

**MEETING MINUTES
BRUSHY CREEK MUNICIPAL UTILITY DISTRICT**

A meeting of the Board of Directors of Brushy Creek Municipal Utility District was held on the 9th day of April, 2009 at 6:00 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 6:02 p.m. with the following Directors present: Paul Tisch, President, Cris Yackle, Vice President, Rebecca Tullos, Treasurer, Russ Shermer, Secretary and Bob Grahl, Asst. Secretary/Treasurer. General Manager Tom Clark, other staff, and District Attorney Tony Corbett were also in attendance.

Agenda Item 2: Discussion regarding order of consideration of agenda items.

The Board agreed to consider the following matters out of the order set forth on the agenda in order to accommodate visitors: Agenda Items 8, 10, 18

Agenda Item 3: Citizens' Comments.

A resident spoke regarding the Board's decorum.

Agenda Item 10: Shirley McDonald Dam Repairs.

Tom Caponi, an engineer with Bury Partners, presented a report regarding proposed repairs to the Shirley McDonald Dam, including his findings and alternative recommendations. He reported that the dam was not sufficient to contain flows for large storm events. Upon conclusion of the report, the Board asked a number of questions regarding the alternatives. Due to the high capital costs of the repairs, the Board directed staff to investigate whether grant funds may be available for the project, and whether Williamson County may be willing to participate in the project. The Board authorized staff to make interim repairs to the dam as necessary to prevent a dam breach.

Agenda Item 18: Request to Amend Impact Fee LUE Calculation Methodology.

Tom Clark reported that his staff was still performing an update regarding the methodologies utilized by other utility systems. Mickey Fishbeck then presented a brief report with respect to studies she performed on behalf of other communities, and the different philosophies utilized by different systems for purposes of allocating LUEs to multi-family residential customers. After discussion, staff agreed that it would work with Ms. Fishbeck for purposes of preparing a scope of work and proposal for the study, to be presented as promptly as practicable.

Agenda Item 19: Sendero HOA Landscape Plan.

Mike Wheeler presented a report regarding the proposed improvements, and estimated cost, of landscaping improvements. After discussion, the Board requested that the matter be placed on the next agenda for formal consideration.

Agenda Item 8: Flood Repair Improvements to Water Treatment Intake Facilities.

Agenda Item 4(b): Membrane Testing and Water Treatment Plant Improvements.

Agenda Item 4(c) Chisholm Trail MOU.

Joe Jenkins presented a status report regarding each of the items referenced above. After discussion, the Board directed staff to prepare a plan for undertaking water treatment plant improvements in accordance with Joe Jenkin's recommendations, for consideration at the next meeting.

Recess: 7:50 to 7:59

Agenda Item 5: Request for Payment of Landscaping Damages by Cat Hollow HOA.

Tom Clark presented a request by the Cat Hollow HOA for landscaping damage that allegedly occurred in the summer of 2008. He reported that the staff had referred the matter to TML, the District's insurance carrier. A representative of Cat Hollow HOA then answered questions from the Board. Staff reported that it hoped to receive a response from TML in the next week. The Cat Hollow HOA representative agreed to investigate certain questions raised by the Board that he was unable to answer.

Agenda Item 4: Staff Reports.

Staff presented update reports regarding the following matters identified on the agenda:

- c. Regional Wastewater System- Tom Clark provided a status update regarding a meeting held with LCRA regarding the sale of the system.
- e. Pocono Detention Pond and Vandalism- Tom Clark reported that a meeting was scheduled with homeowners on April 17, 2009. Bob Grahl and Cris Yackle agreed to attend the meeting if possible.
- f. Bond Credit Rating Change- Mike Petter reported that the District's bond rating had increased.
- g. New District Staff- Mike Petter presented a report regarding District staffing. He reported that the District is fully staffed.

Agenda Item 6: Direction to Staff Regarding Specified Items

The Board gave direction regarding the following matters that were identified on the meeting agenda:

- i. Deer Tract Property- The Board agreed that this item may be removed from staff reports since it would be on a property inventory report being prepared by staff.
- ii. Elections Handbook- Margie Anthes provided an update regarding the preparation of the handbook, and agreed to provide a draft to Directors Tullos and Yackle. The Board requested the handbooks be completed. The Board also noted that in the future, it would like to consider whether to continue to serve as an early voting location.
- iii. Programs Payment Plan- Tom Clark reported that this item would stay on the written staff reports. The Board directed staff to prepare policies and/or procedures for a payment plan for enrollment in classes or summer programs.
- iv. Network Security Project- The Board gave direction regarding the report for this item in order to provide clarification to the Board as to whether specific project components were completed.
- v. Network Connectivity to Pools- Mark Palmer provided a brief update. The item will stay on the written staff report.
- vi. Security Cameras at Pools- Mark Palmer provided a brief update regarding this matter. The item will stay on the written staff report.

The Board gave general direction regarding these items that it desired sufficient detail in the written staff reports to determine whether a project had been completed, and that it identify whether any action was requested or required by the Board in order for a project to proceed. The Board requested that an item remain on the report until completed.

Agenda Item 7: Amendments to Swimming Pool Rules

Tom Clark summarized proposed rule amendments relating to the diving board. The Board agreed to place the matter on its next action agenda for approval.

Agenda Item 9: Red Flag Rules

Mark Palmer presented a draft Identify Theft Program Resolution to the Board. The Board provided direction to staff regarding the draft program and draft resolution.

Agenda Item 11: Approve Revised Family and Medical Leave Act Policy

Mike Petter presented amendments to the District's Family and Medical Leave Act Policy in response to federal regulations. Director Yackle moved approval of the revised policy. The motion was seconded by Director Tullos and approved unanimously.

Agenda Item 12: Approve Revised Pay Administration Policy.

Mike Petter presented the revised pay administration policy. Director Tullos moved approval of the policy. The motion was seconded by Director Yackle and passed unanimously.

Agenda Item 13: Approve Revised Hours of Operation.

Tom Clark presented proposed hours of operation of the Community Center and pools during holiday periods. Director Tullos moved approval of the revised hours as presented in the packet. Director Tisch seconded the motion. After discussion, the motion passed 4-1, with Director Yackle voting against the motion.

The Board also provided direction to staff to present a modified holiday pay policy to the Board for consideration at the next meeting.

Agenda Item 14: Approve Change Order for Creekside Pool Repairs

Tom Clark reported that certain change orders had increased the cost of the repair project beyond the amount previously authorized by the Board by the sum of \$1,725 (for a total revised project cost of \$75,275.00). Director Grahl moved approval of change order #1 and to authorize an additional \$1,725 to be funded out of Directors Contingency. The motion was seconded by Director Tullos, and passed unanimously.

Action Items:

The Board approved unanimously the following items upon a motion by Director Tullos, seconded by Director Shermer.

Agenda Item 15: The Board approved the 901 Great Oaks Space Plan.

Agenda Item 16: The Board approved the March 12, 2009 Board Meeting Minutes

Agenda Item 17: The Board approved a Resolution Modifying Board Meeting Schedule in the form set forth in the Board packet.

Executive Session: President Tisch announced at 9:43 p.m. that the Board would go into executive session with respect to Agenda Items 4(c) (sale of regional wastewater system) and 5 (request for payment of damages by Cat Hollow HOA) to seek legal opinion and advice from District legal counsel. The Board reconvened at 10:59 p.m. President Tisch announced that no final actions or votes were taken in Executive Session.

Adjournment:

Director Shermer moved to adjourn the meeting. The motion was seconded by Director Grahl, and passed 5-0. The meeting adjourned at 11:00 p.m.



Russ Shermer, Board Secretary