

**MINUTES OF MEETING OF BOARD OF DIRECTORS OF  
NORTH AUSTIN MUNICIPAL UTILITY DISTRICT NO. 1**

February 19, 2020

THE STATE OF TEXAS       §  
  §  
COUNTIES OF TRAVIS       §  
    AND WILLIAMSON       §

A regular meeting of the Board of Directors of North Austin Municipal Utility District No. 1, open to the public, was held on February 19, 2020, at the Rattan Creek Community Center, 7617 Elkhorn Mountain Trail, Austin, Texas, pursuant to notice duly given in accordance with law. A copy of the Certificate of Posting of said Notice is attached as **Exhibit "A"**.

The roll was called of the members of the Board, to-wit:

Donald G. Conklin	-	President
Jo Jones	-	Vice President
Diana Christiano	-	Secretary
Kim Green	-	Treasurer/Assistant Secretary
Rachel Beaulieu	-	Assistant Secretary/Assistant Treasurer

and all of said Directors were present, thus constituting a quorum. Also in attendance at the meeting were Mary Bott with Bott & Douthitt, P.L.L.C.; David Malish with Murfee Engineering Co., Inc.; Richard Fadal with TexaScapes, Inc.; Marc Marroquin with Premier Recreation Management Services, LLC; Andrew Hunt with Crossroads Utility Services, L.L.C.; Sergeant Scott Zion with the Williamson County Sheriff's Office; Natalie Riusech with Concept Development & Planning LLC; Scott Swanson with LaCosta Environmental, LLC; John Hillis with Environmental Design, Inc.; Kevin Flahive with Armbrust & Brown, PLLC; and the following residents of the District: Inez and Michael Vanderburg and Mike Romat.

Director Conklin called the meeting to order at 6:03 p.m., stated that the Board would first receive citizen communications, and recognized Mr. Romat. Mr. Romat inquired as to whether the Board was considering providing tax exemptions for disabled veterans and individuals over 65 years of age within the District. Director Conklin stated that he had been in contact with Mr. Romat regarding the matter and had discussed the matter with the Board at a previous meeting. He stated that Mr. Hunt was looking into the current exemptions provided by the District, those provided by surrounding communities, and the financial impact on the District if additional exemptions were provided. Director Conklin stated that the Board would then be able to have an informed discussion on the matter. Director Conklin then recognized Mr. Hillis. Mr. Hillis stated that he was with Environmental Design, Inc., the tree relocation company that was observed using District fire hydrants to fill water tanks on company trucks on two occurrences. He discussed with the Board that his employees mistakenly understood that the fire hydrants were owned by the City of Austin. The Board discussed with Mr. Hillis the content of the District's Amended and Restated Order Establishing Water and Wastewater Service Rates, Charges and Tap Fees, and Adopting General Policies with Respect to the District's Water, Wastewater and Drainage Systems, including the penalty of \$1,000 per occurrence for unauthorized use of the District's water that may be levied thereunder. After further discussion, upon motion by Director Conklin and second by Director Christiano, the Board voted unanimously to reduce the penalty from \$2,000 to \$1,500.

The Board next considered approval of the January 13, 2020 and the January 15, 2020 minutes. The Board pointed out a correction to line 53 of the January 13, 2020 minutes. Upon motion by Director Conklin and second by Director Green, the Board voted 4-0 to approve the January 13, 2020 minutes, as corrected, with Director Jones abstaining. Upon motion by Director Conklin and second by Director Green, the Board then voted 4-0 to approve the January 15, 2020 minutes, as presented, with Director Jones abstaining.

Director Conklin then stated that the Board would receive a report from the Rattan Creek Neighborhood Association (the "RCNA"). Mr. Hunt reported that the RCNA's Crawfish Boil would be held on Saturday, May 9<sup>th</sup>. Mr. Hunt and Mr. Marroquin then discussed and reported that the RCNA's Joe McDermott kids concert would be held on Saturday, June 20<sup>th</sup>. Mr. Hunt then stated that the cost to mail out the RCNA postcard containing the dates of its 2020 events, as discussed at the January 15, 2020 regular Board meeting, would be approximately \$1,200, including postage. The Board discussed and agreed that the dissemination of the RCNA events schedule to the District's residents would be of benefit to the community and, upon motion by Director Christiano and second by Director Green, voted unanimously to approve the expenditure and direct Mr. Hunt to coordinate the mailing with RCNA representatives.

The Board next received the restrictive covenants report. Mr. Flahive stated that there were no pending enforcement actions requiring the Board's action. The Board reviewed the report and took no action.

Director Conklin stated that the Board would next receive the District accountant's report. Ms. Bott reviewed the updated cash activity report, attached as **Exhibit "B"**, stating that she had added four additional checks for the Board's consideration, as shown on the report. She then confirmed that her office's charge of \$750 for work in connection with the 2018-2019 annual audit was consistent with the terms of the Bookkeeping Services Agreement between the District and Bott & Douthitt, P.L.L.C. Director Green then discussed with the Board the lag time in legal fee billings by the District's legal counsel in connection with the ongoing rate cases. The Board directed Mr. Hunt to communicate to the District's consultants providing services in connection with the rate cases and the Board's request that invoices for the same time periods be submitted together for consideration. Upon motion by Director Conklin and second by Director Jones, the Board voted unanimously to approve the four additional checks, as presented.

Director Conklin then stated that the Board would consider the proposed form letter thanking owners and residents of properties subject to enforcement actions for resolving the non-compliance giving rise to such enforcement actions. After discussion, upon motion by Director Green and second by Director Beaulieu, the Board voted unanimously to approve the form letter, as modified, attached as **Exhibit "C"**.

The Board then received the Williamson County security report, attached as **Exhibit "D"**. Sergeant Zion stated that there were 300 calls within the District during the month of January. He stated that there were no major crimes. Sergeant Zion discussed with the Board the content of the various reports by the Sheriff's Deputies and the timing of the patrols.

Director Conklin then stated that there was no Travis County security report because the Security Agreements approved by the Board at the January 15, 2020 regular meeting had not yet been executed by the Travis County Sheriff's Office and patrols had not yet commenced.

The Board next considered the proposal from LaCosta Environmental, LLC for preparation of the annual water use survey, water loss audit, and 2020 revised Water Conservation and Drought Contingency Plan, attached as **Exhibit “E”**. Mr. Swanson reviewed the proposal with the Board, stating that the annual water use survey would need to be filed with the Texas Commission on Environmental Quality (the “**TCEQ**”) by March 1, 2020, and the annual water loss audit would need to be filed with the TCEQ by May 1, 2020. He stated that the District had until August 2020 to file the 2020 revised Water Conservation and Drought Contingency Plan with the TCEQ, but he recommended filing it before the summer. Mr. Swanson concluded by recommending use of a graphic designer to prepare the revised plan. Upon motion by Director Green and second by Director Conklin, the Board voted unanimously to approve the proposal, with use of a graphic designer, in an aggregate cost not to exceed \$3,000.

Director Conklin then recognized Mr. Fadal to provide the park and landscape maintenance report. Mr. Fadal referred the Board to the report, attached as **Exhibit “F”**, and reviewed the report with the Board. He stated that the ladybug order had been reserved and the Monterey Oak leaf drop was beginning, and that he was coordinating with Mr. Hunt and Texas Disposal Systems, Inc. regarding the spring leaf bag pickup. He stated that he expected the best timing for the four-week leaf bag pickup would be Monday, March 9<sup>th</sup> through Monday, March 30<sup>th</sup>. The Board directed Mr. Hunt to put up signage regarding the leaf bag pickup within the District well ahead of the scheduled pickups. Mr. Fadal then presented proposal no. 9617 for community center landscape improvements in the amount of \$17,949.44, attached as **Exhibit “G”**. He stated that the Greenbelt Committee and the Parks & Community Center Committee were both consulted on the proposal. Upon motion by Director Green and second by Director Christiano, the Board voted unanimously to approve the proposal, as presented. Director Conklin then asked Mr. Fadal if he would inspect the metal stormwater drain covers on the sidewalks near the community center parking lot to determine what kind of treatment could be applied to provide better traction when the drain covers are wet. He also asked Mr. Fadal to determine and recommend landscape lighting along the pedestrian walkway between the community center and the parking lot, noting how dark the area is at night. Mr. Fadal recommended that he meet with the Parks & Community Center Committee on the two items and report back to the Board. He then presented proposal no. 9618 for greenbelt cleanup and pruning Dallas west side in the amount of \$7,880, attached as **Exhibit “H”**. Mr. Fadal stated that he worked with the Greenbelt Committee to prepare the proposal and, if approved, he would communicate with area residents via phone call and door-hanger prior to commencing work. After discussion, upon motion by Director Jones and second by Director Conklin, the Board voted unanimously to approve the proposal in an amount not to exceed the stated \$7,880, provided that Mr. Fadal contacts the area residents by phone and door-hanger prior to commencing the work, as discussed.

The Board next reviewed the solid waste services report, attached as **Exhibit “I”**. Mr. Hunt stated that he had discussed the report with Ja-Mar Prince and Mr. Prince had nothing to add to the written report. He stated that bulk pickup had been scheduled for Saturday, April 4<sup>th</sup>.

Director Conklin then recognized Mr. Marroquin to provide the pool and community center report. Mr. Marroquin reviewed his report, attached as **Exhibit “J”**. He stated that there were no major incidents at the pool and usage remained low. Mr. Marroquin reported that the swim teams were conducting the last competitions of the season. He stated that the pump house had been painted. Mr. Marroquin then discussed with the Board a request from the Boy Scouts to allow certified scouts to use the pool to practice scuba diving, under the supervision of certified instructors and dive masters, in advance of an upcoming dive in Lake Travis. The

Board discussed concerns about damage to the pool and deck that might result from the scuba gear and decided to decline the request. Mr. Marroquin stated that he would communicate the Board's decision to the Boy Scouts and continued his report. He stated that the new security system had been installed. Mr. Marroquin next stated that he was interviewing candidates for the new event coordinator position. He then discussed with the Board the crafts group that addressed the Board at its January 15, 2020 regular meeting about use of the community center for free or at a discounted rate. Mr. Marroquin stated that the representatives of the group had met with the Parks & Community Center Committee and requested that the group be permitted to meet in the great room of the community center twice per month, for about two hours each time, at times when the room is not being rented by other groups, for an annual fee of \$125. Director Green stated that she supported the request, but wanted to waive the annual fee of \$125 so long as the group's use is limited to twice per month, for two hours each time. After discussion, the Board agreed to the request, on a trial basis, and directed Mr. Marroquin to coordinate use with the craft group's representatives. Mr. Marroquin next discussed options for resurfacing or partially replacing the starting blocks for the pool. He stated the starting blocks could be resurfaced at a cost of \$3,500, or the tops of the starting blocks could be replaced at a cost of \$10,350. After discussion, upon motion by Director Conklin and second by Director Green, the Board voted unanimously to approve Premier Recreation Management Services, LLC resurfacing the starting blocks at a cost not to exceed \$3,500. Mr. Marroquin next presented the Pool Use Agreement with Hurricane Swim Team. The Board pointed out a correction to Section 1.c. of Pool Use Agreement, which Mr. Flahive noted. Upon motion by Director Green and second by Director Jones, the Board voted unanimously to approve the Pool Use Agreement, as corrected, attached as **Exhibit "K"**. The Board then directed Mr. Marroquin and Mr. Hunt to compile information regarding pool usage through the winter season to-date, as well as the costs to operate the pool during last year's winter season, for presentation at the March 18, 2020 regular meeting.

The Board next received the general manager's report. Mr. Hunt reviewed his report, attached as **Exhibit "L"**, with the Board. He updated the Board on the content of the discussion at the Williamson County Liaison Committee's meeting with Williamson County Commissioner Terry Cook, including crosswalks, sidewalks, the new Apple campus and drainage/maintenance issues on the ± 20 acre tract located adjacent to The Bluffs within the District. After discussion, the Board directed Mr. Flahive and Mr. Malish to look into the drainage/maintenance issues on the subject ± 20 acre tract and report back to the Board at the March 18, 2020 regular meeting. Mr. Hunt continued his report, stating the 6" master water meter on Highway 620 discussed at prior meetings had been repaired by the City of Austin. He stated that the hydrant replacement project had been slowed due to weather conditions. Mr. Hunt then presented three write-offs. He stated that two website inquiries were received, one inquiry requesting information that Mr. Hunt's office provided, and one inquiry requesting expanded wildflower areas within the District's greenbelts, which had been relayed to Mr. Fadal. Mr. Hunt then stated that the playscape in Robinson Park was being repaired and that he would schedule a meeting with the Parks & Community Center Committee to explore options for replacing or modifying the playscape at Robinson Park. He then presented the Contractor Agreement with T Bar M Land Services, LLC to install a fence near the playscape area along the eastern and northern boundaries of Robinson Park at a cost of \$24,950, attached as **Exhibit "M"**. After discussion of the location of the fence and timing of the project, upon motion by Director Conklin and second by Director Green, the Board voted unanimously to approve the Contractor Agreement, conditioned upon the fence being installed outside of public right-of-way easements along and adjacent to the eastern and northern boundaries of the platted lot on which Robinson Park is located. Mr. Hunt then stated that the tree canopy raising project in Rattan Creek Park had been completed. He next presented the final website logo and branding

illustration. Mr. Hunt then reviewed with the Board the title and tree survey of the platted lot on which Rattan Creek Park is located, which survey would be utilized to identify potential locations for future improvements to the park. After discussion, the Board elected to revisit the survey at the March 18, 2020 regular meeting. Mr. Hunt then presented the Amended and Restated Order Establishing Water and Wastewater Service Rates, Charges and Tap Fees, and Adopting General Policies with Respect to the District's Water, Wastewater and Drainage Systems (February 19, 2020) and the Form Agreement Concerning Private Lift Station for Customer Service (together, the "Amended Rate Order and Private Lift Station Agreement"). Mr. Hunt, Mr. Flahive and the Board discussed the Amended Rate Order and Private Lift Station Agreement, including corrections and modifications thereto. Upon motion by Director Conklin and second by Director Green, the Board voted unanimously to approve the Amended Rate Order and Private Lift Station Agreement, as corrected and modified, attached as **Exhibit "N"**. Then, upon motion by Director Conklin and second by Director Jones, the Board voted unanimously to approve the three write-offs, as presented.

Director Conklin then recognized Mr. Malish to provide the District engineer's report. Mr. Malish referred the Board to his report, attached as **Exhibit "O"**. He stated that Texas Gas Service would soon complete the gas main relocation project on Tamayo Drive, which would allow the District to move forward with the Tamayo Drive bridge project. Mr. Malish then requested that the Board direct him to re-bid the Tamayo Drive bridge project, due to the change in scope to replace the guardrail with a handrail along a pedestrian sidewalk across the bridge, as discussed with the Board at the January 15, 2020 regular meeting. The Board then directed Mr. Malish to re-bid the Tamayo Bridge project, as requested. Mr. Malish next stated that the water line relocation project on the NW Austin Office Partners LLC site had commenced in early February and was approximately 80% completed. He discussed with the Board the differences between the approved site plans for the site of record with the City of Austin and the District and those furnished by the property manager on-site. In particular, Mr. Malish described a fire hydrant and an irrigation meter, both of which were present on the site and shown on the property manager's site plan, but not those of the City of Austin and the District. He stated that he would continue to monitor the project and bring any issues to the Board's attention. Mr. Malish then updated the Board on the status of design efforts and outreach to Bob Daigh with Williamson County in relation to the Parmer Lane bridge project. He then stated that the components of the 7-Eleven project subject to the District's jurisdiction were almost completed and only a manhole repair remained to be performed. Mr. Malish concluded by discussing the floodplain project with the Board and stated that he would continue investigating options available to the District to mitigate the impacts of the new FEMA 100-year floodplain on the District.

At 9:26 p.m., Director Conklin stated that the Board would take a brief recess. The Board then reconvened at 9:36 p.m. There being no lobbyists' report or bond projects to discuss, Director Conklin updated the Board regarding the City of Austin wholesale rate cases, including the coalition meeting on February 12, 2020. After discussion, upon motion by Director Conklin and second by Director Green, the Board voted unanimously to direct Jay Joyce to prepare, on a time and materials basis, an analysis comparing the wholesale water rates paid by the District over the two prior years, the revenue generated by the District's retail water rates over the same period, and the District's water utility system operation and maintenance costs over the same period. Mr. Hunt stated that he would relay the Board's directive to Mr. Joyce and coordinate presentation of the analysis to the Board at a future meeting.

There being no future annexation, limited district conversion or other City of Austin related issues to come before the Board, at 9:56 p.m., Director Conklin stated that the Board

would convene in executive session pursuant to Section 551.071 of the Texas Government Code to receive legal advice from Mr. Flahive. At 10:36 p.m., Director Jones departed the Board meeting. The Board reconvened in open session at 10:57 p.m. and Director Conklin stated that no action was taken during executive session. Upon motion by Director Beaulieu and second by Director Conklin, the Board voted unanimously to authorize Armbrust & Brown, PLLC to post any documents required to be posted on a publicly accessible website on the firm's District database.

Director Conklin then asked if there were any other items to come before the Board. There being none, upon motion by Director Green and second by Director Conklin, the Board voted unanimously to adjourn at 10:59 p.m.

(SEAL)



*Diana Christiano*  
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Diana Christiano, Secretary  
Board of Directors

Date: March 18, 2020