

**NOVEMBER 13, 2008 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 13th day of November, 2008 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, Paul Tisch, Rebecca Tullos and Cris Yackle in attendance and Director Shermer absent. General Manager Tom Clark, other staff, and District Attorney Tony Corbett were also in attendance.

Agenda Item 2: Announcements and Recognition.

None.

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

The Board did not change the order of consideration of any agenda items.

Agenda Item 4: Citizens' Comments.

None at this time. As set forth below, a member of the public who arrived late subsequently requested the opportunity to make public comment.

Agenda Item 5: Staff Reports.

a. Update regarding repairs at Intake Structure-

The General Manager provided a brief update regarding the status of repairs. He also noted that TML had informed the District that it would provide payment for the damages.

b. Update regarding membrane system and modifications at Water Treatment Facility-

The General Manager updated the Board regarding the status of the water treatment plant modifications, including that the District was seeking TCEQ approval for the improvements. He also reported that the District had requested a proposal from Pall to perform certain programming at the facility.

c. Proposed lease agreements with Verizon and T-Mobile relating to use of North Tower-

The General Manager reported that the District is negotiating leases with each cellular service provider.

d. CUSI (UMS) Utility Billing System Rollout and Online Utility Billing-

The ITS Manager provided a brief update regarding the status of implementation of the new billing systems.

e. Cell Phones-

The ITS Manager reported that he was in the process of reviewing and consolidating the District's cell phone practices and carriers, and that recommendations would be presented to the Board at a future meeting. The Board requested that this matter be given higher priority.

f. Time Tracking-

The ITS Manager reported that time tracking equipment had been installed at the District's facilities, and that training and software improvements were underway for proposed implementation in December.

Agenda Item 4: Citizens' Comments.

The Board then reconsidered Citizens Comments in response to a citizen who arrived at the meeting late. The citizen asked whether the Board could provide fencing or other assistance to residents within Sendero Springs who experienced property damage from wild hogs. The Board replied that the General Manager would contact him.

Agenda Item 6: Technology Committee Report

a. Presentation by Acuity for developing Technology Strategy and Master Plan-

The ITS Manager announced that the Technology Committee was discussing the proposed plan, but that it was not ready to present a recommendation to the Board.

b. System Administrator position job description-

The ITS Manager reported that the employee that was hired had been terminated, and the position was vacant.

c. Phased approach for installation of Activenet Infrastructure requirements-

The ITS Manager reported that the Technology Committee was considering the implementation of Activenet Infrastructure.

Agenda Item 7: Water and Wastewater Committee Report

a. Replacements of meters with automatic meter readers-

Jeff Goldstein reported that the Committee was working with staff regarding a possible plan for replacement of the existing meters with automated meter reading devices.

b. Transitional steps concerning resignation of Public Works Director-

Mr. Goldstein announced that the General Manager would address this matter later in the meeting.

c. Memorandum of Understanding with Chisholm Trail Special Utility District regarding joint use of raw water intake and related improvements-

Mr. Goldstein announced that plans were being prepared regarding the proposed improvements.

Discussion and Action Items:

Agenda Item 8: Discussion and possible action concerning citizen request to place BBQ pit in the greenbelt area.

The General Manager presented the owner's request. He recommended that the request be referred to the Parks Committee. Mr. Corbett stated that if the Board decided to approve the request, he recommended that a license agreement be prepared specifying the terms and conditions of use. After discussion, the Board requested that staff identify how many property owners are using or maintaining the District's greenbelt properties, and whether there are any relevant restrictive covenants. The Board directed staff to consider the matter in more detail and bring back recommendations to the Board in January.

Agenda Item 9: Discussion and possible action concerning Board Meeting Matters:

a. Consideration of amendments to Board Decorum Policy, including use of District video equipment and presentation of videos during Citizen Comments-

Mr. Corbett summarized proposed revisions to the Board Meeting Decorum Policy. Director Tullos directed that Staff develop a checklist for prospective visitors to make sure their equipment and other presentation needs are addressed. The Board also requested that a sentence in Section V(B) regarding citizen communications be deleted (*If a member of the public who timely executes a Public Comment Card elects to speak at the time of Board consideration of an agenda item, that person will be given up to three minutes to present public comment*). After discussion, Director Yackle moved approval of the Guidelines, as amended. The motion was seconded by Director Tullos, and passed unanimously (4-0). The Board also directed that the Citizen Comments card be revised to reflect the amendments.

b. Establish Board workshop date-

The General Manager requested that the Board tentatively schedule the midyear workshop on the fourth Friday and Saturday in February of each year. Director Yackle made a motion to approve the workshop date. The motion was seconded by Director Tullos and passed unanimously (4-0).

The Board directed that staff also tentatively schedule a workshop date for new directors after each director election.

c. Consider changes to Board meeting format and procedures-

Director Tullos presented a proposal for changing the Board meeting format and procedures, so that new business items would be presented to the Board for discussion at a meeting prior to consideration for approval at a subsequent meeting. The Board directed that Staff proceed with preparation of future agendas in accordance with the proposal included in the Board packets.

Agenda Item 23: Approve contract for mowing landscape maintenance services.

After a brief introduction, the General Manager announced that he recommended approval of a contract with Sendero Land Services for landscape maintenance services. Mr. Wright, a representative of Sendero Land Services, then addressed the Board. He confirmed that his company would meet the District's expectations and continue the high level of maintenance services received by the District.

The Board requested that approval of the contract be tabled until the next meeting, so that the Board would have an opportunity to consider the Request for Proposals and the actual Proposals submitted by each contractor.

Recess- The Board recessed at 8:55 p.m., and reconvened at 9:07 p.m.

Agenda Item 10: Discussion and possible action concerning Open Records/Records Retention matters

a. Staffing-

The General Manager provided a brief report regarding the staffing of open records matters. He reported that Margie Anthes was handling public information requests and that two part time employees were covering some of her other duties.

Director Tullos requested that an updated project worksheet be furnished to the Board regarding the proposed upgrade of Visiflow. No other action was taken.

Director Yackle requested that an updated organizational chart be provided to the Board.

b. Status of implementation of policy revisions regarding time limitations-

The General Manager provided an overview of the implementation of the new policy that allows the District to track time.

c. Adoption of standard request form-

The General Manager provided a summary of the proposed forms.

After discussion, the Board directed staff to proceed with implementation of the policy and to prepare and revise forms as necessary to do so and that the Board be notified only if there are significant changes to the forms.

Staff was further directed to provide the Board with a monthly report on open records.

d. Other matters related to open records and scanning processing-

Staff was directed to provide a project worksheet on scanning/website.

Agenda Item 11: Discussion and possible action concerning Defined Area.

a. Furnishing information to Defined Area residents regarding taxes and bonds.

Mr. Corbett summarized the "Frequently Asked Questions" informational statement in the Board packets prepared to provide additional information regarding the defined area to property owners. After discussion, Director Tullos moved that the Board approve the document, with amendments to questions 4 (delete Sendero Section 10 and replace with Sendero Section 4), 10 (fill in blank to read as the number 2), and 15 (include FY 2008-2009 at beginning of paragraph); place the date of November 13, 2008 on the form; place it on the website; place it in the District's Welcome Packet; mail it to current defined area property owners, and provide copies to the developer, builders, title companies, and the Sendero HOA. The motion was seconded by Director Tisch and passed 3-1, with Director Yackle voting against the motion. Mr. Corbett was asked to verify the sections in Sendero Springs that should be included in the Defined Area, specifically sections 8, 9, and 10. Staff is to review the map included with the Notice to Purchaser for accuracy.

Mr. Corbett also furnished to the Board a Notice to Purchaser document. He explained that the District's form provided more information regarding the Defined Area than specified by statute. The Board agreed that it would place the matter on the next agenda if it desired to change the form and provide the statutory notice only.

Agenda Item 12: Discussion and possible action concerning Public Works Director vacancy.

The General Manager provided a brief update regarding the status of the vacancy. No action was taken.

Agenda Item 13: Discussion and possible action concerning reduced plumbing inspection fee rates for the Park at Brushy Creek Apartments.

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

Agenda Item 14: Discussion and possible action concerning Board schedule and process for General Manager review.

The Board gave direction that the first GM quarterly fiscal report will be received at the first meeting in January, 2009, and a schedule for conducting the General Manager's review will be established and considered at the second meeting in January, 2009.

Action Items

The General Manager requested that Item 18 (Approve Records File Plan) be tabled.

The General Manager requested that Items 30 (Approve Proposal from JSB Associates to Perform a Water Audit) and 31 (Approve Concierge Workstation Expansion Project) be pulled for discussion.

Director Yackle requested that Item 26 (Approve revised Boy Scout/Girl Scout Program Guidelines) be tabled, and Items 25 (Approve Public Works Administrative Assistant job description) and 29 (Approve temporary license agreement with Cat Hollow HOA to place construction dumpster and equipment on District property) be pulled for discussion.

Director Grahl moved that the Board approve remaining action items 15, 16, 17, 19, 20, 21, 22, 24, 27, 28, and 32. The motion was seconded by Director Tullos, and carried unanimously (4-0). The Board thereby approved the following items:

Agenda Item 15: The Board accepted the report concerning 14th annual Hairy Man Festival.

Agenda Item 16: The Board approved a Resolution closing the 2001 bond escrow account at First Texas Bank and transferring fund to the General Fund and Debt Service Fund.

Agenda Item 17: The Board approved Highland Horizon Change Order Number Four in the amount of \$10,030.00 for Phase I Water, Wastewater and Drainage Improvements.

Agenda Item 19: The Board approved the September Financial Disbursement report, September Detail, and September Cash and Investment reports.

Agenda Item 20: The Board approved URS Work Order Number One in an amount not to exceed \$3,300.00.

Agenda Item 21: The Board approved job descriptions for Recreation Programs, Aquatic and Sports & Fitness Coordinators.

Agenda Item 22: The Board approved the change in status of two part time gardening assistants to one full time position.

Agenda Item 24: The Board approved a resolution amending TCDRS contract to increase the District's contribution to the retirement plan to 10% and the staff contribution to 5%.

Agenda Item 27: The Board accepted the minutes from the July 15, 2008 Technology Committee meeting.

Agenda Item 28: The Board accepted the minutes from the June 21, 2008 Water and Wastewater Committee meeting.

Agenda Item 32: The Board approved the dissolution of the following standing committees and directed staff to prepare proposed amendments to any policies or procedures affected by such dissolution:

- a. Code of Ethics Nepotism Policy Committee
- b. Network Systems Committee
- c. Finance Committee
- d. Hairy Man Festival Committee
- e. BCWA Joint Events with BCMUD Committee
- f. Task Force Committee
- g. Bylaws Committee
- h. Audit Committee
- i. Elections Committee
- j. Scanning/Website Committee

The Board then considered the following items that had been pulled for separate discussion:

Agenda Item 25: Approval of the Public Works Administrative Assistant job description.

After answering questions, Director Yackle moved approval of the job description in the packet as amended. The motion was seconded by Director Tullos and passed unanimously (4-0).

Agenda Item 29: Approve temporary license agreement with Cat Hollow HOA to place construction dumpster and equipment on District property.

After discussion, Director Tullos moved to approve the license agreement, as amended to include a contact person for licensee and to approve for ninety calendar days. The Board authorized the General Manager to execute it after it is completed and signed by the HOA. The motion was seconded by Director Tisch, and passed 3-1, with Director Yackle voting against the motion.

Agenda Item 30: Accept proposal from JBS Associates to perform a water audit.

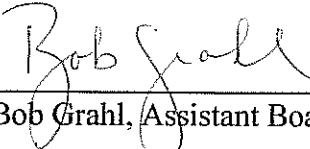
The Board directed the General Manager to negotiate and bring back a contract for consideration.

Agenda Item 31: Approve concierge workstation expansion project.

The Recreation Manager provided an update to the Board regarding the proposed expansion project. He noted that Staff would request a budget amendment in the amount of \$10,000 for the project at a subsequent meeting. No action was taken on the agenda item, so that it could be considered by the CCAC prior to consideration by the Board of Directors.

Adjournment:

Director Grahl moved to adjourn the meeting. The motion was seconded by Director Yackle, and passed unanimously (4-0). The meeting adjourned at 11:13 p.m.



Bob Grahl, Assistant Board Secretary