

**MINUTES OF MEETING OF
THE BOARD OF DIRECTORS OF
VISTA OAKS MUNICIPAL UTILITY DISTRICT**

May 1, 2012

THE STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

A special meeting of the Board of Directors of Vista Oaks Municipal Utility District was held on May 1, 2012, at the offices of Gray & Associates, Inc., 8217 Shoal Creek Blvd., Suite 200, Austin, Texas. The meeting was open to the public and notice was given as required by the Texas Open Meetings Act. A copy of the Certificate of Posting of the notice is attached as **Exhibit "A"**.

The roll was called of the members of the Board:

Douglas Mink	-	President
Allen Douthitt	-	Vice President
Mike Asbury	-	Secretary
Leslie Alger	-	Assistant Secretary/Treasurer
Keith E. Young	-	Assistant Secretary

and all of the Directors were present, thus constituting a quorum. Also present at the meeting were John Hines and Don Bayes of Gray & Associates, Inc., the District's engineer; Dierdre Goggins of Vista Oaks Owners Association, Inc.; and John Bartram of Armbrust & Brown, PLLC, the District's attorney.

Director Mink called the meeting to order at 12:03 p.m., and stated that the Board would receive citizens' communications. Mr. Bartram stated that Mr. Hunt had received a complaint from a resident regarding an exposed utility line repair next to a section of the completed wall project. Mr. Bartram reviewed the photograph attached as **Exhibit "B"** and stated that Mr. Hunt had confirmed that the issue had been resolved in the field. Director Mink then introduced Ms. Goggins. Ms. Goggins stated that she was the President of the HOA's board of directors and was pleased to be attending her first MUD meeting.

Director Mink then stated that the Board would discuss and consider taking action regarding the Vista Hills Boulevard wall project. Mr. Hines reported on the status of construction and easement acquisition. He explained that Mr. Collins and Mr. Matl still had not yet granted the permanent easements across their respective properties. He noted, however, that additional research had indicated that the lot on which the post office mail boxes were located may be owned by the HOA and not the Postal Service, in which event an easement from the HOA in this area might eliminate the need for the Collins easement. Mr. Hines stated that Mr. Bartram's office was confirming ownership and looking into whether there were any

restrictions on the lot associated with the Postal Service. Mr. Bartram reported that Mr. Hunt had advised him that it was time for one of the Board members to visit Mr. Matl and discuss the project and his concerns. Director Asbury stated that he would do so. Director Alger stated that the flagstone column skinning was done and looked great. Mr. Bayes stated that the contractor would install samples of the monumentation lettering, one surface mounted and one inset, for the Board's review. Mr. Bayes also reported that the re-sodding requirements had been cut back to the areas currently covered by irrigation as well as the future planned beds. He acknowledged that there were some brown patches and confirmed that the District would not have to pay for any dead grass. He further confirmed that the wall contractor was coordinating with the HOA's landscaper.

Mr. Hines next reported that during construction of the wall on the west side of Vista Hills Boulevard, the contractor discovered an AT&T line that was not supposed to be there. He stated that the line was not within any easement and should have been installed along the street right-of-way. Mr. Hines stated that portions of this line meandered along the proposed wall routing for an approximately 1,300 foot stretch. He stated that in discussions with the contractor, AT&T representatives, and his office, it had been determined that, with minor modifications to the design of the wall's foundation, the wall could be located over the AT&T line. Mr. Hines stated that AT&T had acknowledged that its line was in the wrong location and was willing to work with the District to allow the District to move forward with the wall project as originally routed. Mr. Bartram noted that constructing the wall on top of AT&T's facilities could create maintenance and repair complications in the future, and he reviewed various options, including halting the project pending a written agreement with AT&T, moving forward with the project without an agreement, and proceeding with both simultaneously. He noted that an agreement with AT&T would not solve the issue of the facilities not being within an easement vis-à-vis the HOA, but it could clarify the responsibilities between the District and AT&T. Director Young stated that, because the facilities in question were dry utilities within a conduit, he was more comfortable with the risks than he would otherwise be with wet utilities such as a water or wastewater line. Mr. Bayes concurred and stated that, with the appropriate footing, the chances were remote that the wall would damage the conduit or lines in the future. Mr. Bayes further stated that AT&T had represented in the field that AT&T would make any necessary repairs to its lines caused by the initial construction of the wall project.

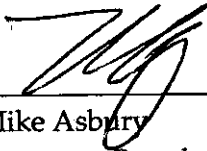
Director Alger asked if the engineers were confident that the wall foundation could be redesigned in such a manner that the wall could be constructed on top of the AT&T facilities. Mr. Hines confirmed that it could, but that he would still need to review what the contractor submits. Mr. Bartram asked if this would necessitate a change order. Mr. Bayes stated that he did not anticipate a formal change order because the cost was expected to be negligible; however, he stated that the contractor would be required to submit the redesign for approval. Director Mink suggested that the Board proceed with the wall project as originally routed and simultaneously pursue an agreement with AT&T that would clarify the responsibilities of the parties in the future. Director Young stated that this would also be a good opportunity to ask AT&T if the wall could be routed through the substation easement on Mr. Matl's property, which would eliminate the need to pursue a permanent easement from Mr. Matl. Director

Mink asked how long the AT&T facilities had been in their current location, and Mr. Hines estimated since about 1996. Director Douthitt suggested that the request for an agreement on future responsibilities be framed as a request to memorialize what had already been agreed to in the field. The Board concurred. After further discussion, Director Young moved as follows: (i) that the District move forward with the wall project on the west side of Vista Hills Boulevard as originally routed; (ii) that, at the appropriate time, the District request an agreement with AT&T that memorializes the agreements reached in the field as to future maintenance and repair responsibilities; and (iii) that, in working through these issues with AT&T, the District also inquire as to opportunities for routing the wall through the AT&T substation easement on Mr. Matl's property. Director Asbury seconded the motion, which then passed unanimously.

Director Mink then questioned whether there were any future agenda items or further business to come before the Board. There being none, the meeting was adjourned.

(Signature page follows.)

(SEAL)



Mike Asbury
Secretary, Board of Directors

Date: May 14, 2012

FILED FOR RECORD

10:30 AM
APR 27 2012
Jm

Nancy E. Roster

CERTIFICATE OF POSTING FOR
VISTA OAKS MUNICIPAL UTILITY DISTRICT
AT

THE WILLIAMSON COUNTY JUSTICE CENTER (COURTHOUSE ANNEX)
405 MARTIN LUTHER KING STREET
GEORGETOWN, TEXAS 78626-5703

THE STATE OF TEXAS §

COUNTY OF WILLIAMSON - §

I, Dorothy Mikulencak hereby certify that at 10:30 A.m. on April 27
2012 I posted a copy of the attached notice of meeting (agenda) of the Board of Directors of
Vista Oaks Municipal Utility District (formerly known as Williamson County Municipal Utility
District No. 9) inside the Williamson County Justice Center (Courthouse Annex) and on the
outside posting board at the Williamson County Justice Center (Courthouse Annex).

I understand that the notice was posted in order to comply with the Open Meetings
provisions of Chapter 551 of the Government Code and that the Board of Directors of the
District will rely on this certificate in determining whether the provisions of Chapter 551 of the
Government Code have been satisfied.

Witness my signature this 27th day of April, 2012

Dorothy Mikulencak

Printed Name: Dorothy Mikulencak

Company: Williamson Co CLER Off

FILED FOR RECORD

10:30 AM
APR 27 2012 OM

VISTA OAKS
MUNICIPAL UTILITY DISTRICT

May 1, 2012

Nancy E. Ruten
County Clerk, Williamson Co. TX

TO: THE BOARD OF DIRECTORS OF VISTA OAKS MUNICIPAL UTILITY DISTRICT AND ALL OTHER INTERESTED PERSONS:

Notice is hereby given that the Board of Directors of Vista Oaks Municipal Utility District will hold a meeting at 12:00 noon on Tuesday, May 1, 2012 at the offices of Gray & Associates, Inc., 8217 Shoal Creek Blvd., Suite 200, Austin, Texas. The following matters will be considered and may be acted upon at the meeting:

1. Citizens' communications and Board member announcements;
2. Vista Hills Boulevard wall project, including:
 - (a). Status of project and easement acquisitions;
 - (b). Flagstone column skinning;
 - (c). Monumentation lettering;
 - (d). Re-vegetation requirements, including re-sodding/re-seeding alternatives;
 - (e). Related HOA matters;
 - (f). Location of encroaching AT&T facilities and possible resolutions scenarios;
3. Future agenda items and meeting schedule.

The Board of Directors is authorized by the Texas Open Meetings Act, Chapter 551, Texas Government Code, to convene in closed or executive session for certain purposes, including receiving legal advice from the District's attorney (Section 551.071); discussing real property matters (Section 551.072); discussing gifts and donations (Section 551.073), discussing personnel matters (Section 551.074); and discussing security personnel or devices (Section 551.076). If the Board of Directors determines to go into executive session to discuss any item on this agenda, the presiding officer will announce that an executive session will be held and will identify the item to be discussed and the provision of the Open Meetings Act that authorizes the closed or executive session.



John W. Barton
Attorney for the District

The District is committed to compliance with the Americans with Disabilities Act. Reasonable accommodations and equal access to communications will be provided upon request. Please call Armbrust & Brown, PLLC at (512) 435-2300 for additional information. Hearing impaired or speech disabled persons equipped with telecommunications devices for the deaf may utilize the statewide Relay Texas program, 1-800-735-2988.

**CERTIFICATE OF POSTING FOR
VISTA OAKS MUNICIPAL UTILITY DISTRICT
IN-DISTRICT POSTING LOCATIONS**

THE STATE OF TEXAS §

COUNTY OF WILLIAMSON §

I, Allen Doughter, hereby certify that at 2:15 p.m. on April, 27, 2012, I posted a copy of the attached notice of meeting of the Board of Directors of Vista Oaks Municipal Utility District (formerly known as Williamson County Municipal Utility District No. 9) within the boundaries of the District at a place readily accessible and convenient to the public at the District's two designated posting locations:

1. the mail center at the Northeast corner of the intersection of Vista Hills Blvd. and FM 1431, Round Rock, Texas; and
2. the Southeast corner of the intersection of Royal Vista Blvd. and Vista Isle Blvd., Round Rock, Texas.

I understand that the notice was posted in order to comply with the Open Meetings provisions of Chapter 551 of the Government Code and that the Board of Directors of the District will rely on this certificate in determining whether the provisions of Chapter 551 of the Government Code have been satisfied.

Witness my signature this 27th day of April, 2012.

Allen Doughter

Printed Name: Allen Doughter

Company: Vista Oaks M.U.D.

**CERTIFICATE OF POSTING FOR
VISTA OAKS MUNICIPAL UTILITY DISTRICT
IN-DISTRICT POSTING LOCATIONS**

THE STATE OF TEXAS §

COUNTY OF WILLIAMSON §

I, Brian K. Gilbert hereby certify that at 12:40 p.m. on Apr. 27, 2012, I posted a copy of the attached notice of meeting of the Board of Directors of Vista Oaks Municipal Utility District (formerly known as Williamson County Municipal Utility District No. 9) within the boundaries of the District at a place readily accessible and convenient to the public at the District's two designated posting locations:

1. the mail center at the Northeast corner of the intersection of Vista Hills Blvd. and FM 1431, Round Rock, Texas; and
- ② the Southeast corner of the intersection of Royal Vista Blvd. and Vista Isle Blvd., Round Rock, Texas.

I understand that the notice was posted in order to comply with the Open Meetings provisions of Chapter 551 of the Government Code and that the Board of Directors of the District will rely on this certificate in determining whether the provisions of Chapter 551 of the Government Code have been satisfied.

Witness my signature this 27 day of April, 2012.

Brian K. Gilbert

Printed Name: Brian K. Gilbert

Company: Capitol Courier

VISTA OAKS
MUNICIPAL UTILITY DISTRICT

May 1, 2012

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(SEAL)


Attorney for the District

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EXHIBIT B