

**JANUARY 14, 2010 MEETING MINUTES  
MEETING OF THE BOARD OF DIRECTORS OF  
BRUSHY CREEK MUNICIPAL UTILITY DISTRICT**

A meeting of the Board of Directors of Brushy Creek Municipal Utility District was held on the 14th day of January, 2010, beginning at 6:00 p.m. at the Brushy Creek Municipal Utility District Community Center, 16318 Great Oaks Drive, Round Rock, Texas. Notices of the time, place and the subject of the meeting, and the actions to be taken at the meeting, were posted at the places and for the time required by the laws of the State of Texas.

Agenda Item 1: Call to order.

The meeting was called to order at 6:05 p.m. with the following Directors present: Cris Yackle, President, Russ Shermer, Vice-President, Rebecca Tullos, Treasurer, Jeffrey Goldstein, Secretary and Bob Grahl, Assistant Secretary/Treasurer. General Manager Tom Clark, Attorney Anthony Corbett, and District staff was also in attendance.

Agenda Item 2: Announcements.

Rachel Hagen introduced Shannon Holt and briefed the Board on Shannon's successful Girl Scout E-Waste Project, which resulted in the collection of 6.25 tons of electronic waste. In recognition of this successful program, President Yackle presented a certificate of appreciation to Shannon Holt.

General Manager Tom Clark announced that the Employee of the Year was Steven Noeth and the Employee of the Quarter was John Overstreet.

Tom Clark reminded the Board of the CASE breakfast, scheduled for January 15.

Agenda Item 3: Citizen Comments.

A citizen spoke regarding fees paid to the District in the early 1990's.

Agenda Item 4: Discussions Regarding Order of Consideration of Agenda Items.

The Board briefly discussed the order of consideration of agenda items.

Agenda Item 5(a): Parks and Recreation Committee Report.

J. R. Richardson presented the Parks and Recreation Committee reports for the December 7, 2009 and January 4, 2010 meetings. No action was taken by the Board with respect thereto.

Agenda Item 5(b): Community Center Advisory Committee Report.

Fred Lord presented the Community Center Advisory Committee report for the December 14, 2009 meeting. No action was taken by the Board with respect thereto.

## Public Works Matters:

### Agenda Item 9(a): Award of Landscape Maintenance Mowing

Mr. Clark gave a summary of the bids received for the landscape maintenance mowing contract. He noted that the low bidder was Native Land, but that the bid was unresponsive. Eco Systems had the next lowest bid.

Mr. Clark explained that the possibility of bringing the work in-house will be explored during the 2011 budget process.

Director Grahl moved to accept the bid from Eco Systems Landscaping in an amount not to exceed \$316,559.60. The motion was seconded by Director Tullos and passed unanimously (5-0).

## Parks and Recreation Department Matters

### Agenda Item 10(b): Emergency Shelter Agreement with Williamson County

Jared Thomas with Williamson County gave a brief overview of the proposed emergency shelter agreement. The Board then conducted a question and answer session. The Board was advised that the Red Cross would be involved in running the facility during use as an emergency shelter and that the County enters into a Memorandum of Understanding with the Red Cross. The Board requested that the contract state that the Community Center will be utilized as a consolidation shelter only. In addition, the Board requested that the contract include the following:

- a. the District's cost per day for use of the facility;
- b. the District right to accept or deny evacuees and limit the capacity;
- c. a duration limit of 3-5 days with the District's option to extend;
- d. the County's responsibility for beds, toiletries, food and other incidentals;
- e. the use of floor or air mattresses only; and
- f. other nonsubstantive revisions.

Staff was directed to continue to work with the County and to bring this matter back to the Board in February or March.

## Administrative Department Matters

### Agenda Item 12(a): Records File Plan

Norma Chakrabarty discussed the current records file plan and proposed changes to the plan to include combining all grants for permanent retention and also permanently retaining all litigation files. Staff was directed to retain grant and litigation records. Mr. Clark noted that a second quarter goal was to work on scanning the records into the system.

Staff was directed to make the suggested changes and place this item on the next meeting Agenda.

Agenda Item 6: Staff Reports.

(a) Commercial park use policy.

Tim Ishman reported that staff is still gathering information and has discussed the legal ramifications of commercial park use with District counsel. Attorney Corbett recommended that the District adopt a policy and enter into a standard contract for commercial use of the parks to protect the District's interests and to identify the terms and conditions of use of the parklands. Staff was directed to amend the Park Rules to include a requirement of prior District authorization before any commercial activities take place.

Recess: The Board recessed at 7:35 PM and reconvened at 7:47 PM with all five Directors present.

(b) Phase II Signs

Mr. Ishman reported that the contract with Fazzone has been signed and the ninety day clock for the construction has begun. Oncor has set the pole at Cornerwood. Staff is continuing to work on finding funds for the third sign at 901 Great Oaks.

(c) Parks and Recreation Operation Analysis conducted by Ballard King.

Mr. Ishman reported that he had received six or seven comments on the Analysis and forwarded them to Mr. Ballard. Mr. Ballard will present the final report at a special Board meeting on February 1, 2010.

(d) Youth Flag Football Program

Mr. Ishman reported that the Youth Flag Football Program will begin with younger kids and will be included in the upcoming catalog. The program will be self-funded and will be the first large outdoor program conducted by staff.

(e) Counselor in Training Program

Mr. Ishman reported that the Counsel in Training (CIT) Program is being considered for implementation this summer and will be a good introduction for middle school children to become involved in the camps. The CITs will be required to undergo CPR certification and baby sitting skills certification.

(f) Repairs at Intake Structure.

Mike Wheeler reported that the draft report is complete and that Joe Jenkins will be putting the cost estimate together and will report to the Board on January 28 regarding the pilot study. The Board noted that if the District has to move the surge tank at the intake, Chisholm Trail will need to participate in the cost if it wants to utilize the intake structure.

(g) Demolition of Maintenance Yard.

Mr. Wheeler reported that the old building has been re-skinned and that the trailer was moved. Due to the inclement weather, staff is not as far along as they had anticipated on the berm and cleanup. The District only received and chipped approximately two truckloads of trees this year. Mr. Wheeler reported that the old gate can be taken down and the new gate used. Staff was directed to research the possibility of restructuring the old gate to panels for use during the Hairy Man Festival.

(h) Membrane System and Modifications at Water Treatment Facility.

Mr. Wheeler reported that there still has been no word from the Texas Commission on Environmental Quality regarding the pilot study.

(i) TCEQ Required Posting of Municipal District Signs at District Entryways

Mr. Wheeler reported that staff was investigating the various types of signs to meet TCEQ requirements and that replacement of the signs will be included in next year's budget. Staff was directed to include signage at the entry to Highland Horizons.

(j) Arbitrage Audit

Mike Petter reported that the audit has been completed and the District received a report that the bonds tax exempt status is valid and no arbitrage took place.

(k) 2010 Holiday Schedule.

Mr. Petter briefed the Board on the 2010 holiday schedule. Staff was directed to revise the policy to allow the General Manager to set District holidays. Staff was also directed to research the possibility of adding an additional holiday and benefits for permanent part-time employees.

(7) Consent Agenda.

Director Shermer moved approval of the consent agenda with the exceptions of Items 7c, 7e, and 7d. The motion was seconded by Director Goldstein and approved unanimously (5-0). The following items were thereby approved by the Board of Directors:

- (7a) The Board approved the appointment of Larry Haig to the Water and Wastewater Committee and appointed Director Goldstein primary ex officio and Director Yackle alternate ex officio to the Committee.
- (7b) The Board approved certification pay for Public Works Staff.
- (7f) The Board approved the December 7, 2009 Special Board minutes and the December 10, 2009 Board meeting minutes.

Agenda Item 7(c): Approve Parks and Recreational Rate Order.

Discussion was had regarding clarification of the changes on the Order. Staff was directed to include this item on the January 28, 2010 consent agenda.

Recess: The meeting recessed at 8:47 PM and reconvened at 8:57 PM with all five Directors present.

Agenda Item 7(d): Approve Employee Recognition and Incentive Program.

Director Tullos requested that the policy be based on the operational cost savings and that the award payment would be paid out of actual savings to the District. Director Goldstein moved to approve the program with this clarification. The motion was seconded by Director Tullos, and passed unanimously (5-0).

Agenda Item 7(e): Approve Agreement For Lease of Desktops.

The Board discussed the lease agreement and the District's need for new computers. Director Shermer moved that the General Manager be authorized to negotiate and execute a lease with a thirty-six month term for ten computers in an amount not to exceed \$3,913.30 per year for the term of the lease. The motion was seconded by Director Grahl and passed unanimously (5-0).

Agenda Item 8: Technology Department Matters:

None

Parks and Recreation Department Matters:

Agenda Item 10(a): Discussion and Possible Action Concerning Cat Hollow Deck Repair.

Tim Ishman explained that after additional research, it was determined that some of the repair work could be done by District staff and that what needed to be done by an outside contractor was repair of the expansion joints. Staff was directed to determine a completion date and provide the Board with a diagram or photos of what work was needed, and to add this item to the January 28, 2010 agenda.

Agenda Item 7(e): Approve Agreement For Lease of Desktops

At the request of legal counsel, this item was revisited by the Board. Director Shermer moved that the prior motion and vote be rescinded as he is employed by Dell. The motion was seconded by Director Grahl and passed unanimously (5-0). Mr. Shermer announced that he would abstain from any participation in the vote.

Director Yackle then moved that the General Manager be authorized to negotiate and execute a lease with a thirty-six month term for ten computers not to exceed \$3,913.30 per year for the term of the lease. The motion was seconded by Director Goldstein and passed by a vote of 3-2, with Directors Shermer and Grahl abstaining.

Recess: The meeting recessed at 10:05PM and reconvened at 10:22 PM with all five Directors present.

Human Resources Department/Financial Matters:

Agenda Item 11(a): Discussion Concerning Employee Benefits Renewal.

Mike Petter advised the Board that the insurance benefits plan renewal is out for bid and is scheduled for March 1, with open enrollment to begin on February 1. The current carrier, Blue Cross and Blue Shield's rates are up three per cent. For the next budget year, staff will explore the possibility of providing insurance for qualified permanent part-time staff which may affect the rates. Mr. Petter will bring back the number of qualified employees who could be affected.

Agenda Item 11(b): Approval of November Disbursement Report, November Detail and November Cash and Investment Reports.

Mr. Petter presented and discussed the November financial reports and explained that water revenue was down due to a wet fall season. Staff was directed to change "Parks Master Plan" to "Parks Operations Plan."

Director Yackle moved to approve the November financial detail, disbursements and the cash and inventory reports attached to the Board packet. The motion was seconded by Director Tullos and passed unanimously (5-0).

Agenda Item 11(c): Discussion and Possible Action Regarding Job Descriptions.

Director Yackle expressed concerns regarding the change of member services coordinator's position from non-exempt to exempt. Mr. Petter advised that the Board approved the change in coordinators status to exempt as they were considered mid-level managers.

Staff was directed to revise the job descriptions for Mr. Petter, Mr. Ishman, Mr. Wheeler and Mr. Palmer to include that they may be called on as back-up for the General Manager when he is not available.

Director Tullos moved to approve the revised job descriptions for the Parks and Recreation Manager, the Customer Service Coordinator, the Horticulturist and the Human Resources/Controller. The motion was seconded by Director Shermer and approved unanimously (5-0).

Approval of the following job descriptions was tabled: Member Services Coordinator, Information & Rental Specialist, Technology Manager and System Administrator.

Administrative Department Matters:

Agenda Item 12(b): Discussion Concerning Security Agreement with Williamson County.

The Board went into Executive Session at 11:20 PM to seek legal advice from the District's legal counsel pursuant to Texas Government Code Chapter 551, Subchapter D. All five Directors, General Manager Clark and Attorney Corbett were present.

At 1:05 AM, the Board re-convened in open session. Director Yackle announced that no final actions or votes were taken in the Executive Session.

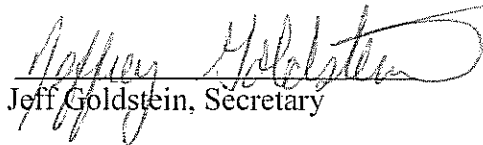
Staff was directed to continue to work with the Williamson County Sheriff to finalize a contract.

Agenda Item 12(c): Discussion and Possible Action Regarding Amended Policy Establishing Rules of Procedure and Recovery of Costs for Inspection and Copying of Public Information.

Director Shermer moved to approve the amended Policy Establishing Rules of Procedure and Recovery of Costs for Inspection and Copying of Public Information as presented in the Board packet. The motion was seconded by Director Goldstein and passed unanimously (5-0).

Adjournment.

Director Shermer moved to adjourn the meeting. The motion was seconded by Director Grahl, and passed unanimously (5-0). The meeting adjourned at 1:07 A.M.

  
Jeff Goldstein, Secretary