Brushy Creek Regional Utility Authority.

10. **ADJOURNMENT**

The meeting was adjourned at 7:35 pm.

*Meeting minutes respectfully submitted by Monique Adams.*