

**SEPTEMBER 24, 2009 MEETING MINUTES
BRUSHY CREEK MUNICIPAL UTILITY DISTRICT**

A meeting of the Board of Directors of Brushy Creek Municipal Utility District was held on the 24th day of September, 2009 at 6:06 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 6:06 p.m. with the following Directors present: Cris Yackle, Vice President, Rebecca Tullos, Treasurer, Russ Shermer, Secretary and Bob Grahl, Assistant Secretary/Treasurer. General Manager Tom Clark, District Attorney Tony Corbett, and District staff were also in attendance.

Agenda Item 2: Announcements.

General Manager Tom Clark announced that the Employee of the Quarter would be announced at staff's next brown bag luncheon.

Agenda Item 3: Citizens' Comments.

None.

Agenda Item 4: Swearing in of Jeffrey Goldstein.

Margie Anthes administered the oath of office to Jeffrey Goldstein. After the Board confirmed that Mr. Goldstein otherwise met all requirements to qualify for office, he assumed the duties of director and joined the Board of Directors at the dais.

Agenda Item 5: Order of Consideration of Agenda Items.

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

Agenda Item 6(a): Parks and Recreation Committee Report.

J.R. Richardson presented the Parks and Recreation Committee report to the Board of Directors. No action was taken by the Board with respect thereto.

Agenda Item 6(b): Community Center Advisory Committee Report.

Fred Lord presented the CCAC report. No action was taken by the Board with respect thereto.

Agenda Item 6(c): Water and Wastewater Committee Report.

Director Goldstein presented the Water and Wastewater Committee report. No action was taken by the Board with respect thereto. The Board requested that the revised draft Drought Contingency Plan be placed on the Board's next meeting agenda for review and comment.

Agenda Item 7(a): Phase II LED Signs.

Hassan Irsheid, a representative of PBS&J, presented a report summarizing the proposed location, design and other bid documents relating to the Phase II LED sign project. After discussion, Director Tullos moved that staff proceed with the advertisement for bids from contractors for the Phase II LED sign project. The motion was seconded by Director Goldstein and approved unanimously (5-0). Staff was directed to research the possibility of adding additional electrical power to Cat Hollow Park and to include the cost in the agreement with PBS&J.

Agenda Item 7(b): Staff Reports.

(1) Parks and Recreation Operations Analysis

Tim Ishman reported that the Operations Analysis was proceeding, and that all required information had been furnished to the consultant. He reported that the first draft of the analysis was expected on or prior to October 12, 2009, and that the consultant was scheduled to come to the facility in late October, 2009.

(2) Community Center Safety Plan

Mr. Ishman reported that he has prepared a draft Safety Plan for the Community Center and that it is under review by other staff.

(3) Lobby Kiosk

Mr. Ishman reported that staff has ordered a portable stand to serve as a lobby kiosk. He anticipated that the kiosk would be installed by mid-October.

(4) Wildcat Trail Ribbon Cutting Event

Mr. Ishman referenced the ribbon cutting ceremony report in the Board packets. He reported that the event was successful. Staff was directed to remove brush left on the side of the trail across from the Water Treatment Facility.

(5) Repairs at Intake Structure

Mr. Clark deferred reporting on this item until Item 10(b) was discussed.

(6) Modifications to Water Treatment Facility

Mr. Clark reported on the status of delivery and installation of improvements to the Water Treatment Facility. He also noted that the pilot study protocol had been submitted to TCEQ. He reported that he was optimistic that the Facility's new rating would be approximately 10 MGD.

(7) Water Conservation Measures

Mr. Clark reported on the status of the District's water conservation and drought contingency measures. Staff was directed to include the lake levels on the front page of the District's website.

(8) Water Treatment Facility Security System

Mr. Clark reported that Mike Wheeler was still in the process of securing proposals for security system improvements.

(9) Disc Golf Course Parking Lot

Mr. Clark reported as to the status of construction of the disc golf course parking lot improvements. Staff was directed to remove the salvageable fences which had been removed prior to construction.

(10) Demolition of Maintenance Yard

Mr. Clark provided a brief report on the status of the maintenance yard demolition. He referenced a page on the District's website that had pictures depicting the status and progression of District improvement projects.

(11) Open Records Report

Mr. Clark referred the Board to the written Open Records Report in the Board packet.

Agenda Item 8: Consent Agenda.

Director Shermer moved approval of the Consent Agenda with the exception of items g, i, and j. The motion was seconded by Director Goldstein, and approved unanimously (5-0). The following items were thereby approved by the Board of Directors:

(a) The Board approved the Regulatory compliance Specialist Job Description in the form presented in the Board packets.

(b) The Board approved the revised Rate Order in the form presented in the Board packets.

- (c) The Board approved payment of lodging expenses for Directors at the AWBD 2010 Mid Winter Conference.
- (d) The Board approved the Parks and Recreation Department Standards of Care in the form set forth in the Board packet.
- (e) The Board approved the 2010 Hairy Man Festival Agreement with BCWA in the form presented in the Board packets.
- (f) The Board adopted the Resolution approving offsite recreational activities in the form included in the Board packets.
- (h) The Board approved the adjustment to Child Play Hours of Operation as set forth in the Board packets.

Agenda Item 8(g): Facility Age Usage Guidelines.

Tim Ishman recommended that the Board amend its usage guidelines with respect to the privileges of children aged 8 and 9 to allow them to be in the Game Room provided their parents are in the Community Center. Director Tullos moved to approve revision of the Guidelines to authorize children aged 8 and 9 to utilize the Game Room. Director Goldstein seconded the motion, which passed unanimously (5-0).

Agenda Item 8(i): 2009-2010 Interlocal Agreement with Round Rock ISD.

Mr. Ishman noted that the number of hours on Exhibit "A" to the draft agreement needs to be reduced from 47 to 46 hours. Staff also noted that the person executing the agreement on behalf of the RRISD needs to be revised. Mr. Ishman noted that the Community Center Advisory Committee questioned whether the reciprocal use of facilities should be based on hours of use rather than dollar value of use. The Board requested staff to explore this issue with Round Rock ISD. Director Tullos moved approval of the Interlocal Agreement with the revisions noted by staff. The motion was seconded by Director Goldstein and passed unanimously (5-0).

Agenda Item 8(j): Execution of Lease of Weight Room Equipment.

Mr. Ishman requested that staff be authorized to enter into a lease agreement with Frost Bank for the weight room equipment identified in the Board packet. Director Tullos moved to approve such authorization subject to review and approval of the lease agreement by legal counsel. The motion was seconded by Director Grahl, and passed unanimously (5-0).

Agenda Item 8(k): The Board approved meeting minutes for the August 13, 2009 and August 27, 2009 meeting minutes.

Director Grahl moved approval of the minutes in the form set forth in the Board packet. The motion was seconded by Director Yackle, and passed 4-0-1, with Director Goldstein abstaining from participation in the vote.

Agenda Item 9: Technology Department Matters.

None

Agenda Item 10(a): Declaration of copper wire and generator as surplus property.

Director Tullos moved that the Board declare the copper wiring and generator as surplus property. Director Goldstein seconded the motion, which passed unanimously. Staff reported that it would seek bids for purchase of the property for consideration by the Board prior to disposition of the surplus property.

Agenda Item 10(b): Replacement of Wiring at Intake Structure.

Tom Clark recommended the Board approve the bid from T Morales Company for replacement of wiring at the intake structure for a lump sum price of \$36,650. Director Goldstein moved that the Board accept the bid. The motion was seconded by Director Tullos and passed unanimously (5-0).

Recess: The meeting recessed at 7:56 p.m. and reconvened at 8:12 p.m with all four Directors present.

Agenda Item 11(a): Establishment of Non-Resident Tennis Pass Rate.

Mr. Ishman asked the Board to establish a non-resident tennis pass in the amount of \$40.00. Director Shermer moved that the Board approve the pass and rate. The motion was seconded by Director Goldstein and passed unanimously (5-0).

Agenda Item 12(a): Discussion Regarding Rate Study.

Mr. Clark presented a proposal from Rimrock Consulting to perform a rate study. The Board asked a number of questions regarding the proposal, including whether the study should be undertaken after a full year of data is available from the District's new utility billing system, and whether it would include out-of-District customers. No action was taken regarding the matter. The Board also asked that Mickey Fishbeck attend the next Board meeting to respond to questions from the Board and that the status of her work be reported to the Water and Wastewater Committee.

Agenda Item 13: Administrative Department Matters:

(a) Board Decorum Policy

Director Shermer moved approval of the amendment to the Board Decorum Policy. Director Yackle seconded the motion, which passed unanimously (5-0).

(c) District Security Patrols

Tom Clark reported that he was waiting to receive an updated form of security agreement from the Williamson County Attorney's Office.

Executive Session: At 8:37 p.m., Director Yackle announced that the Board would go into Executive Session to seek legal opinions and advice with respect to Agenda Item 13(b) (Amendment to the Subregional Wastewater System Contract). At 9:35 p.m., Director Yackle reconvened the public portion of the meeting. She announced that no decisions, actions or votes were taken in Executive Session.

Agenda Item 13(b): Third Amendment to Subregional Wastewater Disposal Contract-

Director Yackle moved approval of the Third Amendment to the Subregional Wastewater Disposal Contract in the form included in the Board packets. The motion was seconded by Director Tullos and passed unanimously (5-0).

The Board also discussed conducting a special meeting on October 1, 2009 to consider this matter and the related divestiture of the Brushy Creek Regional Wastewater System.

Adjournment:

Director Grahl moved to adjourn the meeting. The motion was seconded by Director Shermer, and passed unanimously. The meeting adjourned at 9:40 p.m.



Russ Shermer, Board Secretary