

**MEETING MINUTES
BRUSHY CREEK MUNICIPAL UTILITY DISTRICT**

A meeting of the Board of Directors of Brushy Creek Municipal Utility District was held on the 23rd 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 6:15 p.m. with the following Directors present: Paul Tisch, 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. Cris Yackle, Vice President, did not attend the meeting.

Agenda Item 2: Announcements.

Tom Clark announced that the employee Brown Bag luncheon would be held on April 29, 2009.

Agenda Item 3: 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 11, 12, and 15.

Tom Clark also requested that the Board table Item No. 6.

Agenda Item 4: Citizens' Comments.

A resident spoke regarding the use of tax monies for park and recreational construction purposes.

Agenda Item 5: Reports.

(a) Parks and Recreation Advisory Committee Report- Director Tullos summarized the committee's most recent meeting.

(b) Community Center Advisory Committee Report- Fred Lord presented the Committee report. He summarized the committee's most recent meeting.

Agenda Item 12: Approval sale of Land.

Renee Figliozzi of CenterPointe Real Estate Group addressed the Board of Directors and presented a request for the purchase of a portion of a lot owned by the District. A karst figure is located on the lot. The Board indicated that it desired for its cave management consultant to attend a future meeting to answer questions regarding the matter. The

Board also requested staff to investigate all issues relating to the lot and its potential sale, including the feasibility of replatting, regulatory approvals, recharge feature restrictions, and the feasibility of amending the District's karst management plan.

Agenda Item 15: Approve Agreement with Sendero HOA for Landscaping Improvements

The Board received a report from staff regarding the proposed agreement with the Sendero HOA for landscaping improvements to a lot owned by the District located in the Sendero Springs Subdivision.

After discussion, Director Tullos moved to approve the agreement in the form furnished at the meeting, subject to completion of the financial contribution provision to provide that the minimum contribution from the HOA would be not less than \$6,000. The motion also provided that any payment by the District would be funded from the community park electrical budget item. The motion was seconded by Director Grahl, and passed unanimously (4-0).

Agenda Item 5(c) (Continued): Staff Report.

Staff presented status reports regarding the following items:

1. Repairs at intake structure: Mike Wheeler reported on the status of intake structure repairs. He reported that T Morales should complete its electrical improvements in the next week.
2. Membrane System Modifications: Mike Wheeler reported that the District staff was still waiting on price information from Pall to proceed with plant improvements.
3. Sale of Regional Wastewater System: Tom Clark referred the Board to the letter in the packet from LCRA regarding the sale of the system. Mr. Clark also provided a report regarding his meeting with LCRA staff. He also reported that the District had received a draft budget from LCRA that includes coverage costs. Mr. Clark also reported that he and Director Tisch may attend a meeting regarding the matter requested by Round Rock. Staff was directed to determine what priorities Fern Bluff has. The Board asked that the matter be placed on the next agenda as a discussion item.
4. ActiveNet at District Pools: Tim Ishman reported on the status of installation of the equipment at the pool, and regarding the implementation and results of the ActiveNet system. He noted that staff was still working on extracting reports from the system, but was otherwise pleased with installation. The Board asked that Mr. Ishman provide a schedule for completion of standard operating procedures for use of the system at the next Board meeting.
5. TML Response to Cat Hollow HOA Claim: Tom Clark referred to correspondence in the packet from TML stating that it denied Cat Hollow HOA's claim. He stated that we have not received a response from the HOA. The Board requested that Mr. Clark schedule a meeting with Cat Hollow HOA to discuss the response and other pending matters.

6. LED Signs: Tim Ishman provided a report regarding the status of the project. It was reported that the CCAC recommended the Board proceed with the project, and identified preferences if the Board decided to proceed with only certain signs. The Board requested that the matter be placed on the next agenda with an update.
7. Standards of Care and Staff Code of Conduct: Tim Ishman presented the proposed standards of care for the Community Center. He also reported that the Staff Code of Care was still in the process of being prepared. Staff was directed to place the matter on the next agenda as an action item.
8. BBO Event Update: Mike Wheeler reported that the electricity generators are available. Tim Ishman referred to the status report in the packet, and otherwise provided a report on the status of the event.
9. Visiflow/Records Management Software: This matter was tabled until the next agenda.
10. Disc Golf Course Parking Lot: Mike Wheeler reported that he had met with the Fish & Wildlife Dept. regarding status of its review and approval of the project. The approval had not yet been received. He also reported that the contractor would hold the price for the project.
11. Walsh Ranch Trail: Mike Wheeler reported that some of the trail improvements had been completed, and the project continues. Director Tullos stated that she would like the Board to consider conducting a ribbon cutting ceremony at the trail upon completion.
12. Status of Sale of Surplus Property: Mike Wheeler reported that staff was commencing the process for advertising the sale of the property.
13. Status of Inventory for District Property: Tom Clark referred the Board to an inventory list of District properties in the packet. The Board gave direction to Mr. Clark regarding revisions to the form of the inventory report.
14. Open Records Report: The General Manager referred the Board to the report in the packet.
15. Staff Reports: There was no action or discussion regarding this item.

Recess: The Board recessed the meeting at 8:46 p.m. The meeting reconvened at 8:58 p.m.

Agenda Item 10: Approve Order for Erosion Control Plans and Inspections.

Jeff Goldstein addressed the Board and asked whether the policy would apply to construction undertaken. The Board answered that it would not. After discussion and identification of proposed revisions (Section 1 to include multi-family; Section 5 – deficiencies to be cured within 48 hours to satisfaction of District staff; Section 6 – add or property owner;), Director Grahl moved approval of the order subject to incorporation of

the requested revisions. The motion was seconded by Director Shermer and passed unanimously.

Agenda Item 6: Project Worksheet for Long Rang Operations Plan.

This matter was tabled at the request of the General Manager.

Agenda Item 7: Destruction of Records.

The General Manager referred the Board to the summary in the packet of all items proposed for destruction. In response to Director Tullos' question, Mr. Clark confirmed that all managers had reviewed the materials and agreed that destruction was appropriate. The Board requested that the minutes reflect that the Directors have confidence in the records retention process and staff and that the report presented in the packet presents no concern for the Board. The Board requested that the matter be placed on the next agenda for consideration of an order approving the destruction of documents and that Norma Chakrabarty prepare a final report on the matter.

Agenda Item 8: Facility Maintenance Coordination Position.

Tim Ishman presented information to the Board regarding a proposed facility maintenance coordinator. The Board asked a number of questions regarding the position and job responsibilities. After discussion, the Board requested staff to consider many of the comments that were made, including whether some of the proposed job duties could be handled by in-house personnel.

Agenda Item 9: Approval of Revised Holiday Pay Policy.

Mike Petter presented proposed revisions to the District's personnel policies that would change the rate of holiday pay. Director Tullos moved that the Board approve the revised holiday pay policy as presented in the packet. Director Shermer seconded the motion. After discussion, the Board approved the motion unanimously (4-0). The Board also requested staff to bring back recommendations regarding changes to the District's on-call pay policy during holiday periods.

Agenda Item 11: Approve Service Availability Request.

Director Tullos moved to approve the issuance of the service availability letter in the form presented in the packet. Director Shermer seconded the motion, which passed unanimously (4-0).

Agenda Item 13: Approval of Water Conservation Plan and Revised Drought Contingency Plan.

Tom Clark presented an overview of the proposed Water Conservation Plan and revised Drought Contingency Plans in the Board packets. After discussion, Director Grahl moved to adopt the resolution approving the plans in the form set forth in the packet. The motion was seconded by Director Shermer and passed unanimously (4-0). The Board

directed staff to continue review and identify additional revisions to the Drought Contingency Plan.

Agenda Item 14: Adopt Resolution Closing Depository Account.

After discussion, Director Tisch moved to adopt a resolution in the form presented in the Board packets. The motion was seconded by Director Shermer and passed unanimously (4-0).

Action Items:

The Board approved unanimously (4-0) the following items upon a motion by Director Tullos, seconded by Director Grahl:

Agenda Item 16: The Board approved amendments to its swimming pool rules in the form set forth in the Board packets.

Agenda Item 18: The Board approved the March 24 and 30, 2009 meeting minutes in the form set forth in the Board packets.

Agenda Item 17: Adopt Resolution Approving Identity Theft Red Flag Rules.

Director Tisch moved to approve the resolution in the form presented in the packet, subject to one revision (striking Tim Ishman's name). Director Shermer seconded the motion, which passed unanimously (4-0).

Adjournment:

Director Shermer moved to adjourn the meeting. The motion was seconded by Director Grahl, and passed 5-0. The meeting adjourned at 10:59 p.m.



Russ Shermer, Board Secretary