

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

July 19, 2023

STATE OF TEXAS	§
	§
COUNTIES OF WILLIAMSON AND TRAVIS	§

The Board of Directors (the "Board") of Williamson-Travis Counties Municipal Utility District No. 1 (the "District"), of Williamson and Travis Counties, Texas, met in regular session, open to the public at 6:30 p.m. on July 19, 2023, at The Park at Lakeline Oaks located at 1000 Old Mill Road, Cedar Park, Texas 78613, an official meeting place within the boundaries of the District, pursuant to notice duly given in accordance with the law.

Hanoi Avila	President
Linda Fabre	Vice President / Treasurer
Kelley D. Masters	Secretary
David Flores	Assistant Secretary
Beth Jones	Director

and all of said persons were present, thus constituting a quorum.

Also present in person were Jen Frost, Tina Flores, Carol Norrell, Paul Rabago, Sarah Teale, and Chris Rocco, residents of the District; Herb Edmonson, Jr. of Gray Engineering, Inc. ("Gray"), the District's Engineer; Lisa Rickert and Ashleigh Bass of Artesian Financial Services ("Artesian"), the District's Accountant; Makenzi Scales of Inframark, LLC ("Inframark"), the District's Operator; and Cole Konopka of Coats Rose, P.C. ("Coats Rose"), the District's Attorney.

Agenda Item No. 1: Comments and questions from District residents

- Paul Robago addressed the Board with a public comment, speaking on Director Flores' recent arrest charges and expressing his concerns regarding playscapes in the District.
- Jen Frost addressed the Board with a public comment, stating that she would like to follow up on her water bill dispute that was discussed at the June 27, 2023 special Board meeting.
- Chris Rocco addressed the Board with a public comment, speaking on the Sun Chase Park playscape.

Agenda Item No. 2: Engineer's Report, including:

- (a) Status of Hatch Lift Station project;
- (b) Status of District facilities;
- (c) Status of Lead and Copper Rule project; and
- (d) Update on other matters as needed.

- Mr. Edmonson reviewed the Engineer's Report and updated the Board on the status of the Hatch Lift Station. He noted that the pumps have been ordered and the estimated delivery time is around January 2024. He then updated the Board on the Lead & Copper Rule Revisions ("LCRR") project. He stated that he has met with his team to go over the scope of work for the project and his team is working to compile information regarding the LCRR rules.

Agenda Item No. 3: Consent Agenda, including approval of minutes of June 27, 2023.

- The Board considered approving the minutes of the June 27, 2023 special meeting.
- **Motion: Approve the June 27, 2023 special meeting minutes, as presented.**

Motion by: Director Fabre
Second by: Director Flores

Ayes: Director Fabre
Director Flores
Director Avila
Director Masters
Director Jones

Agenda Item No. 4: Accountant's Report, including:

- (a) Review of payments on current not-to-exceed expenditures;
- (b) Payment of bills and invoices; and
- (c) Review of Quarterly Investment Report.

- Ms. Bass introduced herself and Ms. Rickert to the Board and reviewed the Accountant's Report. She presented five checks for the Board's review totaling \$263,799.18. Ms. Rickert noted that Artesian received four additional invoices after July 5, 2023, which will be processed for payment at the next Board meeting. Ms. Rickert then discussed Artesian's procedures and handed out various forms for the Board to fill out. Discussion ensued regarding transactions that require Board approval in between Board meetings, including payment of security services and customer refunds. Ms. Rickert requested authorization to open a new bank account with NewFirst National Bank on behalf of the District, which would allow two authorized Board members to log into the account to sign off and release those transactions. Ms. Rickert then discussed sweep accounts. The Board considered adopting new policies for the payment of security services and Directors' fees of office and requested that a line item to adopt the new policies be added to the August agenda. Discussion ensued regarding the transition of District files and information from Inframark to Artesian.

- **Motion:** Pay the bills and invoices totaling \$263,799.18.
Motion by: Director Masters
Second by: Director Flores

Ayes: Director Masters
Director Flores
Director Avila
Director Fabre
Director Jones
- **Motion:** Authorize Coats Rose to draft a Resolution for the new bank account with NewFirst National Bank.

Motion by: Director Masters
Second by: Director Flores

Ayes: Director Masters
Director Flores
Director Avila
Director Fabre
Director Jones

Agenda Item No. 8: New business, including:

(a) Discuss Sun Chase Park playscape.

- Director Masters reviewed the Certified Playground Safety Inspection for Sun Chase Park conducted by Craig Faitel of Safe 2 Play, a CPSI. She also reviewed the Consumer Product Safety Commission ("CPSC") Public Playground Safety Handbook and noted the areas where the Sun Chase Park playscape does not adhere to the public safety standards. Director Jones then discussed removing the two benches at Sun Chase Park. Director Avila asked if there were any legal exemptions for Municipal Utility Districts from the American Society for Testing and Materials ("ASTM") standards. He then stated that he would like to get a second inspector to inspect the Sun Chase Park playscape. Discussion ensued regarding who is responsible for knowing that the structures are required to have a safety inspection after completion.
- **Motion:** Authorize Coats Rose to contact Tiny Towns to inform them that their playscape does not adhere to public safety standards and request that Tiny Towns remove the structure and reimburse the District for any expenses.

Motion by: Director Masters
Second by: Director Fabre

Motion withdrawn by Director Masters.

- Motion:** Authorize Inframark to solicit proposals for a second Certified Playground Safety Inspection to be performed on Sun Chase Park in an amount not to exceed \$600.

Motion by: Director Masters
Second by: Director Flores

Ayes: Director Masters
Director Flores
Director Avila
Director Jones

Nos: Director Fabre
- Motion:** Authorize Coats Rose to contact Tiny Towns to (1) inform them that their playscape does not adhere to public safety standards; (2) ask Tiny Towns if they are IPEMA certified or are willing to become certified; and (3) discuss all options regarding remedies, removal, and reimbursement for the Sun Chase Park playscape.

Motion by: Director Masters
Second by: Director Fabre

Ayes: Director Masters
Director Fabre
Director Avila
Director Flores

Nos: Director Jones
- Motion:** Authorize Inframark to solicit proposals to remove the Sun Chase Park playscape in the event that Tiny Towns cannot remedy the safety issues.

Motion by: Director Masters
Second by: Director Fabre

Ayes: Director Masters
Director Fabre
Director Avila
Director Flores

Nos: Director Jones

- **Motion:** Authorize Inframark to solicit proposals from CPSI certified vendors to inspect all of the parks in the District in an amount not to exceed \$5,000.

Motion by: Director Masters
Second by: Director Fabre

Ayes: Director Masters
 Director Fabre
 Director Avila
 Director Flores

Nos: Director Jones

- Director Masters then stated that the safety inspection report noted some deficiencies in the site preparation and surfacing work that was done by Fun Abounds. Discussion ensued.

- **Motion:** Authorize Inframark to contact Fun Abounds to notify them of the deficiencies in their work and request that they correct their work, including removing the non-compliant engineered wood fibers and replacing them with compliant engineered wood fibers at a minimum depth of twelve inches throughout the playscape area.

Motion by: Director Masters

Motion withdrawn by Director Masters.

- **Motion:** Authorize Coats Rose to draft a Resolution that states that all future playground equipment must comply with the Texas Health and Safety Code, Sec. 756.061, must be purchased from an IPEMA certified vendor, and must pass a safety inspection by a CPSI certified inspector before being open to the public.

Motion by: Director Masters
Second by: Director Fabre

Ayes: Director Masters
 Director Fabre
 Director Avila
 Director Flores
 Director Jones

- **Motion:** Authorize Inframark to post the Certified Playground Safety Inspection for Sun Chase Park and the CPSC Public Playground Safety Handbook on the front page of the District's website with a statement regarding the Board's actions that were taken at today's meeting.

Motion by: Director Masters
Second by: Director Fabre

Ayes: Director Masters
 Director Fabre
 Director Avila
 Director Flores

Abstained: Director Jones

- Director Jones continued her discussion on removing the two benches at Sun Chase Park. Ms. Scales reminded the Board that she solicited a proposal from Kuts & Kleans, Inc. ("Kuts & Kleans") to move the two benches in the amount of \$2,400.
- **Motion:** Remove the two benches within the Sun Chase Park playscape area and move them to the outside of the playscape area in the amount of \$2,400.

Motion by: Director Jones

Motion fails.

- Discussion ensued regarding repairs to the gazebo on Old Mill Road.
- **Motion:** Repair and repaint the gazebo on Old Mill Road in an amount not to exceed \$3,500.

Motion by: Director Jones
Second by: Director Masters

Ayes: Director Jones
 Director Masters
 Director Avila
 Director Fabre

Nos: Director Flores

Agenda Item No. 5: General Manager / Operator's Report

- Ms. Scales reviewed the General Manager / Operator's Report with the Board. She reported on the number of terminations associated with failure to pay for water services by the due date.

- Ms. Scales updated the Board on ongoing and future park projects. She stated that LandCare made a recommendation to replace the irrigation heads in the planter boxes for Lakeline Oaks in the amount of \$825. Discussion ensued regarding a xeriscape option. Ms. Scales stated that she will ask LandCare to provide some xeriscape options for the Parks Committee to review. Director Flores requested that Ms. Scales solicit a proposal from Kuts & Kleans to repaint all of the gazebos and foot bridges. Ms. Scales then noted that she is working on getting a proposal to repair the sign at El Salido Parkway.
- Next, Ms. Scales updated the Board on the replacement of the three missing swings at Anderson Mill Park. She reminded the Board that they previously set a not to exceed amount of \$500 to replace the swings and recommended that the Board increase the not to exceed amount to \$900.
- **Motion: Increase the not to exceed amount to replace the three missing swings at Anderson Mill Park from \$500 to \$900.**

Motion by: Director Fabre
Second by: Director Masters

Ayes: Director Fabre
Director Masters
Director Avila
Director Flores

Nos: Director Jones

Agenda Item No. 6: Committee Assignments and Reports, including:

- (a) Parks Committee, including status of purchase of new swings at Anderson Mill West Park;
- (b) Deed Restriction Committee;
- (c) Infrastructure Committee; and
- (d) Information Management Committee.

- The Board discussed committee assignments.
- **Motion: Director Jones be replaced by Director Flores on the Parks Committee.**

Motion by: Director Fabre
Second by: Director Flores

Ayes: Director Fabre
Director Flores
Director Masters

Nos: Director Avila
Director Jones

Director Jones departed the meeting at 9:30 p.m.

- Director Fabre then recommended that the Board create a Budget Committee for the purpose of gathering the information necessary for establishing a budget for the District.
- **Motion: Appoint Director Avila and Director Fabre to serve as members of the District's Budget Committee.**

Motion by: Director Fabre
Second by: Director Flores

Ayes: Director Fabre
Director Flores
Director Avila
Director Masters

Agenda Item No. 7: Old business, including request for Proposal (RFP) for a Deed Enforcement Management contractor.

- Mr. Konopka stated that he had nothing new to report on this agenda item.

Agenda Item No. 8: New business, including:

- (b) Discuss District's Communications Policy;
- (c) Discuss and amend Rate Order; and
- (d) Discuss preparation of 2024 Budget.

- Discussion ensued regarding the District's Communications Policy. The Board then concurred to defer further discussion on this agenda item to the August Board meeting.
- Next, the Board discussed amending the District's Rate Order and Ms. Frost's delinquent account.
- The Board then discussed the District's 2024 Budget.
- **Motion: Authorize the Budget Committee to invite Christopher O'Toole to assist the Board in reviewing the budget preparation documents and provide input into calculating the District's tax rate.**

Motion by: Director Fabre
Second by: Director Flores

Ayes: Director Fabre
Director Flores
Director Avila
Director Masters

Agenda Item No. 9: Attorney's Report, including:

- (a) Legislative update; and
- (b) Potential annexation of Anderson Mill Road and authorize actions deemed necessary.

- Mr. Konopka reviewed with the Board a memorandum from the District's Attorney summarizing certain bills approved by the Texas Legislature during the 2023 Regular Session that could affect the operation of water districts. Mr. Konopka stated that House Bill 2815 ("HB 2815"), as approved by the 88th Texas Legislature (2023 – Regular Session), amends Section 49.060 of the Texas Government Code, which would allow the Directors of the District to be paid a fee of office in an amount equal to the amount set by the Texas Ethics Commission for members of the Texas Legislature, which is currently \$221 per day. He noted that the annual limit for fees of office that may be paid to the Directors would remain at \$7,200. Mr. Konopka then presented a Resolution Regarding Fees of Office (the "Resolution") in order to increase the amount of the fees of office pursuant to HB 2815, as prepared by the District's Attorney.
- **Motion: Adopt the Resolution, as presented.**

Motion by: Director Fabre
Second by: Director Masters

Ayes: Director Fabre
Director Masters
Director Avila
Director Flores
- Mr. Konopka then updated the Board on the potential annexation of Anderson Mill Road. Discussion ensued.

Agenda Item No. 10: Convene in executive session pursuant to Texas Government Code, Chapter 551, to discuss matters only relating to pending or contemplated litigation, personnel matters, real estate transactions, or security, if necessary.

- The Board entered into an executive session at 10:27 p.m., pursuant to V.T.C.A. Government Code, Chapter 551. All streaming recording devices were disabled at this time. The Board reconvened in open session at 10:55 p.m.

Agenda Item No. 11: Actions related to matters discussed during executive session.

- **Motion: Authorize Coats Rose to contact Williamson County to see if there is help available for the property on Birch Drive.**

Motion by: Director Fabre
Second by: Director Masters

Ayes: Director Fabre
Director Masters
Director Avila
Director Flores

- **Motion:** Nonsuit the lawsuit against D. Flores for a deed violation.

Motion by: Director Fabre
Second by: Director Avila

Ayes: Director Fabre
Director Avila
Director Masters

Abstained: Director Flores

Agenda Item No. 12: Such other matters as may come before the Board, including:

- (a) Discussion about items to be included on the agenda for future meetings; and
- (b) Schedule future meetings, as required.

- The Board discussed future meeting agenda items and the meeting schedule.

There being no further business to come before the Board, the meeting adjourned.

Secretary, Board of Directors

(SEAL)