

MINUTES OF MEETING OF THE BOARD OF DIRECTORS  
OF WILLIAMSON-TRAVIS COUNTIES  
MUNICIPAL UTILITY DISTRICT #1

February 24, 2021

STATE OF TEXAS                                                 \$  
COUNTIES OF WILLIAMSON AND TRAVIS                 \$

A special meeting of the Board of Directors of Williamson-Travis Counties Municipal Utility District No. 1 was held at 6:00 p.m. on February 24, 2021 by remote access only in accordance with the March 16, 2020 Order by Governor Abbott temporarily suspending certain requirements of the Texas Open Meetings Act to advance the goal of limiting face-to-face meetings to slow the spread of COVID-19. The meeting was open to the public and notice was given as required by the Texas Open Meetings Act and as modified by the Governor's Order.

The meeting was called to order at 6:01 p.m. and roll was called of the members of the Board, to-wit:

|                  |   |                               |
|------------------|---|-------------------------------|
| Catherine Franke | - | President                     |
| Art Medrano      | - | Vice President                |
| Linda Fabre      | - | Secretary                     |
| Megan Dudo       | - | Assistant Secretary/Treasurer |
| Elizabeth Jones  | - | Assistant Secretary/Treasurer |

All Directors were present, thus constituting a quorum. Also attending the meeting were Kristi Hester, Makenzi Scales, and Leigh Catlin of Inframark; Bill Flickinger of Willatt & Flickinger; James and Diana Sagnes of Sage Management; District residents Gerald Burgess, David Flores, Julie Johnson, Sherry Johnson, Pete Lipscomb, Jana Norton Ramirez, Raphaela Sapire, and Sarah Teale; and Eric Gomez, attorney for Ms. Sapire.

## Agenda Item 1: *Public Comments*

- David Flores made a public comment.
- Dir. Franke closed the public comment portion of the meeting and moved to Agenda Item 5e.
- No action was taken on this item.

Agenda Item 5e: Request for reasonable accommodation and reasonable modification under the Fair Housing Act and Americans with Disabilities Act submitted by attorney representing owner of residence on Dagama Court in Anderson Mill West Section 17

- Ms. Sapire addressed the Board regarding her property on Dagama Court and her intent to turn the property into a senior care home. She stated that State licensing allows up to 16 residents in this type of facility. She discussed the advantages for seniors living in this type of residential home environment.
- The Board discussed with Ms. Sapire issues like multiple cars parking on the street and nuisance violations.
- Mr. Flickinger discussed the legal issues with altering and modifying the home itself.
- Dir. Dudo discussed the definition of single-family and what that means to the community and to the potential senior care facility. She noted that occupancy was not included in the deed.

- Dir. Franke, Dir. Jones, and Mr. Flickinger discussed potential parking issues and visible cars; Mr. Flickinger said that a 72-hour time limit cannot be practically enforced. He used Volente Hills overnight restriction as an example of what was not practical to enforce.
- Dir. Franke asked for this item to be placed on the next meeting's agenda; Mr. Flickinger said that it could, and an executive session can be held prior to any decisions being made.
- No action was taken on this item.

Agenda Item 2: Report from the District's landscape contractor on landscape maintenance and suggested landscape improvements

- No action was taken on this item.

Agenda Item 3: Report from the Infrastructure Committee

- Ms. Scales discussed an issue with a tree over the wastewater stack at 3\*\*\* Cottonweed. The residents do not wish to remove the tree but relocating the stack above ground will cost around \$3,500.00.
- Mr. Flickinger said that the tree is in the easement, so the MUD has the right to remove it. Dir. Franke said the District had an obligation to raise the stack, and the cheapest and easiest way to do so is to take down the tree.
- Ms. Scales will pursue quotes from Sunscape and Texas Tree Service for tree removal and will bring those proposals to the Board at the next meeting.
- Dir. Medrano said that Dir. Fabre had written a draft of the RFQ for an engineer and asked what the purpose is; he has worked with Gray Engineering over the past eight years and they have never faltered on any element present in the RFQ.
- Dir. Fabre said TCEQ suggests reevaluating contracts every five years to assure constituents that the MUD is getting the best value for their tax dollars. Gray Engineering has been working in the District for 28 years without a reevaluation and the Board should see what other firms can offer.
- Dir. Medrano said that the District hires consultants for their qualifications and that the onus should fall on him as a member of the Infrastructure Committee to get the engineer back on contract if he is not.
- Dir. Jones said that Mr. Edmonson has done a fantastic job for the District for years and he deserves the utmost respect for the work he has done.
- Dir. Franke said that the RFQ process shows a need to redo or review the contract regarding how business is done with engineering staff; Dir. Medrano agreed that there are some issues with the organization of the engineering contract that could be updated.
- Mr. Flickinger said that the purpose of the RFQ is to determine if a respondent is qualified to do work in the District; if a contractor is an appropriate fit, then the Board will select a firm and negotiate a contract. It is a different process that going out for proposals.
- The Board discussed the reasons for submitting an RFQ; Dir. Medrano and Dir. Jones believe the District's current engineer has proven his qualifications many times, but Dir. Fabre disagrees as

they have not compared these services to others. Dir. Fabre further stated that Gray Engineering has been working outside of their contract terms for decades.

- Mr. Flickinger said the committee can present the final RFQ at the next meeting; he will need a list of firms to send it to and the RFQ can also be advertised.
- Dir. Franke asked Dir. Medrano to take the lead in the evaluation; it would be completed in the Infrastructure Committee and the RFQ would be presented in March.
- Mr. Flickinger suggested that responses should be provided to the entire Board at the same time and the Infrastructure Committee can perform an analysis afterward.
- No action was taken on this item.

Agenda Item 4: Report from the Parks Subcommittee

- Dir. Fabre said she found some discrepancies in JaniKing invoices; Ms. Scales had examined these invoices in detail and discovered that JaniKing owes the District money.
- Ms. Scales has received bids from two other cleaning service companies. The Parks Committee is prepared to move forward with a different contractor for cleaning services: Vanguard Cleaning Services. She presented the proposal from Vanguard and discussed the contract details.
- Dir. Fabre asked if there can be a separate proposal for cleaning at Anderson Mill West since water is currently shut off at the Lakeline Oaks building. With a separate proposal, the Board can also know exactly what they are paying for at each park. Dir. Franke noted that it will probably be quite some time before the Lakeline Oaks building can be cleaned, but the bathrooms will be in working order sooner.
- Dir. Franke would like a contract that represents the Anderson Mill West restroom cleaning only to present for approval.
- Dir. Fabre asked if JaniKing would clean through March or until they exhaust the money owed to the District. Ms. Scales said they currently owe \$1,586.53.
- **Motion: Approve Vanguard to clean the bathroom at Anderson Mill West Park starting March 1, 2021 for a NTE amount of \$700.00 per month.**

Motion by: Dir. Dudo  
Second by: Dir. Fabre

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

Dir. Franke said that clarification will be needed on the overall contract for Vanguard for separating services, which can be approved at the March Board meeting. Dir. Fabre asked about options with JaniKing; Mr. Flickinger said that Inframark should first send the reverse invoices to see if they will pay; after that, he can work on it, but all information is needed first.

- **Motion: Direct Inframark to complete an accounting of the JaniKing account to show that the District has overpaid by \$1,586.53 and send it to JaniKing for repayment.**

Motion by: Dir. Franke

Second by: Dir. Fabre

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

Agenda Item 9: Proposals for disposal of trees and tree limbs damaged by recent ice storms; Funds available due to disaster declarations

- Ms. Scales said that procuring chipping for the District will be prohibitively expensive; Mr. Knussman further noted that the mulch the chipping would provide would be over little benefit to plants in the District parks. Sunscape will offer a NTE weekly amount and will return to the Board for review if that amount looks like it will be exceeded.
- Dir. Franke said that her neighbors had cut and bundled brush that Waste Management collected; the cheapest and quickest solution may be to have everyone cut and bundle their brush and have multiple runs throughout the neighborhood.
- Dir. Medrano suggested contacting the City of Cedar Park to see if they have any federal funds available.
- Ms. Scales presented two proposals from Sunscape for park and residential cleanups of storm damage.
- Dir. Fabre noted that the County will pick up limbs and brush if they are in the sidewalk or over the road.
- Dir. Franke does not want Sunscape to cut dangling branches in residential areas, only haul away the larger branches. Ms. Scales will also confirm that Sunscape will cut branches as it is not specified in the proposal.
- **Motion: Accept bid from Sunscape for \$8,750.00 to remove broken branches in parks and common area on the condition that it is verified that this includes removal of dangling limbs as well as sealing.**

Motion by: Dir. Franke

Second by: Dir. Fabre

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

Dir. Medrano confirmed that this is not limb cutting, only hauling off limbs. Dir. Fabre said that Williamson County will take away any branches that are over the sidewalk and in the road.

- **Motion: Accept bid from Sunscape for five days of tree limb removed NTE \$10,000.00. This will be to haul off limbs that residents have already removed from trees and staged at the front of their property to be hauled away. This service is residential only.**

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

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

Agenda Item 4c: Report from the Park Subcommittee – Quotes to relocate tennis benches due to safety concerns.

- Dir. Dudo discussed the locations of the benches on the Lakeline Oaks tennis courts as they pose a potential safety hazard and should be relocated.
- **Motion: Approve the proposal from TF Harper to relocate the benches at the Lakeline Oaks tennis courts.**

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

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

Agenda Item 5: Report from the Deed Restriction Committee

- Dir. Franke discussed a violation at a residence on Birch. Ms. Sagnes verified communications to Inframark about a fine being waived in 2019; because of a repeat violation in 2020, the resident can only be offered a payment plan.
- Dir. Fabre asked for a written copy of the fine appeal from the resident in 2019.
- Ms. Sagnes confirmed that the fine was captured and reversed without being posted. Dir. Franke noted that a previous Director had been working with the resident to resolve the issues and the resident later resolved the issues. The directive from that Board member was to waive the fine. Ms. Sagnes noted that the Board at the time voted to waive the fine.
- Mr. Flickinger explained the procedures for waiving fines or putting them in abeyance.
- **Motion: Deny the request for a waiver for the residence on Birch and offer them a payment plan.**

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

Aye: Dir. Franke  
Dir. Jones

Dir. Medrano

No: Dir. Fabre

Abstain: Dir. Dudo

Dir. Fabre voted no because she believes this family is being unfairly targeted when other residents with the same violations are not being held to the same standards. Dir. Dudo wants to be fair to everyone but is also trying to consider the specific circumstances of this situation. Dir. Jones has read all documentation and the committee has tried to work with these residents but must follow through with fines after trying to resolve this for over a year. Dir. Franke said that the current issue is the same one from the past that is not being resolved. Dir. Fabre discussed the resident's appeal; as she has not seen evidence of the first appeal, this one could be granted.

Agenda Item 6: Report from the Information Management Committee

- No action was taken on this item.

Agenda Item 7: Report from the Customer Care Committee

- Dir. Franke asked about the quote from Cathy's Trees regarding residential chipping; Ms. Scales said the cost would be \$200.00 per house.
- No action was taken on this item.

Agenda Item 8: Report from the District Manager and Affected Persons, including payment of bills and invoices and transfer of funds

- Dir. Fabre discussed an invoice from special counsel that needed to be reviewed; she said Mr. Luft could release it now since Inframark had been holding it.
- Dir. Fabre said that Inframark had two checks held because they were submitted late. They are very complicated. One item on an invoice details unblocking a sewer problem, but the problem was on the resident's side; Inframark staff completed the work at a cost of \$1,071.32. The issue was the resident's, so she wonders who will pay that cost.
- Ms. Scales explained the issue with the wastewater line: Inframark's after-hours department received a call from the resident that there was a sewer back-up that a plumber had reviewed and told the resident after televising and jetting the line that the issue was on the District side. Inframark technicians were sent out and found sewage coming out of the stack, so they jetted the line. They notified the resident there would be a charge if they asked for the line to be jetted, but for safety reasons, the line had to be jetted because of the sewage spilling out. The line was televised and the damage was on the customer side of the line: there are roots in the line but the District's stack was clear of any obstruction.
- Dir. Franke asked how this type of issue had been handled in the past; Mr. Flickinger notes that in most cases it would be billed back to the customer.
- **Motion: Offer a 10-month payment plan to the resident at 9\*\* Old Mill Road to recoup the cost of jetting their line when the issue was on the residential side of the meter.**

Motion by: Dir. Franke

Second by: Dir. Jones

Aye: Dir. Dudo  
Dir. Fabre

Dir. Franke  
Dir. Jones  
Dir. Medrano

- Dir. Fabre noted billing errors on Inframark invoices for time or services that are covered under the base fee. Check #5168 that included this invoice had \$629.13 of erroneous billing. Mr. Luft will need to determine how much was charged to the maintenance cap or other areas before he can determine how much Inframark is owed on this invoice.
- Dir. Fabre said that there were also billing errors involving base services; she suggested paying Inframark the name fee and maintenance so check #5168 would total \$55,502.67.
- **Motion: Hire a forensic accountant to review Inframark billing.**

Motion by: Dir. Fabre  
There was no second to this motion.

Dir. Fabre said she has found over \$3,000.00 in discrepancies over two invoices, including purchasing tools at Home Depot and calling them supplies. Ms. Hester offered to have the Inframark contract administrator review the contract and invoices going back six months. Dir. Franke does not think things have reached a stage where a forensic accountant is necessary but would like to have another set of eyes look at Inframark processes because of new employees and new systems that may have encountered some hiccups. Ms. Hester noted that the internal audit is a separate department; however, if she or Ms. Scales note that something is incorrect on billing, they will correct the problem and issue a credit for anything that has been incorrect. Dir. Fabre said that her concern is that the organization making the errors should not be the same person reviewing the invoices, and she wants to review every invoice the auditors are reviewing; Ms. Hester said that this will be included as part of the report.

- **Amended Motion: Inframark will look at the last years' worth of invoices in their internal contract auditing department and deliver the results to the Board while sharing the invoices they look at.**

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

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

- **Motion: Void Check #5168 and generate new check to Inframark in the amount of \$55,502.67 to cover their operations and maintenance cap for February 2021.**

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

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

Agenda Item 10: Resolution Authorizing Disbursement from the Anderson Mill West Beautification Fund to Pay Attorney Fees Incurred by Anderson Mill West Neighborhood Association, Inc. in Connection with Cause No. D-1-GN-20-003773; Linda Fabre and Matthew Fabre v. Williamson-Travis Counties Municipal Utility District No. 1 and Anderson Mill West Neighborhood Association, Inc.; In the District Court of Travis County, Texas; 53<sup>rd</sup> Judicial District

- Dir. Fabre wanted anyone on the call to know that her original lawsuit was amended this week from only seeking a judge's opinion on the ACC to now include using public funds to pay for Anderson Mill West Neighborhood Association's legal fees.
- No action was taken on this item.

Agenda Item 11: Resolution Concerning Disbursements from Beautification Fund; Allocation of fines collected

- Mr. Flickinger and Dir. Fabre discussed beautification funds in relation to Hunters Glenn 2. The resolution in place does not have a separate account for Hunters Glenn 2; Mr. Flickinger noted attempts over the years to have Hunters Glenn 2 reactivate their HOA.
- No action was taken on this item.

Agenda Item 12: Board approvals required for any District-related project or activity

- Dir. Franke expressed concern that in a prior board meeting, Dir. Fabre had talked about recruiting residents to do projects or activities on their own in the District and believe that any projects or activities need to be District-sanctioned events.
- Dir. Dudo discussed implementing a policy on activities taking place on District property.
- Dir. Franke is concerned about what groups of people may do on behalf of the MUD without the MUD's knowledge. Mr. Flickinger said that if a single director organized people to conduct an activity as a District activity, there is some caution warranted
- Dir. Medrano asked how to handle situations where someone wants to volunteer and suggested they address the appropriate committee.
- Dir. Fabre discussed a NextDoor post detailing her resources for information to provide to residents.
- No action was taken on this item.

Agenda Item 13: Consultation with District's Attorney regarding District contracts

- No action was taken on this item.

Agenda Item 14: Minutes from prior regular and special meetings; Reconsideration of Minutes previously approved with oral revisions

- **Motion: Accept the minutes of the December 16, 2020 regular meeting, the January 11, 2021 special meeting, and the January 20, 2021 regular meeting as presented.**

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

Aye: Dir. Dudo  
Dir. Fabre

Dir. Franke  
Dir. Jones  
Dir. Medrano

Agenda Item 15: Future Board Meetings – schedule and scope of agendas

- Mr. Flickinger clarified that the DRC meeting only encompasses DRC items; the first regular meeting is for time sensitive items, and the third meeting is for items from committees that need to be addressed.
- Mr. Flickinger scheduled a special meeting for March 3, 2021 at 6:00 p.m.; there will be only a single agenda item in addition to a public comments item.
- Dir. Dudo expressed concern about the meeting spacing, saying that it is sometimes difficult to complete items given the quick turnaround.
- Dir. Fabre noted that there were several people who were unable to attend this meeting because the meeting code posted to the website was incorrect.
- Dir. Fabre would like to add an item regarding taxes for seniors onto the agenda.
- No action was taken on this item.

Agenda Item 16: Adjournment.

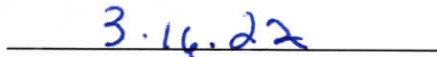
- **Motion: Adjournment of meeting at 9:47 p.m.**

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

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



Board of Directors



Date

