

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

December 16, 2020

STATE OF TEXAS

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COUNTIES OF WILLIAMSON AND TRAVIS

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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 16, 2020 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 6:07 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, Michael Luft, Makenzi Scales, and Leigh Catlin of Inframark; Herb Edmonson of Gray Engineering; Bill Flickinger of Willatt & Flickinger; James and Diana Sagnes of Sage Management; Ryan Herzog of Touchstone District Services; Andrew Hopkins of the Lakeline Oaks HOA; and District residents Hillary Burgess, Usha Divi, and Sarah Teale.

Agenda Item 1: Public Comments

- No action was taken on this item.

Agenda Item 16h: Request by Lakeline Oaks Homeowners Association, Inc. for disbursement from Beautification Fund for \$6,237.25 to enhance the Lakeline Oaks Little Elm entryway

- **Motion: Accept the resolution as presented to pay Eco Systems the amount of \$6,237.25 directly after receipt of invoice once landscaping project for Lakeline Oaks HOA is complete.**

Motion by: Dir. Franke

Second by: Dir. Jones

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

Dir. Franke asked if Lakeline Oaks HOA maintained anything else on Little Elm Trail; Mr. Hopkins responded that they care for the entry way, a median area, and an area down Shannon Meadow Trail. Mr. Flickinger asked for the balance in the Lakeline Oaks beautification fund; Mr. Luft said that it is currently \$14,659.64. Mr. Flickinger then asked if the organization had ever requested a reimbursement prior, and Mr. Luft responded that they

had in November 2019 for the installation of three electrical outlets, and on October 31, 2018 for the installation of and upgrades to lighting. Dir. Franke noted that there was more than enough money in the fund to cover the current project. Dir. Fabre asked if there was a legal reason that the entire balance of the beautification fund could not be transferred directly to the Lakeline Oaks HOA; Mr. Flickinger said that with the appropriate wording and resolution, it could be released, possibly with designations for spending. He can prepare a motion to that effect for next month's meeting.

- **Motion: Approve the resolution for distribution of \$1,160.00 from the Lakeline Oaks beautification fund to the Lakeline Oaks HOA for the installation of holiday lighting.**

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

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

Dir. Franke asked where the lighting would be installed; Mr. Hopkins said that it would be installed in the new landscaping and at all entries.

- Mr. Luft will include this amount for next month's checks, and Mr. Hopkins can submit receipts and payment information.

Agenda Item 2: *Presentations by Anderson Mill West Neighborhood Association, Inc., Hunter's Glenn Homeowners Associations, Inc., Lakeline Oaks Homeowners Association, Inc. and Volente Hills at Park Forest Owners Association, Inc.*

- No action was taken on this item.

Agenda Item 3: *Report from the District's Engineer*

- Mr. Edmonson presented the engineer's report.
- Water accountability is currently 91%.
- The bond application will be dropped as there is no reason to proceed with additional bonds.
- Once the sewer system repairs are completed and verified, GEI will notify TCEQ.
- A resident requested than an area of sidewalk at Tierra Blanco not be repaired due to tree health. It is not possible to make a bridge spanning the area, and the owner does not want that section of the sidewalk removed. Dir. Fabre noted that the responsibility for the sidewalk safety per the deed is on the owners.
- "Rocco" has been sandblasted into the sign at London Lane Pond.
- **Motion: Approve payment of \$490.00 to Southwest Monument for "Rocco" inscription at London Lane Pond.**

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

Aye: Dir. Dudo
Dir. Fabre

Dir. Franke
Dir. Jones
Dir. Medrano

- Southwest Monument is currently working on the "Sacco" sign for Hatch Pond, to be ready in the second or third week of January. Ms. Scales suggested installing the sign near a large stone block by the trail; the sign will have increased visibility while residents can enjoy sitting space. Dir. Medrano will discuss the location with Nancy Baker to determine the best spot near to where children practice at the Pond.
- Sidewalk construction will proceed to connect Sun Chase Pond and Madeline Loop Pond; Mr. Edmonson will solicit proposals to bring to the January meeting.
- Mr. Edmonson discussed the locations for line jetting work. He will solicit three contractors to provide proposals. The water main line repair at London Lane and Rathlin will not be ready until January.
- **Motion: Authorize Gray Engineering, Inc. to move forward with the advertising of the wastewater mainline project and start the bidding process.**

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

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

Dir. Franke asked if Mr. Edmonson could provide graphics and pictures for the next meeting.

- Mr. Edmonson discussed the Hatch Pond lift station. The District spends about \$10,000.00 per year for maintenance of that facility. To bring the electrical system closer to ground-level would cost about \$200,000.00. He recommends budgeting this out for about two years in the future and will remove this item from the agenda in the meantime.
- The Phase 5 sidewalk improvements are complete. There is some proposed work to repair segments from earlier phases of the repairs.
- **Motion: Accept bid for proposal from CRC in the amount of \$23,401.40 for the sidewalk leveling project.**

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

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

Dir. Franke would like a notice posted to the website noting the dates and streets that will be affected by repairs. Dir. Fabre noted that this project is approximately \$1,600.00 away from a limit where sealed proposals will be necessary. She suggested pursuing proposals anyway, so if the amount increases, it will not appear to be sequential purchasing.

- Mr. Flickinger said that for work costing between \$25,000-\$75,000, three bids must be solicited; anything over \$75,000 requires a competitive bidding process.
- Mr. Edmonson said that the Gray Engineering, Inc. invoice had been reviewed and approved.

Agenda Item 4: *Report from the District's landscape contractor on landscape maintenance and suggested landscape improvements*

- No action was taken on this item.
- Dir. Dudo asked to proceed to Agenda Items 22 and Agenda Items 23 because of a discussion with Touchstone, whose item was not until the end of the meeting.

Agenda Item 22: *Video recording of Board meetings by the District*

- Dir. Dudo discussed the costs of Touchstone completing timestamps for the meeting videos. She believes this service is valuable but having someone attend the meetings from Touchstone and someone from Inframark attend to take minutes, as well as a separate Touchstone employee who did not attend the meeting re-watch it to take timestamps is inefficient. She requested that the person taking the minutes complete the timestamping as well in order to be more efficient and cost effective.
- Ryan Herzog of Touchstone agreed that this is a good solution but noted that there will still be time required to produce and upload the videos.
- No action was taken on this item.

Agenda Item 23: *Report from the Information Management Committee*

- Dir. Dudo discussed the District website; she is auditing website content but is not yet finished and anticipates she will complete it over the next month.
- Touchstone provided a draft communications policy to the District and to Mr. Flickinger's office that outlines how the Board should communicate via the website and social media, both personal and business. Dir. Dudo discussed Touchstone providing training for the Board regarding the communications policy; she anticipates holding a special meeting after approval of the policy. She intends to enhance the website's use as a tool for communication, but a District Facebook site has two-way communication to consider. There are also more Directors who are active in social media so clear guidance relating to communication as Board members is beneficial to all.
- Mr. Flickinger has the draft communications policy, but it will require changes to fit the District. In order to make the Facebook site live, the communications policy must first be approved and in place. He has spoken to Dir. Franke regarding additional items to be placed onto the special meeting agenda in early January, and he should have the policy for the Board to review and discuss at that time.
- Dir. Franke noted the Board meetings scheduled for January 18, 2021 and January 20, 2021 and suggested targeting the second full week of January for a Special meeting. She agreed that special considerations must be made when Facebook becomes interactive rather than outgoing communication only. She asked if the District could post outgoing communication but not allow visitors to post.
- Mr. Herzog explained that government entities cannot restrict access on Facebook pages and communication must be two-way.

- Mr. Flickinger suggested a special meeting scheduled for Monday, January 11, 2021 at 6:30 p.m. in order to discuss the communications policy and other items.
- Dir. Fabre asked if any District sites used message boards; Mr. Herzog replied that he did not know of any but would investigate further.
- Dir. Fabre discussed the use of message boards to enable streamlined communication among Board members without violating any quorum laws.
- Dir. Dudo discussed implementing a customized District reservation system with Touchstone that would be tailored to the District's needs and more cost effective. She is additionally pursuing quotes from other vendors.
- Dir. Fabre asked who was updating the website; Ms. Scales responded that it is a combination of Touchstone and Inframark staff.
- Dir. Franke said a better calendar on website should be a goal as well.
- No action was taken on this item.

Agenda Item 5: Report on Security Patrols; Increase/Decrease in Hours for Patrols; Contracts with Williamson County for Use of Vehicles by Off-Duty Deputy Constables & Deputy Sheriffs; Employment of Off-Duty Deputy Constables & Deputy Sheriffs

- Mr. Flickinger discussed the constable contracts with Williamson County. Historically, the District contracted with Williamson County, who would provide constables and cars; the District paid the County and the County paid the constables. However, the County opted several years ago to instead have Districts assume liability. The District therefore has absorbed all liability and worker's compensation payments, and the constables are the District's only "true" employees. The agreement with the County is currently only to rent vehicles and permission to hire the constables. There is no agreement on the rate; the Board sets it and the constables can decide if they want to accept employment. However, the agreement with the County is still necessary for the use of the vehicles.
- Mr. Luft noted that the current constable pay rate is \$45.00 per hour.
- Mr. Flickinger said that the District is currently unable to hire Sheriffs. The District has debated before about whether to utilize the constables or the sheriffs; the two groups typically will not compete, and likely will not accept employment unless the Board decides to make a wholesale change.
- Dir. Fabre said that a new constable is presiding over Precinct 2 and that perhaps there may be more dialogue between the constables and sheriffs. She also would like to discuss the constables exiting the District before 11:30 p.m. She hopes that a late-night shift, e.g. 1:00 a.m.-5:00 a.m. could dissuade increasing thefts in the District. Dir. Medrano said that Williamson County already patrolled and had jurisdiction during those hours.
- Dir. Franke noted positive reception to working with the sheriffs in the future and asked what the time frame is that the District had been working with the constables. Mr. Luft said they began as employees in January 2015.
- No action was taken on this item.

Agenda Item 6: Report from District Manager and Affected Persons, including Payment of Bills and Invoices and Transfer of Funds.

- Ms. Scales presented the general manager's report.
- Water accountability is stable at 91% but monitoring will continue in case the numbers change.
- Gray Engineering and Inframark will meet to discuss the four collection system areas that will need to be jetted.
- The previous Parks Committee had made a recommendation to purchase five owl houses in the amount of \$200.00. The vendor, Kingwood Clocks, had previously donated two houses to the District. There will be a total of six owl houses; one is meant for larger owls but there might not be a tree tall enough to house it.
- Dir. Dudo asked Kingwood Clocks about the benefits of owl houses, which include promoting owls living in the area, which are good for pest management; they also provide opportunities for residents to see owls in their natural habitat. Ms. Scales said that the owl houses are intended to be installed as follows: two in the front of Sun Chase Park and one in the back; one on the back side of Anderson Mill West Park; and the remaining two in another area to be determined.
- **Motion: Accept proposal from Kingwood Clocks to purchase five owl house boxes in the amount of \$200.00.**

Motion by: Dir. Franke

Second by: Dir. Dudo

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

Dir. Fabre asked if this vendor attended the virtual craft fair; Ms. Scales did not believe so. Ms. Scales additionally noted that the houses are delivered with bags of bedding included.

- Ms. Scales discussed reports that the holiday lights at Anderson Mill West Park and Lakeline Oaks Park were not coming on; Shine sent a technician inspect and repair the lights and found that squirrels had chewed on some lines. However, Dir. Fabre reported that the lights were still out even though they were supposed to be lit from 5:30 p.m. until midnight every night.
- The Anderson Mill West pavilion lights are not coming on until late at night; M&C Electric will need to replace parts in the timer.
- A resident asked to use all the tennis court facilities for two hours over the course of five Saturdays through March for tournament play. Ms. Catlin explained the park rules and how this event will require Board approval for the District to host. Dir. Franke is in favor of events that bring attention to the District's facilities.
- Dir. Fabre asked Mr. Flickinger about liability for events; Mr. Flickinger said that as a governmental entity, the District has sovereign immunity, unless the District has ignored a known hazard. An event like this is covered by the District's general liability insurance, but no one can be prevented from filing a lawsuit or making a claim; following the recommended covid-19 protocols can help to limit liability as long as those conditions are specified to the resident. There is an additional obligation of having someone to ensure that the group is following protocols. These actions should limit any potential actual liability.

- Dir. Fabre asked if the District would be in jeopardy if the covid-19 risk was downgraded; Mr. Flickinger said it would be best to recommend the stricter safety protocols to the group.
- The Board discussed outdoor exercise restrictions in regard to covid-19 protocols.
- **Motion: Allow use of all four tennis courts for five Saturdays between January and March for a 3.5-hour block for payment of commercial fee of \$250.00.**

Motion by: Dir. Dudo
Second by: Dir. Franke

Dir. Fabre will support the motion as long as verbiage is included to state that the event will not proceed if Williamson County is under Code Red restrictions. The Board discussed with Mr. Flickinger the status and what happens if the status changes during the event time frame (e.g. if a weekend needed to be cancelled).

- **Amended Motion: Allow use of all four tennis courts for five Saturdays between January and March for a 3.5-hour block for payment of commercial fee of \$250.00, unless the District is subject to Code Red covid-19 protocols.**

Motion by: Dir. Dudo
Second by: Dir. Franke

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

- Ms. Scales updated the Board on the Little Free Library at the Old Mill Gazebo. Because of the duration on the water damage caused by a faulty sprinkler head, the library cannot be repaired or salvaged. However, Ms. Scales coordinated with Sunscape to arrange for the purchase of a new library at their cost. The Girl Scouts will paint and seal it, along with the library they plan to build for Anderson Mill West park.
- The Infrastructure Committee met on December 10, 2020 and there are no recommendations from Inframark at this time. A landscaper contacted Inframark about installing a pool in a backyard near Anderson Mill West and asked for access to the District plant; however, the District has no plant. The landscaper may have intended to ask for access through the District wall, but there has been no further communication regarding the issue.
- The Solid Waste Committee recommends approval of the 2021 recycling calendar pending a verbiage change regarding resident requests of a second recycling cart.
- Dir. Fabre discussed the ability for residents to request a second recycling cart. After discussion between Waste Management, Inframark, and the Solid Waste committee, it was determined that the Waste Management contract allowed residents to ask for a second recycling cart at no charge.
- **Motion: Approve flier with the addition of a statement that an additional recycling cart can be made available if needed.**

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

Aye: Dir. Dudo

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

- **Motion: Allow Mr. Flickinger's office to perform negotiation with Waste Management if necessary.**

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

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

- Ms. Scales discussed a sewer back-up issue on Lauretta Wood that necessitated the resident contact a plumber. It was discovered that the particular sewer pipe at that residence had fittings to allow for flexibility and the pipe was not damaged. Inframark intends to reimburse the resident the cost of the plumber's fee.
- Ms. Scales presented data regarding water usage statistics and the current state of delinquent accounts.
- Mr. Luft presented the financial report.
- Mr. Luft is working with the Billing and Invoicing Committee to have everything in place on the Friday before the Board meeting in order to true up and perfect the financials; it is a work in progress.
- The District owes \$9,148.04 to Inframark as part of the maintenance cap.
- Mr. Luft and the Board discussed the check register.
- Dir. Franke asked about the District's wildflower seeds and if they were ordered; Mr. Luft said that they were, and the cost will show up later. Ms. Scales noted that former Director Norton Ramirez was in possession of the seeds and will coordinate to get them if they have not yet been spread.
- Dir. Fabre discussed some difficulties with billing and invoices. She noted a significant increase for services in the Jani-King invoice, Check #5067. Ms. Scales said that when the Parks Committee first discussed re-opening the parks, Jani-King asked for approval to use hospital grade sanitizers for an additional \$100.00 per month. Ms. Scales asked that they perform the services that were in their contract prior, but the new invoices are not matching the rates. She has spoken with Dawn at Jani-King who will review the invoices.
- Dir. Fabre asked if those documents were intended to amend the contract from that point forward, or if it was for one month only. Ms. Scales said it was supposed to last for a single month before returning to the old contract rate, which is \$100.00 per month less. Dir. Fabre asked to hold that check as the contract amendment was not voted on and asked Mr. Flickinger if a contract amendment required a vote. Mr. Flickinger said that it does, but the intent was not to amend the contract by \$100.00 but rather to bring it back to the original pricing.
- Ms. Scales will obtain a more detailed invoice from Jani-King and additional information the District's current amendments to that contract.

- Dir. Fabre discussed the annual AWBD fee, asking if every Board member was a member. Dir. Franke said that the MUD was a member, not the individual Board members. Dir. Fabre asked about the advantage to the MUD for membership in the organization; Dir. Franke replied that AWBD offers training, conferences, activities, and learning sessions for Board members; she has found the conference to be very informative. This membership is also less expensive than CASE, although CASE is more Texas-centric.

- **Motion: WTC MUD No. 1 will continue to be a member of the AWBD organization.**

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

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

No: Dir. Fabre

Ms. Hester noted that the winter conference will take place in January as a virtual conference. Mr. Luft also said that the CASE annual fee was \$350.00 last year and is less expensive than the AWBD membership.

- Dir. Fabre discussed a check for Sage Management that would be held. She did not receive all the information she needed to perform a thorough review of their invoice. Ms. Sagnes said the Board approved Sag Management to perform trash oversight as an additional service to provide real-time reporting on trash cans; Sage charged for the reporting part of that service but not the tour. Dir. Fabre said Board approval is necessary prior to completing any additional services.
- Mr. Flickinger noted that any additional services would have to be approved but does not recall specifically if services were approved when the *ad hoc* committee was put into place.
- Dir. Fabre said that allowing a contractor performing additional services, with the exception of legal or engineering for up to \$1000.00, requires a Board vote. Dir. Jones said that Sage Management's work entails is finding infractions; Dir. Fabre responded that trash oversight was not part of deed restrictions and not necessary anymore. Any additional services will need Board approval. Dir. Franke said that the expectation was that when Sage was directed to undertake these services, they were going to perform that service until directed not to.
- **Motion: Approve additional services in the amount of \$320.00 for this pay period/check register for Sage Management. The check will be released at this time.**

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

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

- Dir. Fabre discussed the denial of several *per diem* requests because she was unable to confirm that meetings or committee meetings took place, or not enough information had been recorded on the log sheet to determine if a substantial enough amount of work was done for the District. She and Dir. Dudo agreed that some training may be necessary for detailing information properly on Director paperwork. She explained the individual *per diem* reductions and asked if the Information Management Committee could draw up new form for *per diems*.

- Dir. Jones noted that one of her forms had been cited as it provided too much information.
- Mr. Flickinger said that any Board meeting or committee meeting should qualify for the *per diem*. However, a brief conversation on the phone (e.g. under 20 minutes, not involving other committee members, just with Inframark), will not count toward it. Neither will preparation on one's own, as there must be a form of interaction involved. The bulk of the *per diems* should focus on Board meetings and committee meetings.
- Dir. Fabre recommended detailed notes in order to be able to answer to the District's constituents what the Directors have been doing and to enable transparency.
- Ms. Sagnes said that she submits two separate invoices: one invoice for the tour and one for additional services. She asked why both invoices were being held. Mr. Luft said he cut one check to cover both invoices. Dir. Fabre wants to review the second invoice against the letters.
- Dir. Fabre said she is still in the process of reviewing Sage Management's tour invoice; Ms. Sagnes asked what information was coming into question. Dir. Fabre said she was specifically examining the letters sent to constituents to make sure they follow the contract language, and to ensure that what was sent is covered in the contract. The additional services invoice will be paid because of the Board approval.
- Dir. Dudo asked if Sage Management's check could be ready by the special meeting on January 11, 2021, and Dir. Fabre believed it would be. Ms. Sagnes asked if the Board would not pay for their tour of services until after the new year; Dir. Fabre asked if there were a way to approve it before then. Mr. Flickinger said the Board can motion to hold the check until after a review and can include any changing amounts in the motion. The Board can delegate review authority to a subcommittee, but the Board must first board approve. Ms. Sagnes said that Invoice 52 is a set amount; only Invoice 53 involves the letters. Any issue with letters would therefore appear on Invoice 53.
- Dir. Fabre noted that the check for Invoice 52 for the tour in the amount of \$4,287.25 could be released. Mr. Luft asked that Sage Management send two invoices in the amounts of \$320.00 and \$220.00 to replace Invoice 53.
- Dir. Fabre asked if Mr. Luft could void and replace the checks and correct those items for next month's billing. Mr. Luft said he could, but he was calculating those amounts now and would have the totals available shortly.

Agenda Item 7: Amendment to Maintenance Cap in Inframark Contract

- Ms. Hester discussed an amendment to the maintenance cap and a CPI increase in the Inframark contract. Each year, after approval of the District's budget and maintenance cap amount, a portion of the Inframark contract is amended. The new base fee will be \$50,449 per month, the cap set at \$9,088 per month, and total annual compensation will be set at \$59,537 per month.
- Ms. Hester presented the CPI Index that Inframark uses, showing a change of 2.908%.
- **Motion: Approve the letter agreement with Inframark for October 1, 2020 to increase the contract compensation based on CPI as indicated in the contract.**

Motion by: Dir. Franke

Second by: Dir. Fabre

Aye: Dir. Dudo

Dir. Fabre

Dir. Franke
Dir. Jones
Dir. Medrano

Dir. Medrano asked when the accounting service changes occurred; Ms. Hester replied that those services were removed from the contract on November 1. The base fee was adjusted because of this when calculating the CPI increase.

Dir. Fabre asked about the benefit of a cap account. Ms. Hester said that it is not necessary, but the benefit is that it is a cash flow, so cash flow expenses are evened out during the year. If there is a large expense, Inframark pays the interest on that (e.g. the purchase of meters). Dir. Fabre said that when no large purchases are made, Inframark makes interest, in addition to charging a 15% overhead on purchases. Ms. Hester said that 15% is the bottom line that is also paid on additional services.

Agenda Item 8: District Insurance Coverage Proposals

- Ms. Scales does not have any updates at this time. Mr. Flickinger has some documents to review that are being asked for in order to provide estimates.
- Mr. Flickinger noted that each company has different questions on applications, so the process of completing those forms has been slow. He will try to have something available prior to the special meeting.
- No action was taken on this item.

Agenda Item 9: Prior and pending Open Records Requests; costs incurred by the District and allowable costs to be charged to requestors

- Mr. Flickinger presented the open records requests spreadsheet. He noted that some items may require decisions from the Attorney General.
- Mr. Flickinger and Dir. Fabre discussed an issue with a resident's open records request regarding a lawsuit they believed was against Ms. Sagnes; however, there is no record of that lawsuit existing.
- No action was taken on this item.

Agenda Item 10: District Rate Order

- No action was taken on this item.

Agenda Item 11: Cause No. D-1-GN-19-002136; Williamson-Travis Counties Municipal Utility District No. 1 v. Ken Paxton, In His Official Capacity as Attorney General of the State of Texas; In the District Court of Travis County, Texas; 126th Judicial District

- Mr. Flickinger discussed the case and its progress. All motions are complete and written briefings have been finalized by the attorneys. The process will continue in January and resolve in a hearing in February followed by a decision from the judge.
- Dir. Fabre asked how much it would cost to finish the case in court. Mr. Flickinger does not have an estimate as it is through special counsel but will likely cost about \$5,000.00 additional to maneuver through briefing and hearings.

- Dir. Fabre asked if the Board thought it necessary to continue with the lawsuit; as a Director, she can see the annexation report. The lawsuit is against Attorney General Paxton, not her, and there is now no reason to withhold that report from her.
- Mr. Flickinger responded that Dir. Fabre requested a copy of the annexation report and each Director has the right to review it on request, but not disclose its contents to the public. If a court decides the report is public information, it can then be shown to the public. At this point, the Board can access the report but is unable to approve it. If the lawsuit is stopped, the decision made by the Attorney General will stand, which means the report is public. He is unsure if Dir. Fabre can withdraw her request, but it may be possible.
- Dir. Fabre does not want to spend money in this District that does not need to be spent. She will contact the attorney handling the case against the Attorney General to rescind the suit and withdraw her open records request. Mr. Flickinger will check on this action with the special counsel and discussed with the Board if this is an action they would like to take.
- Dir. Franke is concerned that withdrawing the open records request may unwind everything else. The report has only been seen by a subcommittee, not presented to rest of the Board as it is a work product. She would prefer to see the suit through to its end.
- Dir. Fabre intends to abstain from any action as she is involved in the suit. Right now, the District is looking to spend \$7,000 to withhold an obsolete annexation report, and the Board should not spend more money to withhold it.
- Dir. Dudo asked why the document was initially withheld in the first place; Dir. Medrano said that no one had seen it as it was a document out of a subcommittee.
- Mr. Flickinger noted that the new Board members have not seen or discussed this report even in an executive session, and the topic cannot be adequately addressed tonight. He will see if he can accomplish Dir. Fabre's suggestion, and if not, arrange to have an executive session during the next special meeting.
- Dir. Dudo asked if Mr. Flickinger could send a summary of why the document was being protected; Dir. Fabre said that it was never sent to the entire Board as it was considered a work product.
- No action was taken on this item.

Agenda Item 12: *Director contracts with Vendors and Consultants; Authorization of work by Vendors and Consultants*

- Mr. Flickinger discussed procuring additional work services under certain contracts with the new Directors. Committees can spend up to \$1,000.00 for legal or engineering services between meetings. Significant projects will need Board approval.
- Dir. Franke urged contacting vendors via the appropriate subcommittee to avoid confusion.
- No action was taken on this item.

Agenda Item 13: *Provision of District records to Directors; Preservation of confidentiality of District records*

- Mr. Flickinger said that if a document provided to a Director is confidential, like customer information, or determined to be confidential by the Board, each Board member has a duty to keep that information confidential. He urged caution with unredacted documents. There is no confidentiality from Board members to access a District's records, whether it is customer

information or attorney-client privilege; there is an exception with Dir. Fabre being a party in a lawsuit.

- Mr. Flickinger indicated that subcommittee information has a different character; Directors must decide how to operate on that, e.g. Dir. Dudo redlined some documents but may not want to share it as notation is not complete.
- A committee communicating with other Directors can violate the Open Meetings Act; however, if a District record exists that a committee has, it cannot be prohibited from other Directors viewing it.
- Dir. Fabre said that she had asked for two deed restriction fine amounts on two separate bills prior to the last meeting; this request went to Dir. Franke who determined Dir. Fabre did not need that information. Mr. Flickinger indicated that Dir. Fabre was entitled to receive that information.
- No action was taken on this item.

Agenda Item 14: TCAD – Appraisal Review Board hearing on 2804 Primwood Path

- Mr. Flickinger discussed a late tax appraisal appeal for this residence. The resident seeks to lower the evaluation on the appraised value. He does not believe this will impact District income much; it will be an approximately \$30,000 adjustment.
- No action was taken on this item.

Agenda Item 6: Report from District Manager and Affected Persons, including Payment of Bills and Invoices and Transfer of Funds.

- Check 5067 in the amount of \$1,608.50 will be voided until corrected invoices are received.
- Four director checks were removed (checks 5054, 5057, 5092, and 5098).
- The new check register total is \$334,565.20; reissues will appear on next month's check register.
- **Motion: Approve check register in the amount of \$334,565.20.**

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

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

Agenda Item 15: Report from the Parks Subcommittee

- Dir. Dudo discussed a situation where a resident who lives on the corner of Lobelia and El Salido installed landscaping along the masonry wall, along El Salido adjacent to their property. This area is owned by the County and the District has a maintenance agreement with the County to maintain that strip of land, which the resident did not realize.
- Dir. Dudo coordinated with Mr. Edmonson and Sunscape to create a draft policy for residents in certain areas to regulate what can be installed in the right-of-way. This policy will only apply to areas where the District has a maintenance agreement with the County. Additionally, Sunscape provided a list of preferred plants and cover.

- Dir. Fabre suggested that no impervious cover of any kind be allowed so that storm water drainage is not impacted. She additionally suggested some wording changes.
- The Board discussed the wording of first goal point and opted to amend it.
- Dir. Fabre also suggested that utility companies are called out to mark lines.
- Dir. Jones stated that the District needs to be cautious with what and how much residents are planting and how much work and money it will be to upkeep if they no longer maintain it or move out. She also noted that letters can be sent only to the residents the policy applies to.
- The Board discussed where the policy agreement would apply within the District.
- **Motion: Approve the right-of-way landscaping policy with discussed changes.**

Motion by: Dir. Jones

Second by: Dir. Dudo

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

- Dir. Dudo discussed installing off switches for the fans at Anderson Mill West Park. Children like to play with the fan buttons, and the fans will stay on for an hour at times.
- Dir. Dudo will accompany Mr. Knussman with Sunscape on the dead tree tour.
- Ms. Scales does not have an update on the dedication plaque to former Director Luis Zervigon yet, but is working to receive estimates and proofs.
- Mr. Flickinger attempted to contact Kevin Shepard with Verdunity but has not received a response so there has been no progress on the contract draft. Because the process is hiring an engineer, the District must follow the Professional Services Procurement Act that applies to attorneys, engineers, and auditors and accountants not under the normal bidding process. Dir. Dudo will follow up with Verdunity.
- Dir. Dudo discussed the formation of an Advisory Committee to involve more residents in the parks planning process. Mr. Flickinger noted that the intent is to include residents on this committee, so it is different than other committees and serves only in an advisory capacity. He deems it best for the Advisory Committee to have an actual charter that will exist for the duration of the project.
- **Motion: Approve the Park Plan Advisory Committee charter.**

Motion by: Dir. Medrano

Second by: Dir. Jones

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

No: Dir. Fabre

- Dir. Fabre discussed her "no" vote on this motion. She said the District has spent over \$1.5 million to implement a parks plan and designs; the final product of Pharis design was 99% complete and included every pond and park except a final drawing for Anderson Mill West Park. Dir. Fabre encourages District involvement in any projects outside the primary function of the MUD, which is water services. A survey should be sent to every resident in the District prior to proceeding with projects like this, and resources already available should be utilized first. She wants the neighborhood to decide what will happen. Over \$2 million has been spent on parks and ponds, and if another parks planning survey is necessary, she wants to hear from every resident as to whether they want their money spent on another parks plan.
- Dir. Franke asked if Dir. Fabre was not supportive of the Advisory Committee charter; Dir. Fabre said she thinks the community should decide if another parks plan is needed, and the District should not push forward with another parks plan after investing \$170,000.00 to have one completed already.
- Dir. Franke thinks that the Parks Committee should move forward with the process; Dir. Medrano said that he had seen this design while on the Infrastructure Committee and thought that part of the concept was going to include a lot of what had already been completed.
- The Board discussed the as-built documents from Pharis. Dir. Dudo asked if there were new recommendations from the document, but Dir. Franke said that the document only presents the current state of what the parks were at the time.
- Dir. Dudo discussed the need for an updated parks plan; otherwise, the District is working from plans that are no longer relevant. In order to promote transparency, community involvement, and responsible spending, a new plan is necessary.
- Dir. Fabre said it is unreasonable to make a decision based off of eight people's input, and the entire community should be able to weigh in.
- Dir. Dudo said the parks planning process was budgeted for in last year's budget, not this year's, and was set at \$20,000.00. Dir. Fabre said that the proposal was over budget as Mr. Edmonson billed \$800.00 to attend two Park meetings to interview potential contractors for the Parks Planning project. Dir. Dudo said that those were Park Committee meetings; Dir. Fabre said that not all project costs are being included to obtain the proposal. Dir. Fabre asked if having an infrastructure plan was more important than the parks plan; Dir. Dudo said that does not preclude the parks planning process, and Dir. Jones said that the two plans are very different.

Agenda Item 16: *Report from the Deed Restriction Committee*

- Ms. Sagnes discussed an amendment to the Sage Management contract that was made three or four months ago that they had followed in performing additional services.
- Ms. Sagnes noted that the Deed Restriction Committee, per the Sage Management contract, can authorize them to perform additional services, and they were authorized to complete an additional night tour. The Board had voted to approve a tour to audit streetlights for a fee of \$1,100.00. Dir. Fabre asked who specifically had approved this, and Ms. Sagnes replied that it was Dir. Franke and former Director Luis Zervigon the first time, and Dir. Franke and Dir. Jones the second time. Dir. Franke said that this tour was approved due to efficiency, as Sage was already completing night tours and noted several non-working lights. Dir. Fabre said this spending is irresponsible.
- Ms. Sagnes clarified a statement made at the last Board meeting regarding a renter on a deed restriction case that had been escalated to legal. Per the WCAD website, the owner of the property and the person on the Inframark account are the same person. All letters Sage has sent have been to the owner of the property.

- Dir. Fabre asked how a committee could approve a \$1,100.00 expense that was not engineering or legal. Mr. Flickinger said that the Board or its designated committee can do this per Sage Management's contract. Dir. Fabre said this is unacceptable and there is no excuse for Sage to perform additional services when there are already District contractors making close to a million dollars for the same services. Committees should not have approval to make such large hits to the budget unless it is an emergency.
- Dir. Fabre wants to set a Special Meeting agenda item to motion to remove committees' authority to approve expenditures.
- No action was taken on this item.

Agenda Item 17: Report from the Investment Committee

- No action was taken on this item.

Agenda Item 18: Report from the Audit Committee

- Mr. Flickinger updated the Board on the arbitrage rebate report.
- Dir. Fabre had reviewed the report and discussed some questions with Mr. Flickinger. She then noted that last year, the IRS charge the District nearly \$8,000.00 from interest earned. The MUD paid for this expense, but she would like to pursue a refund from Inframark for the failure in accounting because of incorrect reporting.
- Dir. Franke said that the information was reported correctly, but too much interest had been earned in prior years. Mr. Flickinger said that District had been trying to spend money to avoid this issue and explained the changes in laws and filings over the years that led to the interest becoming an issue, an issue that many other Districts have faced. When reports started being completed on a more regular basis, nothing showed to be late on filing and there were no penalties. Mr. Flickinger indicated he would not be blameful of the interest overage not being detected prior to when it was.
- **Motion: Accept the Arbitrage Report provided by Arbitrage Compliance Specialist, Inc. and pay the invoice in the amount of \$3,250.00.**

Motion by: Dir. Fabre
Second by: Dir. Jones

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

Agenda Item 19: Report from the Bills & Invoices Committee

- No action was taken on this item.

Agenda Item 20: Report from the Budget Committee

- Dir. Fabre asked the difference between a policy and a rule, and the recourse for policy violations.
- Mr. Flickinger discussed policies and codes and recommended updating the entire policy. The policy is still in effect, but some parts are old and do not match the current laws very closely.

- No action was taken on this item.

Agenda Item 21: Report from the Customer Care Committee

- No action was taken on this item.

Agenda Item 20: Report from the Infrastructure Committee

- No action was taken on this item.

Agenda Item 25: Report from the Management Committee

- No action was taken on this item.

Agenda Item 26: Report from the Solid Waste Committee

- Dir. Fabre coordinated with Ms. Scales to review the Waste Management log to determine if additional oversight was necessary. After analyzing the data, Dir. Fabre discovered a low incidence of missed pick-ups. She additionally reviewed a letter from Sage Management indicating that they were the contact for trash pick-up and cart issues; however, in August, Inframark had been listed as the direct liaison for trash and recycling as part of their contract. It is unnecessary to pay a second contractor to be a second contact for Waste Management. Dir. Fabre said that Sage Management created a problem to solve and then billed the District to solve it.
- Dir. Fabre noted that residents need to contact Inframark for trash and recycling issues.
- Dir. Medrano described some issues he had experienced with Waste Management, which were typically resolved within days, but also noted that he contacted Waste Management directly. He sees the value in this report and does not think additional oversight for trash carts is necessary at this time.
- Dir. Jones asked who would handle trash carts left out, or trash in the road; Ms. Scales explained the issues that Inframark handles and the issues that Sage Management could handle.
- **Motion: No longer use Deed Enforcement contractor to perform trash can oversight and that service continues to be provided by Inframark in accordance with their contract and that they continue to be liaison to Waste Management for any issues that may arise.**

Motion by: Dir. Fabre

Second by: Dir. Medrano

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

- Dir. Fabre asked if it would be a violation to send her data to the entire Board; Mr. Flickinger said it would be better sent to his office for distribution.

Agenda Item 27: Report from the Records Modernization Committee

- Dir. Fabre noted that no one had yet been assigned to this committee. Dir. Franke will determine the members at the January 11, 2021 meeting.
- Ms. Scales discussed the Google Drive for the District; while other Districts currently utilize a Google Drive, it requires committee involvement to set up.

- No action was taken on this item.

Agenda Item 28: Service provider/vendor evaluations

- Ms. Scales has not yet been able to meet with the two cleaning companies; she intends to pursue quotes for the same services offered by Jani-King.
- Dir. Fabre requested an employee performance review of Sage Management; she asked Dir. Dudo for her assistance as the review will involve budget and audit items. Dir. Fabre will evaluate the Sage Management contract against their performance; Dir. Dudo agreed to aid in the review.
- **Motion: Appoint Dir. Fabre and Dir. Dudo to conduct a performance evaluation of Sage Management employees against their contract in January and early February.**

Motion by: Dir. Fabre

Second by: Dir. Dudo

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

Dir. Jones asked about the purpose of the review; Dir. Fabre responded that it is a performance evaluation that should be done regularly and can be performed any time at the request of a Director.

Agenda Item 29: Traffic hazards in District; Request to County to Restrict through-truck traffic

- Dir. Fabre asked if this item could be removed from the agenda.
- Dir. Franke agreed that it could and directed Mr. Flickinger to remove it for the next meeting.
- No action was taken on this item.

Agenda Item 30: Agreements with Williamson and Travis Counties for solar speed signs; Traffic study by Williamson County; Stop sign installation at intersection of Alexandra Lane and Old Mill Road

- Mr. Flickinger is still processing the agreement through the county and the process has been irregular. The city attorney has reviewed the agreement, and now believes that the District may need a permit on file in the city's system to trigger approval of the license agreement. Mr. Flickinger noted per Dir. Fabre's request that the cost of the effort to obtain the license agreement is currently about \$3,200.00.
- Dir. Fabre stated that the original cost for the signs was around \$9,000.00; about \$12,000.00 has been spent so far on this project.
- Dir. Fabre asked if there were an alternative, like selling the signs. Dir. Franke said that the agreement is for more than the solar signs and wanted to know what else could be done with the license agreement. Mr. Flickinger said that once the agreement for the solar signs was obtained, it could be amended to expand services. It would be much more havoc to do everything at once. Williamson County is not interested in pursuing the agreement.
- No action was taken on this item.

Agenda Item 31: Agreements with Williamson and Travis Counties for maintenance of right-of-way throughout the District, including trimming trees and other vegetation, and for placement of doggie bag dispensers

- Mr. Flickinger discussed an amendment to the existing licensing agreement that he is pursuing with Travis County, but he has not yet approached Williamson County; he will pursue the amendment with them as well.
- Dir. Fabre asked why this agreement is being pursued; Mr. Flickinger responded that it is primarily because of right-of-way issues in side streets. The District would be able to correct landscape issues like overgrown bushes, overhanging tree limbs, etc., or install doggie bag dispensers in the right-of-way. Dir. Fabre asked if this served the same purpose as the resolution regarding the obstruction of sidewalks that had been implemented earlier, and Mr. Flickinger responded that it was similar but had primarily affected sidewalks.
- No action was taken on this item.

Agenda Item 32: Minutes from prior regular and special meetings; Reconsideration of Minutes previously approved with oral revisions

- Dir. Franke noted an error in the minutes of the October 21, 2020 minutes: Dir. Franke was mentioned when the name should have been Mr. Edmonson.
- **Motion: Approve the minutes of the November 17, 2020 meeting and the November 18, 2020 meeting as presented.**

Motion by: Dir. Franke

Second by: Dir. Fabre

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

- **Motion: Approve the minutes of the October 21, 2020 meeting with correction.**

Motion by: Dir. Franke

Second by: Dir. Medrano

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

Abstain: Dir. Fabre

Agenda Item 33: Adjournment

- **Motion: Adjournment of meeting at 12:36 a.m.**

Motion by: Dir. Jones

Second by: Dir. Medrano

Aye: Dir. Dudo
Dir. Fabre
Dir. Franke

Dir. Jones
Dir. Medrano

- Roderic R. Fabre

Board of Directors

April 16, 2021

Date