

MINUTES OF REGULAR MEETING OF THE BOARD OF DIRECTORS
OF WILLIAMSON-TRAVIS COUNTIES MUNICIPAL UTILITY DISTRICT NO. 1

December 15, 2021

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

A regular meeting of the Board of Directors of Williamson-Travis Counties Municipal Utility District No. 1 was held at 6:00 p.m. on December 15, 2021, at the District Office at The Park at Lakeline Oaks, 1000 Old Mill Road, Cedar Park, Texas 78613. The meeting was open to the public and notice was given as required by the Texas Open Meetings Act.

Board President Catherine Franke called the meeting to order at 6:00 p.m. and a roll call of the Directors was taken. The Directors present were:

Catherine Franke	—	President
Art Medrano	—	Vice President
Linda Fabre	—	Secretary
Megan Dudo	—	Assistant Secretary/Treasurer
Beth Jones	—	Assistant Secretary/Treasurer

thus constituting a quorum. All Directors were present.

Also present were Makenzi Scales, Stephanie Reese and Michael Luft of Inframark; Herb Edmonson of Gray Engineering, Inc.; Bill Flickinger and Allison Nix of Willatt & Flickinger, PLLC; James and Diana Sagnes of Sage Management Services; Zac Evans of McGinnis Lochridge.

Dir. Franke moved to Agenda Item No. 3.

3. INTERVIEW OF CANDIDATES RESPONDING TO RFQ FOR GENERAL COUNSEL

Dir. Jones stated the Board will have 30 minutes to interview general counsel candidate Zac Evans of McGinnis Lochridge. Each Director will have six minutes to ask Mr. Evans questions.

Mr. Evans stated he has been a partner at McGinnis Lochridge for three years and is in his tenth year of practice. He has worked with local government entities for most of his career. He said the District has a reputation and the rumor mill is strong. Mr. Evans asked to meet with the full Board at once for full transparency. He noted that he represented Sage Management previously for contract negotiations with the District, but that matter has concluded. He would ask the Board and Sage Management to sign a waiver of conflict of interest if selected as general counsel and

would pull himself and his firm out if Sage Management's contract needs to be addressed again. Mr. Evans said McGinnis Lochridge was briefly engaged in connection with the Fabre lawsuit against the District, but they withdrew out of an abundance of caution.

Each Director then, in turn, asked Mr. Evans interview questions, and Mr. Evans provided responses.

Dir. Franke moved to Agenda Item No. 1.

1. PUBLIC COMMENTS

Allan Kaplan made a public comment.

David Flores made a public comment.

Dir. Franke moved to Agenda Item No. 9.

9. REPORT FROM THE PARKS COMMITTEE

The Ranch at Cypress Creek MUD has requested using the District building at 1000 Old Mill Road for its monthly meetings on the third Thursday of each month. ACC is closed to outside vendors and the public because of COVID. Matthew Whittington said they have been meeting at the unitarian church on El Salido, but it is hit or miss. They are hoping to use the District's building until COVID dies down. He added that the meetings begin at 6:30 p.m. and have a two-hour time limit, three hours if there is an executive session.

Motion: Approval for the Ranch at Cypress Creek MUD to use the District's facilities on the third Thursday each month at the nonprofit rate and continuing as long as it is needed.

Motion by: Dir. Fabre
Second by: Dir. Franke

Aye: Dir. Dudo
 Dir. Fabre
 Dir. Franke
 Dir. Jones
 Dir. Medrano

Dir. Franke moved to Agenda Item No. 2.

2. MS4 PRESENTATION

Makenzi Scales provided handouts of the MS4 presentation because the projector is not working. She discussed providing general knowledge to the public on what an MS4 is, storm water management and the Clean Water Act of 1948. Ms. Scales has requested samples of activity

books, bookmarks and additional items from a new company since the TCEQ does not offer coloring books anymore. She noted there is an MS4 page on the District website.

Motion: **Pull the portable sign out of storage to spread the MS4 message to residents and move its location once a week.**

Motion by: Dir. Fabre
Second by: Dir. Franke

Aye: Dir. Dudo
 Dir. Fabre
 Dir. Franke
 Dir. Jones
 Dir. Medrano

The Board discussed available locations and posting a catch phrase, the District's website and other messages as needed. Dir. Jones noted the letters get moved around, so it will need to be checked often. The sign will be posted at Lakeline Oaks first and then moved to Anderson Mill next. It can be put on land that the District owns after that.

Dir. Franke moved to Agenda Item No. 4.

4. DECISION REGARDING GENERAL COUNSEL

The Board discussed Zac Evans' interview. Dir. Fabre stated he is ineligible because of the conflict of interest. Mr. Evans does not think he is ineligible and neither does the remainder of the Board. Dir. Fabre said three members of the Board could vote to remove the conflict of interest provision in the RFQ, but they did not do so prior to his response submittal. Dir. Fabre said he is disqualified because he provided her with legal counsel on her lawsuit against the District. The Board discussed the matter in detail.

Motion: **Reissue the RFQ for General Counsel after removal of the provision regarding conflict of interest, setting a response due date of January 10, 2022 at 4:00 p.m.**

Motion by: Dir. Franke
Second by: Dir. Medrano

Aye: Dir. Dudo
 Dir. Franke
 Dir. Jones
 Dir. Medrano

Abstain: Dir. Fabre

5. REPORT FROM THE DISTRICT BOOKKEEPER, INCLUDING FINANCIALS,
PAYMENT OF BILLS AND INVOICES AND TRANSFER OF FUNDS

Michael Luft discussed the District's financials.

Mr. Luft discussed the payment register.

Motion: Sage Management to refund the District for excess charges in October for per location versus per hour additional services.

Motion by: Dir. Fabre

Dir. Franke suggested the motion be amended to ask Sage Management to reissue their invoice on a per-hour basis instead of a per-location basis.

Motion: Sage Management to reissue its October invoice for additional services to be reflective of the hourly contract rate and not a per-location rate.

Motion by: Dir. Fabre
Second by: Dir. Franke

Aye: Dir. Dudo
Dir. Fabre
Dir. Franke
Dir. Jones
Dir. Medrano

Dir. Fabre stated the October committee additional services forms were per location and will also need to be revised. The committee has approval to authorize up to \$200 per month for additional services, they have consistently gone over their authorized limit and have not looked at Sage Management's contract. Dir. Fabre would like Bill Flickinger to review the billing practices of Sage Management for the last 12 months, and Mr. Flickinger said he believes that needs Board approval.

Motion: Authorization for Bill Flickinger to examine Sage Management's billing practices over the last 12 months to determine if there is a real problem or just mistakes.

Motion by: Dir. Fabre
Second by: Dir. Medrano

Aye: Dir. Dudo
Dir. Fabre
Dir. Medrano

No: Dir. Franke
Dir. Jones

Dir. Franke said she does not think Mr. Flickinger should be the one to do it, Inframark should. Mr. Luft will pull Sage Management's billing information from November 2020 to November 2021 and send to Mr. Flickinger.

Dir. Dudo said Sunscape Landscaping's check will be held because the Parks Committee wants a more detailed invoice.

Motion: Approval of the payment register in the amount of \$459,810.78.

Motion by: Dir. Medrano
Second by: Dir. Franke

Aye: Dir. Dudo
Dir. Fabre
Dir. Franke
Dir. Jones
Dir. Medrano

Mr. Luft discussed the transfers for the month, amounts spent on open records requests and taxes. The not-to-exceed report will be included in the future.

The Board and Manager discussed meter replacements and how many are left on the shelf. Dir. Fabre commented that it is not good business to replace meters that have not met their useful life.

6. REPORT FROM THE DISTRICT'S ENGINEER

7. REPORT FROM THE INFRASTRUCTURE COMMITTEE

Herb Edmonson reported that Westar Construction completed the cleanup at Cashell Wood Pond and provided an invoice for \$9,500. Notice was received today from Travis County TNR that all pond work is acceptable except for bare spots that need seeding, and Inframark will take

care of that tomorrow. Ms. Scales noted that Sunscape did not mow as much as they should have because of groundwater. They met with Sunscape to mitigate it in the future. Dir. Fabre said Sunscape should pay for the cost of the cleanup work for not doing their job. Mr. Flickinger said someone can send a letter requesting a refund.

Motion: **Attempt to get the people responsible for failure to maintain the pond, Inframark and Sunscape Landscaping, to pay the costs of cleaning it up to pass inspection with TNR.**

Motion by: Dir. Fabre

Mr. Edmonson said cattails should not be in the pond if it is being maintained properly. Dir. Fabre said Inframark is included because they should be managing the contractor. Dir. Franke thinks it is completely Sunscape's failure. Dir. Fabre amended her motion.

Motion: **Authorize Bill Flickinger to send a letter to Sunscape Landscaping to have them pay the costs of cleaning up Cashell Wood Pond.**

Motion by: Dir. Fabre
Second by: Dir. Franke

Aye: Dir. Dudo
 Dir. Fabre
 Dir. Franke
 Dir. Jones
 Dir. Medrano

Mr. Luft stated total costs associated with the project are \$15,170.10, which includes Westar Construction's invoice for \$9,500 and Inframark's work order for \$5,670.10.

Motion: **Approval of payment of Westar Construction's invoice in the amount of \$9,500 for the completed work at Cashell Wood Pond.**

Motion by: Dir. Franke
Second by: Dir. Medrano

Aye: Dir. Dudo
 Dir. Fabre
 Dir. Franke
 Dir. Jones
 Dir. Medrano

Mr. Edmonson requested an increase in Gray Engineering's budget for installation of the three speed feedback signs by \$6,000 because Travis County is requiring three permits, three fees and three maintenance bonds. The contractors will include the bonds in their bids. The Board discussed the sign locations. Dir. Fabre said the initial \$15,000 not-to-exceed amount was exceeded and the project is still not done. It will end up costing \$25,000 to install them. Dir.

Fabre added that the previous traffic study showed the signs would provide little to no effect if they are not monitored by law enforcement, so it is not worth it. Dir. Franke disagrees.

Motion: **Authorize an increase in Gray Engineering's budget by \$6,000 to complete the installation of the speed feedback signs.**

Motion by: Dir. Franke
Second by: Dir. Jones

Aye: Dir. Franke
 Dir. Jones

No: Dir. Dudo
 Dir. Fabre
 Dir. Medrano

Mr. Edmonson asked that their budget at least be increased by \$3,300 to cover current expenses.

Motion: **Authorize an increase in Gray Engineering's budget by \$3,300 to cover the final costs of the speed feedback signs project.**

Motion by: Dir. Franke
Second by: Dir. Fabre

Aye: Dir. Dudo
 Dir. Fabre
 Dir. Franke
 Dir. Jones
 Dir. Medrano

8. REPORT FROM THE DISTRICT MANAGER

Makenzi Scales stated Inframark's amended and restated agreement is not ready yet. Mr. Flickinger received Board authorization in the past to review the contract and assign a committee for the contract review.

Motion: **Authorize legal counsel to review the Amended and Restated Operation and Maintenance Agreement and work with the Management Committee to review the changes to the Inframark contract.**

Motion by: Dir. Franke
Second by: Dir. Medrano

Aye: Dir. Dudo
Dir. Fabre
Dir. Franke
Dir. Jones
Dir. Medrano

Ms. Scales said they received approval to move forward with the purchase of the next set of meters and endpoints. Just under 400 have been installed, and 275 were received last week. The next order will arrive in three to four months. The Board discussed the details of the project. Ms. Scales reported one request was received to opt out of the AMI program. Mr. Flickinger said another district did a writeup on the kinds of concerns this resident has and suggested a committee review it to possibly add the information to the District's website. He is not aware of any legal requirement to provide an exception. Dir. Fabre said the resident should be told it is early in the process and hopefully her concerns can be dispelled before the meter needs to be replaced. Ms. Scales said it will be done before Christmas.

Superior General noticed a need for repair to the tower in the attic area because there is significant air moving through it and provided a proposal for \$2,275.

Motion: Approval of Superior General's proposal in the amount of \$2,275 for the repair in the attic.

Motion by: Dir. Medrano
Second by: Dir. Franke

Aye: Dir. Dudo
Dir. Fabre
Dir. Franke
Dir. Jones
Dir. Medrano

Ms. Scales said it should be done in the next couple of weeks. They are still working on repairs to the building. Appliances are coming in soon.

Ms. Scales reported they met at the Hatch Pond Lift Station which has a pipe inside that is severely corroded. They are using a makeshift PVC pipe. Alterman has provided a proposal for a not-to-exceed amount of \$5,500 to fix it. Inframark's crew can repair it for a not-to-exceed amount of \$3,530.

Motion: Contract with Inframark for a not-to-exceed amount of \$3,530 for repairs at the Hatch Pond Lift Station.

Motion by: Dir. Medrano
Second by: Dir. Franke

Aye: Dir. Dudo

Dir. Fabre
Dir. Franke
Dir. Jones
Dir. Medrano

Ms. Scales discussed a leak adjustment for a resident on Lantana for \$284.70. A leak was identified by a plumber and their invoice has been received. The adjustment does not negate the entire bill, and they were charged at the bottom tier.

Motion: **Approve the leak adjustment for \$284.70 on the resident's account.**

Motion by: Dir. Medrano
Second by: Dir. Fabre

Aye: Dir. Dudo
 Dir. Fabre
 Dir. Franke
 Dir. Jones
 Dir. Medrano

Dir. Medrano asked why water accountability is at 67%, and Ms. Scales said they are looking into it. Everything was fixed from the leak detection results. The Board discussed the possible causes and solutions.

The Parks Committee met with Sunscape. Legacy Arbor can cover the issues at the gazebo in Old Mill Park for a not-to-exceed amount of \$5,000. The gazebo is not part of Sunscape's contract, they cannot reach the dead tree limbs and an arborist is needed. The work will be in addition to the original not-to-exceed amount of \$30,000 for overall tree care in Sun Chase and Anderson Mill West Parks.

Motion: **Approve a not-to-exceed amount of \$5,000 for Legacy Arbor to take care of the trees in Old Mill Park.**

Motion by: Dir. Dudo
Second by: Dir. Jones

Aye: Dir. Dudo
 Dir. Fabre
 Dir. Franke
 Dir. Jones
 Dir. Medrano

Dir. Fabre asked Inframark for quarterly reports of their services performed every quarter.

Dir. Franke moved to Agenda Item No. 10.

10. REPORT FROM THE BUDGET COMMITTEE

No action was taken.

11. RATE ORDER

Dir. Franke has not yet done an analysis on the water tiers. No action was taken.

12. REPORT FROM DISTRICT ATTORNEY REGARDING STATUS OF CURRENT LEGAL PROJECTS

Bill Flickinger distributed a confidential list of current legal projects to the Board. A couple of items assigned to him tonight are not yet on the list, of course. A running list of projects should be kept when about to hand off the tasks to another law firm.

13. MINUTES FROM PRIOR REGULAR AND SPECIAL MEETINGS; RECONSIDERATION OF MINUTES PREVIOUSLY APPROVED WITH ORAL REVISIONS

The Directors have not read the draft meeting minutes up for consideration. No action was taken.

14. FUTURE BOARD MEETINGS – SCHEDULE AND SCOPE OF AGENDAS

The next DRC meeting is on January 17th, and the next regular meeting is on January 19th. The RFQ for General Counsel will be added to the January 19th agenda. Dir. Fabre asked that her running list be added to the agenda.

15. ADJOURNMENT

Motion: Adjournment of meeting at 10:25 p.m.

Motion by: Dir. Medrano

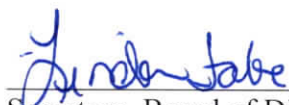
Second by: Dir. Fabre

Aye: Dir. Dudo
Dir. Fabre
Dir. Franke
Dir. Jones
Dir. Medrano



President, Board of Directors
Williamson-Travis Counties Municipal
Utility District No. 1

ATTEST:



Secretary, Board of Directors
Williamson-Travis Counties Municipal
Utility District No. 1

[DISTRICT SEAL]

3\WTC MUD No. 1\Minutes\12-15-21
2/26/22