

**JANUARY 8, 2009 MEETING MINUTES  
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 8th day of January, 2009 at 7:00 p.m., in the District's office, 16318 Great Oaks Drive, Brushy Creek Subdivision, 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 7:00 p.m. with Directors Bob Grahl, Russ Shermer, Paul Tisch, Rebecca Tullos and Cris Yackle present. General Manager Tom Clark, other staff, and District Attorney Tony Corbett were also in attendance.

Agenda Item 2: Recognition- Employee of the Quarter and Year.

The General Manager announced that David Dodd was the Employee of the Quarter. He also announced that Rachel Hagen was Employee of the Year.

Agenda Item 3: Discussion regarding order of consideration of agenda items.

The Board discussed the order of consideration of any agenda items and agreed to consider certain matters (Items 23 and 12) out of the order set forth on the agenda in order to accommodate visitors to the meeting with business to discuss. Staff also requested that Items 6, 8, and 9(a) and 9(b) be tabled.

The Board also announced that it would be going into Executive Session to seek legal advice regarding items 21 and 22.

Citizens' Comments.

There were no citizens' comments.

Agenda Item 23: Approve Bury Partners Engineering Contract

After discussion, Director Tisch moved that the District approve the contract with Bury Partners in the form presented in the Board packet, along with Task Order No. 1 (Sanitary Sewer Survey) and Task Order No. 2 (evaluation of pond outlet). The motion was seconded by Director Tullos and passed unanimously.

Agenda Item 12: Active Net Project Worksheet

Tim Ishman and Penny Curry, a representative of Active Net, provided a brief update to the Board regarding the status of implementation of the Active Net database project for the Recreational Center, including the training of District staff. She reported that the

implementation was proceeding well, and that the project would be completed in March. The Board asked a number of questions regarding the project, but took no action.

Agenda Item 5: Reports.

a. Technology Committee Report (item 5(a))-

Mark Palmer presented an overview of the most recent Technology Committee meeting.

b. Community Center Advisory Committee Report

Tim Ishman presented a report regarding the most recent Community Center Advisory Committee meeting. The report included recommendations that the District conduct a neighborhood golf tournament, conduct a MUD mixer, hold a Grandparents Day Out; hold the 5<sup>th</sup> grade dance on June 6, 2009; discontinue the Friday Fantastic's event; provide discounts to businesses in the community for the Community Festival; and approve the Concierge Station project. No action was taken by the Board regarding the report.

c. Staff Reports

Tom Clark presented a report regarding the status of the following projects: repairs at the intake facility; the membrane replacement project; and Cat Hollow lift station repairs.

Mike Petter presented a report regarding the CUSI billing system conversion. He reported that the conversion had been completed and went well. He noted that the accounting interface would be completed in the near future.

No action was taken by the Board regarding the report items.

**Discussion Items:**

Agenda Item 6: Sendero Springs Park Landscape Plan

This item was tabled at Director Shermer's request. Staff was directed to place the item on the February 12, 2009 Board meeting agenda.

Agenda Item 7: Use of Defined Area O&M Tax Monies

Director Shermer announced that he reviewed the comments made by a citizen during the previous Board meeting regarding the O&M Tax Monies. He read a statement responding to each of the points raised by the citizen, explaining that they were each without merit.

Agenda Item 8: Lease Agreements with Cellular Telephone Carriers

This item was tabled at staff's request.

Agenda Item 9: Amendment to Customer Service Department Job Descriptions

This item was tabled at staff's request.

Agenda Item 10- Amendment to Public Works Department Job Descriptions

Tom Clark presented an overview of proposed amendments to the job descriptions for the senior water plant operator and water/wastewater coordinator. He reported that the descriptions would be revised to provide that the positions would become exempt positions. No action was taken by the Board regarding the matter. Staff was directed to place this item on the next Board meeting agenda for approval.

Agenda Item 11: RM 620 and Great Oaks Drive Left Turn Lane Project

Tom Clark reported that the County informed him that it intends to install a left turn lane on Great Oaks Drive. He reported that certain trees were in conflict with the project, but that the cost of relocation of the trees was prohibitively expensive.

Agenda Item 13: Visiflow Project Concept Worksheet

Mark Palmer provided an overview of the status of the Visiflow Project. The project would upgrade the District's Visiflow system to NetDMS for managing the District's records. The Board expressed its desire that the vendor very clearly communicate the capabilities of the system, and that it be configured correctly in light of prior experience with the vendor. The Board directed Staff to further investigate the system and other alternative document management systems. The Board directed that updates be given at subsequent meetings.

Agenda Item 15: Modification of District Cellular Telephone Plan(s) and Providers

Mark Palmer provided a brief report to the Board regarding the status of his discussions and research regarding consolidating or revising the District's cellular plans. He reported that he was preparing a written plan identifying the District's cellular phone needs, and an RFP for new service. No action was taken by the Board.

Agenda Item 14: Easement Encroachment Agreement with Car X for Proposed Sign

Tom Clark provided an overview of Car X's request to place a sign in the District's easement. In response to a question from the Board, Tom Clark agreed to obtain more information about the rationale behind the proposed sign location. No action was taken by the Board regarding the matter.

**Discussion and Action Items:**

Agenda Item 16: Approval of November Disbursement Report, November Detail and November Cash and Investment Reports

After a brief report and recommendation by Mike Petter, Director Tisch moved approval of the November disbursement report. The motion was seconded by Director Tullos, and passed unanimously.

Agenda Item 17: Authorize staff to seek bids for purchase of water meters and automatic meter reading equipment

Tom Clark stated that the purpose of this item would be to purchase in bulk replacement meters, and through an alternate bid, for the purchase of automatic meter reading equipment. Director Yackle moved that the District advertise for bids for purchase of water meters and automatic meter reading equipment. The motion was seconded by Director Shermer and passed unanimously. The Board also directed that a schedule for the bid award process be included in the next Board meeting packet.

Agenda Item 18: Authorize staff to proceed with Phase II sign project

Tom Clark provided a brief report regarding the Phase II sign project, and recommendations to keep the project within budget. After discussion, the Board requested that the matter be referred to the Parks Committee for consideration and that staff further evaluate whether the existing signs have achieved the Board's original goals.

Agenda Item 19: General Manager's Performance Evaluation

Director Tisch stated that he would like the Board to create a committee to prepare an evaluation form and procedure for conducting the annual performance evaluation of the General Manger. He noted that review would solicit input from the Board and managers. After discussion, Directors Shermer and Grahl agreed to serve in this capacity, and would prepare a recommended procedure for conducting the evaluation before the end of February.

Agenda Item 20: Authorize solicitation of chemical bids

Director Grahl moved that the District advertise for bids for the purchase of chemicals. The motion was seconded by Director Yackle, and passed unanimously.

Action Items

Director Tullos moved that the Board approve all action items, with direction that the Board ensure all dates in the documents remain current. The motion was seconded by Director Grahl, and carried unanimously. The Board thereby approved the following items:

Agenda Item 24: The Board approved the minutes for the following meetings: October 23, 2008; November 13, 2008; and December 11, 2008.

Agenda Item 25: The Board approved a contract with Sendero Land Services for District mowing and landscape maintenance services.

Agenda Item 26: The Board adopted Resolutions 090108 naming "Little Village Park" in the form included in the Board packet.

Agenda Item 27: The Board adopted an amendment to the District Information Form in the form included in the Board packet.

Agenda Item 28: The Board approved a Records Filing Plan in the form included in the Board's packets.

### Executive Session

At 9:21 p.m., Director Tisch announced that the Board would go into executive session to seek legal opinions and advice regarding agenda items 21 and 22.

At 11:07 p.m., the public portion of the meeting reconvened.

### Agenda Item 21: Approve Off-site recreational events

After discussion, no director made a motion to approve the events. The Board noted that it was not interested in conducting the off-site events at this time. The Board indicated that community groups could proceed with the events.

### Agenda Item 22: Approve Agreement with LCRA and Fern Bluff MUD regarding Brushy Creek Regional Wastewater System matters.

Tom Clark requested that the Board authorize staff to protest the LCRA 2009 regional budget for the regional wastewater system. The Board directed the General Manager to proceed with the protest by filing a protest letter. Further, in the event that Freeman & Corbett has a conflict with respect to the matter, the Board authorized the General Manager to work with other legal counsel in connection with the protest. Further, the Board expressed its desire that Ron Freeman not represent LCRA in connection with the protest.

Agenda Item 27: The Board then again considered Agenda Item 27, the District Information Form. The Board discussed the map attached to the District Information Form.

### Adjournment:

Director Shermer moved to adjourn the meeting. The motion was seconded by Director Yackle, and passed unanimously. The meeting adjourned at 11:26 p.m.

  
\_\_\_\_\_  
Russ Shermer, Board Secretary