

**MINUTES OF REGULAR MEETING OF THE BOARD OF DIRECTORS OF
BRUSHY CREEK MUNICIPAL UTILITY DISTRICT**

February 14, 2008

A regular meeting of the Board of Directors of Brushy Creek Municipal Utility District was held on the 14th day of February, 2008 at 7:00 p.m., in the District's office, 16318 Great Oaks Drive, 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.

Roll Call and Establishment of Quorum (Agenda Item 1)

President Paul Tisch called the meeting to order at 7:00 p.m. and established a quorum consisting of himself, Vice-President Cris Yackle, Treasurer Rebecca Tullos, Assistant Treasurer Bob Grahl and Russ Shermer. Also present were General Manager Tom Clark, Deputy Secretary Margie Anthes and Legal Counsel Tony Corbett. Upon establishment of a quorum, the Board conducted the Pledge of Allegiance.

Citizens Communications (Agenda Item 2)

John McLemore addressed the Board during citizens communications.

Announcements and Recognition (Agenda Item 3)

The Board wished a Happy Birthday to Mike Petter.

Discussion and possible action concerning Amendment Number 1 to Jacobs Carter Burgess Agreement for Engineering Services for maintenance facility at Water Treatment Plant and demolition of old wastewater treatment plant site (Agenda Item 10c)

Ken Houghton of Carter Burgess addressed the Board. Staff was directed to place this item on the February 28 Agenda. No other action was taken on this item.

Citizen Advisory Committee Matters (Agenda Item 4)

The Board received Citizen Advisory Committee Reports. Janice Parker reported on behalf of the Parks Committee. Director Grahl reported on behalf of the Community Center Advisory Committee, and Jeff Grettler reported on behalf of the Technology Committee. No report was presented on behalf of the Water and Wastewater Committee.

Staff and Consultant Reports (Agenda Item 5)

The Board considered reports from the General Manager, Recreation Manager, Public Works Director, IT/Network Manager and the Controller. Staff was directed as follows:

1. Add consideration of Hairy Man Festival insurance matters to February 28 Board Agenda.

2. Add rescheduling the first Board meeting in March to February 28 Agenda.
3. Determine what portion of Sendero Springs Park is owned by Sendero Springs Homeowners Association.
4. Replace missing boards at Pepper Rock Park.
5. Add trails kiosks information to Public Works or Parks and Recreation report and work with the appropriate committees to develop recommendations regarding the posting of information on the kiosks by community groups.
6. Add Marlins Swim Team contract to Recreation Department report.
7. Develop an internal policy for LED's.
8. Develop a business plan for remodeling of the Community Center for presentation at February 28 Board meeting.
9. Change name of "Pet Parade".
10. Add pool safe installation and procedures to Public Works and Parks and Recreation reports.
11. Research working with Time Warner on Movies in the Park.
12. Add place marker on Parks and Recreation report for Hairy Man 2008 Festival.

Consent Agenda (Agenda Item 6)

A motion was made by Director Tullos to approve Agenda Item 6.a. (Approve November 14, 2007 Special Board meeting minutes), 6.b. (Approve Pay January 14, 2008 Special Board meeting minutes), 6.c. (approve memberships in Government Treasurers' Organization of Texas for Board Treasurer and Assistant Treasurer) and Item 6.d. (Approve Pay Estimate No. Two and Change Order No. One for Highland Horizons Phase I Utilities). The motion was seconded by Director Grahl. The motion carried 5-0.

Discussion and possible approval concerning 2008 Parks and Pool Regulations (Agenda Item 7a)

Staff was directed to place this item on the February 18 Board Agenda as an action item to review and approve the catalog and pool hours. No other action was taken.

Discussion and possible action concerning 2008 contract with Brushy Creek Marlins Swim team (Agenda Item 7b)

At 9:07 p.m., President Tisch announced that the Board of Directors would go into executive session relating to Agenda Item 7b under Subchapter D, Chapter 551 of the Texas Government Code (the Texas Open Meetings Act) in order to seek legal advice regarding the draft contract with the Marlins. At 10:31 p.m., President Tisch reconvened the public meeting of the Board of Directors with all Directors present. He announced that while in executive session, no decisions, votes or actions of any kind were taken.

Staff was directed to work with the Marlins to finalize the contract details and to discuss storage options. Additionally, Staff was directed to draft a policy providing for a \$15.00 discount on swim tags for Marlin swim team members.

Discussion and possible action concerning approval of BCWA contract for Spring Egg Hunt, (Agenda Item 7c)

The Board discussed the Spring Egg Hunt contract with BCWA. A motion was made by Director Tullos to approve the contract as provided in the Board packet handout. The motion was seconded by Director Grahl. The motion carried 4-0 with Directors Grahl, Tullos, Tisch and Shermer voting for and Director Yackle voting against.

Discussion and possible action concerning wall color selection in game room (Agenda Item 7d)

A motion was made by Director Grahl to approve the recommendation by the Community Center Advisory Committee concerning wall color in the game room. The motion was seconded by Director Tullos. The motion passed 5-0. Staff was directed to place the discussion of the game room window on the next Board Agenda and to provide pricing on the television and Wii equipment for the game room.

Discussion and possible action concerning 30th Anniversary Chili Cook-Off Event (Agenda Item 7e)

The Board discussed the proposed 30th Anniversary Chili Cook-Off Event. A motion was made by Director Yackle to increase the budget for the 30th Anniversary Celebration project by \$1,000 using funds from the Director's Contingency account for the purpose of hosting a BBQ Cookoff event. The motion was seconded by Director Grahl. The motion carried 5-0. Staff was directed to complete a project worksheet and budget for this event and bring back to the Board for future consideration.

Approve Network/IT Departmental Charter (Agenda Item 8a)

A motion was made by Director Grahl to approve the Network/IT Departmental Charter in the form presented in the Board Packets. The motion was seconded by Director Shermer. The motion passed 5-0.

Approve contract with QScend Technologies, Inc. for website enhancement project (Agenda Item 8b)

The Board discussed the contract with QScend Technologies, Inc. A motion was made by Director Shermer to approve the contract with QScend Technologies, Inc. for website enhancement project services. The motion was seconded by Director Grahl. The motion passed 5-0. Staff was directed to keep the Board informed on this project and to report what information is to be placed on the website.

Discussion and Possible Action Concerning Project Worksheets for: (1) Class Database Improvement Project and (2) Technology Scanning project (Agenda Item 8c)

Staff was directed to place this item on the next Agenda for discussion. In addition, Staff was directed to make the following changes to the project worksheet:

- Include Mike Petter as an advisor
- Establish security levels for users
- Include financial reconciliation information as objective
- Change estimated completion dates to reflect completion
- Add specific line items to budget portion
- Incorporate recommendations for planning and data conversion

- Vest software responsibility into a job description
- General Manager directed to execute a contract not to exceed \$13,900 for Class migration to Active Net;
- Schedule joint Technology and CCAC meeting and have consultant attend meeting
- Remove Directors Tullos and Yackle from project worksheet.

Discussion and possible action concerning on line bill pay for utility services (Agenda Item 9a)

The Board discussed on line bill pay for utility services. A motion was made by Director Tullos to approve the on line bill pay for utility services as presented in the Board packet. The motion was seconded by Director Shermer. The motion carried 5-0. Staff was directed to provide the Board with monthly metrics of customers signing up for on line bill pay.

Discussion and possible action concerning banking services request for proposal (Agenda Item 9b)

A motion was made by Director Tullos to issue a request for proposal for banking services. The motion was seconded by Director Grahl. The motion carried 5-0.

Discussion and possible action concerning approval of Accounting Departmental Charter (Agenda Item 9c)

This item was tabled.

Discussion and possible action concerning Brushy Creek Municipal Utility District Sendero Springs and Cornerstone Defined Area Unlimited Tax Bonds, Series 2008 (i) Consider approval of Developer Reimbursement Audit, (ii) Approve conveyance of Defined Area Facilities, (ii) Approve payment of bonds proceeds to developer for purchase of facilities and (iv) Other action related thereto (Agenda Item 9di-iv)

The Board discussed the Sendero Springs and Cornerstone Defined Area Unlimited Tax Bonds, Series 2008. A motion was made by Director Tisch to approve the Developer Reimbursement Audit, the conveyance of the Defined Area Facilities and the payment of bond proceeds to the developer for purchase of facilities in accordance with the audit. The motion was seconded by Director Tullos. The motion carried 5-0.

John McLemore addressed the Board.

Discussion and possible action concerning Amendment Number 1 to Jacobs Carter Burgess Agreement for Engineering Services for maintenance facility at Water Treatment Plant and demolition of old wastewater treatment plant site (Agenda Item 10c)

This item was tabled.

Discussion and possible action concerning Round Rock Roller Rink request for water supply for fire suppression (Agenda Item 10a)

The Board then discussed the request for water supply for fire suppression from Round Rock Roller Rink. A motion was made by Director Yackle to approve the request provided the property is annexed and the property will be subject to restrictive covenants prepared by the

District to protect neighboring property owners. The motion was seconded by Director Grahl. The motion carried 5-0.

Approve Public Works Departmental Charter (Agenda Item 10b)

This item was tabled.

Discussion and possible action concerning engineering proposal from CH2MHill for emergency repairs to Raw Water Intake structure (Agenda Item 10d)

A motion was made by Director Shermer to approve the engineering proposal from CH2MHill for emergency repair engineering services for the Raw Water Intake structure. The motion was seconded by Director Tisch. The motion carried 5-0.

Discussion and possible action concerning repairs to Cat Hollow lift station (Agenda Item 10e)

The Board then discussed repairs to the Cat Hollow lift station pump. A motion was made by Director Tisch to authorize emergency repairs to the Cat Hollow lift station not to exceed \$260,000 to be paid from retained earnings. The motion was seconded by Director Grahl. The motion carried 5-0.

Staff was directed to inform TCEQ of the emergency project, and to request that TCEQ approve the use of escrowed bond monies to reimburse the costs of the repairs paid with operating funds.

Approval of purchase of software for storm water management software (Agenda Item 10f)

This item was tabled.

Discussion and possible action concerning March 1, 2008 Board Workshop Agenda (Agenda Item 11a)

Staff was directed to remove Items 5 (Discuss, review and possible action concerning forming customer service department and other matters related thereto and 6 (Discuss, review and possible action with respect to engaging consultant for Open Records process review and open records procedures) from the March 1, 2008 Board Workshop Agenda. No other action was taken on this item.

Discussion and approval of Order Calling a Directors Election for May 10, 2008 (Agenda Item 11b)

The Board discussed the May 10, 2008 Directors Election. A motion was made by Director Shermer to approve the Order Calling a Directors Election for May 10, 2008. The motion was seconded by Director Tisch. The motion carried 5-0.

Discussion and action concerning approval of Director Candidate Packet (Agenda Item 11c)

The next item on the agenda concerned the approval of a Director Candidate Packet. A motion was made by Director Tullos to approve the Director Candidate Packet. The motion was

seconded by Director Yackle. The motion carried 5-0. Staff was directed to provide candidates with a CD version of the packet.

Consider and approve purchase of office furniture for administrative offices (Agenda Item 11d)


The Board discussed the purchase of office furniture for administrative offices. A motion was made by Director Tullos to approve the bid from Convenience Office Supply and to authorize payment in an amount not to exceed \$29,590 for the furniture. The motion was seconded by Director Grahl. The motion carried 5-0. Staff was directed to add the discussion on the game room window to the February 28 Board Agenda. In addition, Staff was directed to prepare an itemization of the office furniture purchased and include it in the February 24 Board Agenda.

Board Committee Reports (Agenda Item 12)

This item was tabled.

Adjournment (Agenda Item 13)

At 2:19 a.m., a motion was made by Director Shermer to adjourn the meeting. The motion was seconded by Director Tisch and passed unanimously.



Russ Shermer, Secretary