

**JANUARY 22, 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 22nd 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 Paul Tisch, Cris Yackle, Russ Shermer, Bob Grahl, and Rebecca Tullos present. General Manager Tom Clark, other staff, and District Attorney Tony Corbett were also in attendance.

Agenda Item 2. Announce New Public Works Director

Tom Clark announced that Mike Wheeler had been promoted to Public Works Director.

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 Item 7 before Item 6 to accommodate guests and committee members.

Agenda Item 4. Citizens' Comments

There were no citizens comments.

Agenda Item 5. Reports

a. Community Center Advisory Committee

Mr. Fred Lord presented a report on behalf of the Community Center Advisory. He recommended that the Board consider the findings of the Westwood DECA students, to be presented later in the meeting. No action was taken by the Board.

b. Parks Advisory Committee Meeting

Janice Parker presented a report on behalf of the Parks Advisory Committee. No action was taken by the Board.

Agenda Item 7. Receive report from Westwood High School Distributive Education Clubs of America (DECA) students' on Hospitality and Recreation Marketing Research study.

Students from Westwood High School presented a report regarding the hospitality and recreation marketing research study they prepared.

Agenda Item 5. Reports

c. General Manager Quarterly Report

- i. Tom Clark presented his General Manager's Quarterly Report. No action was taken by the Board.

Agenda Item 6. Receive update from County Commissioners Lisa Birkman and Valery Covey on County projects within the District

Commissioners Covey and Birkman presented a report regarding County projects within the District. Commissioner Covey specifically addressed Walsh Ranch Middle School trail improvements. She reported that the County desired to work with the District to provide in-kind services and/or make a financial contribution for the proposed trail improvements. She also supported the idea of conducting a public meeting to confirm public support and obtain input regarding the project.

Commissioner Covey then reported on the Round Rock Independent School District's purchase of lands within Pearson Ranch, and addressed connectivity to roads within the District. She stated that it was contemplated that Neenah would be extended and would connect to SH-45.

Commissioner Birkman provided a status update regarding the potential extension of O'Connor Drive south to SH 45, and the potential expansion of Hwy 620.

The Commissioners agreed to maintain regular communications with the District regarding the status of the improvement projects.

Agenda Item 5. Staff Reports (continued)

- ii. Bid schedule for purchase of water meters and automatic meter reading equipment.

Tom Clark briefly presented a status report regarding the bid schedule. Staff was directed to change the date to reflect the item to go before the Board on February 26th.

- iii. Website content management status.

Mark Palmer provided a brief status report. No action was taken.

- iv. Report on status of written procedures for District permit process.

Tom Clark provided a status report. Staff was directed to include timelines in the permit procedures.

- v. Report on status of reformatting staff report.

Tom Clark requested that the Board provide feedback regarding the format of staff reports. The Board provided comments regarding its desires and expectations with respect to the form of the reports. The Board directed that Staff prepare a proposed template incorporating the recommendations.

vi. Report on status of revision of Departmental Metrics

Tom Clark reported on the status of Staff's progress in revising the form of the department metrics reports. He reported that metrics would be presented to the Board in February.

b. Open Records Requests status report

Tom Clark discussed the open records request status report. Staff was directed to begin the report effective FY 2009.

Discussion Items:

Agenda Item 8. Receive feedback from Board on Standard Operating Procedures provided December 11, 2008.

The Board did not provide any input regarding the draft Standard Operating Procedures. Board members indicated that they needed additional time to review the procedures, and Staff was directed to provide a hard copy to Directors Tisch and Tullos. The Board also discussed establishing a date to conclude this matter.

Agenda Item 9. Review the February 28, 2009 Board Workshop Agenda.

The Board considered the draft agenda for the workshop. The Board gave direction regarding revisions to the draft agenda.

Agenda Item 10. Authorization to relocate trailer at old Water & Wastewater Plant to Water Facility.

Tom Clark provided background information regarding relocation of a trailer at 901 Great Oaks in order to facilitate renovation of the building. The Board authorized the General Manager to proceed with relocation of the trailer to the Water Facility under the General Manager's authority. The Board noted that it did not want Staff to dispose of the trailer.

Agenda Item 11. Discuss proposed trail plan expansion for pedestrian connections to Walsh Middle School.

The Board directed Staff to work with Williamson County regarding scheduling a Town Hall meeting at Walsh Ranch Middle School to solicit public input regarding the trail improvements. The Board authorized Staff to conduct the meeting at the Sendero Pavilion if it wasn't feasible to utilize the Middle School. The Board also requested that Staff investigate whether the County had completed a second traffic impact analysis. The

Board requested that Staff prepare a cost estimate regarding the costs of construction of trail extensions to the middle school and to Great Oaks Drive. The Board also requested that Staff confirm the District's ownership of property east of Great Oaks Drive between Sam Bass Road and Park Drive.

Agenda Item 12. Discuss Youth Services Organization project guidelines.

Tim Ishman provided a report to the Board regarding the District's policies regarding youth service organization projects. The Board provided feedback regarding revisions to the draft policies. Among other direction, the Board requested that Staff prepare a form for each project, to be completed by the proposed individuals providing services, that identifies a schedule for completion and project milestones.

Agenda Item 13. Discuss Pool Pass Rate Adjustment.

Tim Ishman reported that upon investigating the costs of pool operations and rates at other facilities, Staff recommended revisions to the District pool pass rates. The Board provided feedback regarding the proposed rate adjustments, including direction that Staff consider not increasing the non-resident rates. The Board also requested that Staff consider whether to phase in rate increases. Staff agreed to bring back alternative rate proposals for consideration by the Board at its next meeting.

Discussion and Action Items:

Agenda Item 14. Authorize staff to solicit bids for repairs to Creekside Pool.

Tim Ishman requested authorization for Staff to solicit bids for repairs to the Creekside Pool. The Board authorized Staff to proceed, but gave direction to Staff to consider and make recommendations regarding the source of funding for the repairs. The Board also directed the General Manager to prepare and present, within two months, a report regarding historical pool repair and rehabilitation costs, along with a preventative maintenance program.

Agenda Item 15. Discussion and action concerning agreement with LCRA/BRA and Fern Bluff concerning Sub-Regional Wastewater Disposal Agreement.

The General Manager provided an update to the Board. He reported that Fern Bluff MUD and LCRA verbally agreed to reimburse the District for its excess payments in 2008.

He reported that the Technical Review Committee did not support the District's request to amend the 2009 budget in response to the District's request that flow charges be amended to exclude usage related to the District's landscape metering.

After Mr. Corbett explained that he had a conflict and could not provide legal representation to the District relating to the protest of the LCRA budget, and recommended that the District secure alternative legal counsel, the Board directed Staff to secure alternative legal counsel with respect to preparation of an agreement with

LCRA and Fern Bluff MUD for repayment of excess 2008 payments, and to represent the District in connection with its protest of the 2009 flow charges. The Board directed that prioritization be given to the first item.

Agenda Item 16. Approve purchase of closed circuit television equipment for sanitary sewer system.

The General Manager recommended that the District purchase a sewer system camera from Cyclops Camera Systems for \$30,470.00. A motion approving the purchase was made by Director Yackle and seconded by Director Tisch. The motion passed unanimously. Staff was directed to obtain an estimate on the repair of the old camera system.

Agenda Item 17. Authorization to proceed with installation of water and electricity at Community Park.

The General Manager requested authorization to proceed with installation of water and electricity at the Community Park with Staff to install the water and to provide payment of costs not to exceed \$44,821 as presented. Director Grahl moved to approve such authorization. Director Shermer seconded the motion, which passed 4-0-1. Director Yackle abstained.

Agenda Item 18. Authorization to proceed with bidding Disc golf course parking lot.

After a brief report by the General Manager, Director Tullos moved that the District advertise for bids for construction of the parking lot. The motion was seconded by Director Tisch, and passed unanimously.

Agenda Item 19. Approve contract with CH2MHill for Membrane Pilot Study.

In accordance with the General Manager's recommendation, Director Tisch moved approval of the contract with CH2MHill at a cost not to exceed \$83,391.66. The motion was seconded by Director Tullos and passed unanimously.

Agenda Item 20. Approve Director's Travel Authorization request.

Director Tisch moved for approval of Director Yackle's hotel related travel authorization request. The motion was seconded by Director Grahl, and passed unanimously.

Agenda Item 21. Approve Staff recommendation concerning Employee Benefit Plans.

Mike Petter reported to the Board regarding the District's employee benefit plans and made a number of recommendations regarding service providers and changes to the employee contributions. After discussion, Director Tisch moved approval of the changes recommended by staff, set forth below. The motion was seconded by Director Tullos, and approved unanimously. The changes consisted of the following:

- Change health plan types from BCBS M801 to a dual option of BCBS S02 and S14

- Increase employee cost sharing on the health plans to 50% of non-employee premium
- Increase employee cost sharing on the dental plans to 25% of non-employee premiums
- Change Dental and Vision Care to Dental Select
- Add a Section 125 Plan through Flex Corp
- Increase employee contribution to dependant, spouse and family coverages
- Change dental and vision plans to Dental Select to offset 10% premium increases from the current provider, Metlife

Action Items:

Director Tisch moved that agenda item #24 be pulled for discussion. Director Yackle moved for approval of the remaining action items set forth below. Director Tisch seconded the motion, which passed unanimously. The Board thereby approved items #22 and #23 :

Agenda Item 22. Approve Easement Encroachment Agreement with Car X for proposed sign.

Agenda Item 23. Approve Highland Horizons Pay Application Number Twelve and Retainage Request for Phase I Water, Wastewater and Drainage Improvements.

Agenda Item 24. Appointment of at-large committee member to Parks Advisory Committee.

After brief discussion the Board unanimously approved appointment of JR Richardson as the at-large member to Parks Advisory Committee on a motion made by Director Shermer and seconded by Director Tisch.

Adjournment:

Director Shermer moved to adjourn the meeting. The motion was seconded by Director Tisch, and passed unanimously. The meeting adjourned at 11:27 p.m.



Russ Shermer, Board Secretary