

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

May 20, 2020

STATE OF TEXAS

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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 May 20, 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 6:02 p.m. and roll was called of the members of the Board, to-wit:

Catherine Franke	-	President
Jana Norton-Ramirez	-	Vice President
Chris Rocco	-	Secretary
Art Medrano	-	Assistant Secretary/Treasurer
Luis Zervigon	-	Assistant Secretary/Treasurer

All Directors were present, thus constituting a quorum. Also attending the meeting were Todd Burrer, Kristi Hester, Michael Luft, Makenzi Scales, and Leigh Catlin of Inframark; Bill Flickinger of Willatt & Flickinger; Herb Edmonson of Gray Engineering, Inc.; James and Diana Sagnes of Sage Management; Beth Jones of the Anderson Mill West Neighborhood Association; and District residents Heather Delanoy, Megan Dudo, Linda Fabre, Carrol Norrell, and Sarah Teale.

Agenda Item 1: Receive Citizens' Communications

- Sarah Teale addressed the Board. She said the MUD Board's conduct is outside of what the law intends. She believes that contractors have also lost track of what they can do in public government. The contractors have violated the law and taken liberties with neighbor's rights in order to waste tax money. She has opened many investigations into the MUD, and believes the only solution is to be annexed by Cedar Park, which will provide additional rights for residents and amenities like a pool.
- Linda Fabre addressed the Board. She said that her request to have the Community Forum recognized as a neighborhood association was ignored because the Board does not like dissenting voices.

Ms. Fabre addressed the Board regarding Agenda Item 2. She said that by limiting presentations to only sanctioned groups, no voice has been given to Community Forum members; Hunters Glenn 2 is also not represented as it lacks an HOA. The only people given resources are those not affiliated with the Community Forum.

Ms. Fabre addressed the Board regarding Agenda Item 7 and discussed the Badger meter replacement program.

Ms. Fabre addressed the Board regarding Agenda Item 8. She says that the open records requests spreadsheet is missing a key field: the date information was released to the requestor. She says this would show people what the Board is willing to spend to withhold records. Ms.

Fabre added that she has asked for nothing personal or confidential, only records that are obligated to be released. She encourages residents to visit the Community Forum Facebook page for a true and accurate picture of the facts.

Ms. Fabre addressed the Board regarding Agenda Item 9. She said that the MUD Board will vote on a resolution to use tax dollars to pay legal expenses incurred by contractors to withhold open record requests.

Ms. Fabre addressed the Board regarding Agenda Item 12. She said the DRC has not answered questions regarding enforcement inequity. She discussed unfair funding of the Hunters Glenn 1 crawfish boil. She says this is not representative government and only caters to a select few.

Ms. Fabre addressed the Board regarding Agenda Item 15. She has a standing open records request to review bills and invoices to find any misappropriations.

Ms. Fabre addressed the Board regarding Agenda Item 17. She asked if this Committee only answers questions it likes and ignores others. She said Dir. Zervigon says he had invited her to sit on the ACC, but Ms. Fabre says no such invitation was extended to her for the ACC or AMWNA. She said that the MUD Board controls the ACC for Anderson Mill West.

- Carrol Norrell addressed the Board. She had some questions regarding things that have occurred to her. She mentioned being unable to find the meeting agenda on the website but wishes to participate in the future.
- No action was taken on this item.

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.*

- Beth Jones addressed the Board regarding the Anderson Mill West Neighborhood Association's examination of traffic safety issues. She said that Megan Dudo had been dedicating her time and energy toward establishing the Safe Routes to School program and could offer some suggestions and insight moving forward.
- Megan Dudo addressed the Board regarding traffic safety in the District. Because of school closures due to the pandemic, the Safe Routes to School program has slowed down. Ms. Dudo is trying to collect background data to prepare a planning document, maps, etc., and will be asking the community to assist with walking or biking audits. Although this information is primarily for Cypress Elementary, residents are encouraged to submit data related to Naumann Elementary as well. Additional information is available at the Friends of Anderson Mill West Facebook page.
- Ms. Dudo discussed ongoing speed and traffic safety issues in the District and reported on tactical urbanism: temporary, cost-effective measures to test the viability of traffic-calming strategies before investing time, money, and effort in permanent or expensive projects. She has contacted Williamson County regarding a tactical urbanism test using Aster Pass as a pilot project. She is waiting to hear further details from her request to the County.
- Dir. Franke indicated that she wants the MUD to be supportive of this community outreach and is aware that Aster Pass has had speeding problems for a very long time.
- No action was taken on this item.

Agenda Item 3: *Participation by the District in study of traffic issues related to Aster Pass and in other parts of the District*

- Dir. Franke appointed herself and Dir. Norton Ramirez as committee liaisons with Ms. Dudo for traffic calming initiatives.
- Dir. Zervigon mentioned that there had been a longstanding focus on traffic issues on Spiderlily as well as similar problems as Aster Pass.
- No action was taken on this item.

Agenda Item 4: Report from the District's Engineer

- Mr. Edmonson noted the 99% water accountability.
- Mr. Edmonson discussed the water valve and street light maps; he hopes to have them available in June for the Infrastructure Committee meeting.
- Mr. Edmonson discussed the sanitary sewer system audit; his office has received the reports and is reviewing them. There are eleven locations that will need to be addressed, repaired, or replaced. The vendor has sent some additional information that will be reviewed as well.
- Mr. Edmonson discussed the Badger meter replacement program; there is a budget item of \$50,000 for replacement meters.
- Mr. Edmonson said there are still some issues at the Sun Chase drainage channel that Westar will address, as well as a rut from construction equipment that will need to be fixed.
- Mr. Edmonson discussed the entry handrails to the footbridge at Sun Chase Park. There is an estimate from Westar in the amount of \$8,200.00 to provide rails made of the same steel the bridge is made of, with concrete footers.
- **Motion: Approve the Westar proposal in the amount of \$8,200.00 to install handrails and concrete footers at the Sun Chase bridge.**

Motion by: Dir. Medrano
Second by: Dir. Zervigon

Aye: Dir. Franke
Dir. Medrano
Dir. Norton Ramirez
Dir. Rocco
Dir. Zervigon

Ms. Hester discussed line item the budget would fall under. Dir. Norton Ramirez mentioned additional planting in that area to keep people out of sloped areas; Dir. Franke wants specifically placed plantings to enhance photo opportunities.

- Mr. Edmonson addressed sidewalk maintenance in the District. Locations had been reviewed earlier in the year but were delayed by the pandemic. The Infrastructure Committee is now ready to move forward with the project. CRC, Concrete Levelling Company, has proposed \$29,719.80 for repairs in areas from Lakeline Oaks toward Brighton Bend. Dir. Franke mentioned a 4-inch rise at Tierra Blanco/Tierra Blanco Cove that needs to be addressed. Mr. Edmonson will adjust the list to ensure that area is covered. Additionally, a section at Portwood Cove will need to be removed and replaced.
- Mr. Edmonson discussed the installation of crossing ramps at Kristen/ Old Mill and Sun Chase/ Old Mill; there are ramps on one side but not other. Westar offered a proposal in the amount of \$10,200.00 for that work.

- **Motion: Approve the CRC proposal amount of \$29,719.80 for levelling existing concrete sidewalks as noted in the proposal.**

Motion by: Dir. Zervigon
Second by: Dir. Medrano

Aye: Dir. Franke
Dir. Medrano
Dir. Norton Ramirez
Dir. Rocco
Dir. Zervigon

- **Motion: Approve the Westar proposal in the amount of \$10,200.00 for installation of crossing ramps at two intersections.**

Motion by: Dir. Medrano
Second by: Dir. Zervigon

Aye: Dir. Franke
Dir. Medrano
Dir. Norton Ramirez
Dir. Rocco
Dir. Zervigon

Dir. Medrano confirmed with Mr. Edmonson that these items were in the budget.

- Mr. Edmonson discussed a Hunters Glenn request about tying in the sidewalk from Sun Chase to Madeline Loop pond; a contractor priced this work at \$43,850. Mr. Edmonson will prepare a sketch to show the area under discussion and note accessibility requirements.

Agenda Item 5: *Report from the District's landscape contractor on landscape maintenance and suggested landscape improvements*

- No action was taken on this item.

Agenda Item 6: *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*

- No action was taken on this item.

Agenda Item 7: *Report from District Manager and Affected Persons, including Payment of Bills and Invoices and Transfer of Funds.*

- Ms. Scales discussed the meter replacement program. An amount of \$50,000 has been allocated for Badger meter replenishment; currently, there are 446 meters with over 1.5 million gallons of usage, and an additional 253 meters and boxes will allow Inframark to replace those meters as well as some spares.
- **Motion: Approve the amount of \$50,000 for Badger replacement meters and boxes.**

Motion by: Dir. Zervigon
Second by: Dir. Rocco

Aye: Dir. Franke
Dir. Medrano
Dir. Norton Ramirez

Dir. Rocco
Dir. Zervigon

Dir. Franke asked for clarification on the number of meters; Ms. Scales confirmed that there are currently 446 meters over 1.5 million gallons of usage, and there are 214 meters available in stock. There is no time frame available for replacement of all 446 meters; it is the standard meter replacement program and will be ongoing. Dir. Zervigon added that this item is part of the annual budget and is a maintenance issue.

- Ms. Scales noted that water accountability was at 99%.
- Ms. Scales discussed the valve and hydrant surveys that are under review with Gray Engineering.
- Ms. Scales reviewed the collection system televising reports. She is working with Wastewater Transport Systems to obtain additional data.
- Ms. Scales addressed the completed repair of the electrical disconnect at Anderson Mill West park. She will provide an estimate to the insurance company, who will recommend a reimbursement amount.
- Ms. Scales noted that the Hatch Pond inlets have been repainted and showed pictures.
- Ms. Scales said that the District tennis courts have been re-opened under precautions set by Governor Abbott; District constables are enforcing rules as well.
- Ms. Scales said that the AARP grant proposals had been completed and submitted, with information posted to the website. The grants applied for are: (1) a block party rental truck (for parties, movie nights, etc.), and (2) additional lighting at Anderson Mill West park.
- Ms. Scales noted that the trailer speed sign will be installed on Old Mill near Brighton Bend, but has not received a date yet. It will be installed on one side of the road for a week and then changed to the opposite side. Additionally, another speed sign will be installed near Spider Lily.
- Ms. Scales said that someone had dumped oil at Aster Pass Pond, but the District's maintenance tech has disposed of it properly.
- The District maintenance tech noted that chipped wood is starting grow some mold due to disuse; sun and warmer temperatures should dry it out.
- Ms. Scales discussed dead and dying shrubs on El Salido; Sunscape will check on those as well as other shrubs at Anderson Mill West. The decomposed granite trail at Madeline Loop is growing thin and Sunscape will also examine that.
- Ms. Scales noted that a table near the back of Sun Chase pond has burn marks on it. She is investigating ways to seal it so the rest of the table will not rust.
- Ms. Scales discussed some ruts in Sun Chase Park from mowers going too quickly. Dir. Zervigon mentioned a resident at the Sun Chase drainage channel who says the mowers are going into their yard. Ms. Scales will discuss the issue with Sunscape. Additionally, the grass in Madeline Loop Pond has overgrown and is impacting the trickle channel.
- Ms. Scales presented receivables, usage, and collections reports. Letters were mailed to delinquent accounts but no tags were hung and no disconnects were made.

- Ms. Scales discussed the TCEQ comprehensive compliance investigation; this is a routine investigation resulting in no violations being pursued from the investigation.
- Mr. Luft presented the financial report. He mentioned that the collections amount was lower than usual, as some people might not be able to make those payments because of circumstances this year. Although collections may catch up, the District will want to be prepared in case it does not.
- Mr. Luft noted that standard maintenance items had been under-budgeted this year and will need to be readdressed next year.
- Ms. Hester discussed the collections system televising. This item came in under budget at \$150,000. It was not a cap item, but accounting had put the amount under the cap, and Ms. Hester has requested to hold the Inframark payment until this can be corrected.
- Mr. Luft said that a check for \$7,888.90 would be sent to the IRS; just under \$5,000 is interest earned and the rest is interest for an interest overage payment.
- Mr. Luft noted that open records requests costs continue to grow.
- A not-to-exceed tracking report has been authorized; Mr. Luft will review the report with Mr. Edmonson.
- **Motion: Approval of the three transfers presented.**

Motion by: Dir. Medrano
Second by: Dir. Norton Ramirez

Aye: Dir. Franke
Dir. Medrano
Dir. Norton Ramirez
Dir. Rocco
Dir. Zervigon

Agenda Item 14: Report from the Audit Committee

- Mr. Flickinger met with the committee and bond council.
- Mr. Flickinger presented the reports with calculations on yield restrictions. The first report showed nothing owed.
- **Motion: Accept first audit report.**

Motion by: Dir. Rocco
Second by: Dir. Zervigon

Aye: Dir. Franke
Dir. Medrano
Dir. Norton Ramirez
Dir. Rocco
Dir. Zervigon

- Mr. Flickinger presented the second report; calculations showed that the District made too much money with the higher interest rates but incurred no penalty. This report recommends payment of \$7,888.90 to the IRS. Dir. Medrano asked if this amount was considered a penalty; Mr. Flickinger said that this is considered a late payment, not a penalty, and interest on the late payment.

- **Motion: Accept second audit report.**

Motion by: Dir. Zervigon
Second by: Dir. Rocco

Aye: Dir. Franke
Dir. Medrano
Dir. Norton Ramirez
Dir. Rocco
Dir. Zervigon

- Mr. Flickinger presented the audit invoice for work completed.

- **Motion: Payment of invoice in the amount of \$3,700.00.**

Motion by: Dir. Zervigon
Second by: Dir. Rocco

Aye: Dir. Franke
Dir. Medrano
Dir. Norton Ramirez
Dir. Rocco
Dir. Zervigon

- Mr. Flickinger presented compliance guidelines and recommended approvals by the bond attorneys. The investment officer, currently Dir. Zervigon, is named in the policy and will have additional responsibilities. An annual review will take place on an ongoing basis. Dir. Franke asked if this would be done annually in coordination with the audit; Mr. Flickinger responded that there are 5-year increments on outstanding bond issues.

- **Motion: Accept compliance guidelines and policies recommended by bond attorneys.**

Motion by: Dir. Zervigon
Second by: Dir. Norton Ramirez

Aye: Dir. Franke
Dir. Medrano
Dir. Norton Ramirez
Dir. Rocco
Dir. Zervigon

- Mr. Flickinger presented a letter to accompany the payment to the IRS; it is an explanation of failure to pay on time.

- **Motion: Approval of letter to accompany payment to the IRS.**

Motion by: Dir. Zervigon
Second by: Dir. Rocco

Aye: Dir. Franke
Dir. Medrano
Dir. Norton Ramirez
Dir. Rocco
Dir. Zervigon

- **Motion: Payment of bills and invoices in the amount of \$263,162.49.**

Motion by: Dir. Rocco

Second by: Dir. Medrano

Aye: Dir. Franke
Dir. Medrano
Dir. Norton Ramirez
Dir. Rocco
Dir. Zervigon

Agenda Item 8: Prior and pending Open Records Requests; costs incurred by the District and allowable costs to be charged to requestors

- Mr. Flickinger presented an open records request report, explaining deadlines and how office closings have extended deadlines.
- Dir. Franke said that throughout the pandemic Ms. Fabre has continued submitting FOIA requests to Anderson Mill West Neighborhood Association and is now turning her attention to District vendors. At six months into the fiscal year, requests from the Community Forum has cost the District \$69,000. Last year's total was just over \$87,000 and the District costs this year will be about \$125,000 if nothing changes.
- There are major budget items to consider (e.g. replacement of park equipment, maintenance of the building at Lakeline Oaks, etc.) for which money is instead being spent on open records requests. Currently, open records requests cost \$105 per house in the District; taxes could have been decreased otherwise.
- No action was taken on this item.

Agenda Item 9: Resolution regarding open records requests sent directly to District contractors and consultants

- Mr. Flickinger prepared a resolution with input from special counsel. A request under the Public Information Act was made directly to Sage Management as an attempt to hold them responsible as an entity subject to open records requests. There are many organizations that are not subject to open records requests, including Anderson Mill West Neighborhood Association. When a request is made, e.g. to Sage Management, they must determine how to respond and will incur attorney fees to address the request. Another recent open records request was made directly to Inframark.
- Contractors must provide their own attorney and will have to cover expenses. It will become difficult to find and retain qualified contractors if this continues. The resolution provides for the District to reimburse contractors for legal expenses.
- Dir. Franke clarified that the data being asked for is the MUD's data and does not belong to Sage Management or Inframark to provide; the MUD is the entity that needs to respond to any open records requests.
- Dir. Franke noted that there is a clause in the Sage Management contract regarding legal fees; Ms. Hester will review the Inframark contract. Dir. Franke wishes to ensure that contracts all have a clause regarding reimbursement. Mr. Flickinger said that the District can propose amendments to the contractors and present them.
- Dir. Norton Ramirez suggested using "highly encourages" rather than "encourages"; this verbiage change will be part of the motion.

- Mr. Flickinger noted that this is not a "blank check" for expenses, but he cannot currently predict what the reimbursements amounts will be. Currently the AMWNA has accrued over \$2,000 in legal expenses.
- Dir. Medrano asked if contractors had incurred expenses as of right now; Ms. Sagnes responded that Sage Management had retained an attorney, but they have not been billed for services yet.
- **Motion: Adopt Resolution Concerning Public Information Requests Submitted Directly to District Contractors.**

Motion by: Dir. Zervigon
Second by: Dir. Franke

Aye: Dir. Franke
Dir. Medrano
Dir. Norton Ramirez
Dir. Rocco
Dir. Zervigon

Agenda Item 10: District Rate Order

- Dir. Franke intends to have a general discussion on security deposits and formulas for them once budget season begins.
- No action was taken on this item.

Agenda Item 11: Report from the Parks Subcommittee

- Dir. Norton Ramirez is pricing out bench swings, corner landscaping by Sunscape, and replacement trees in Anderson Mill West park.
- Dir. Medrano asked about a replacement tree at Vestavia Ridge. Dir. Franke directed Ms. Scales to check the budget to get a new tree installed.
- No action was taken on this item.

Agenda Item 12: Report from the Deed Restriction Committee

- Mr. Flickinger said the resident at London Lane has been served and will need to file an answer. The resident can represent himself, but Mr. Flickinger's office has received no direct communication so far.
- Dir. Zervigon discussed an accusation that Sage Management persecuted certain residences while not acting on others. In one particular case, a vehicle that was not fined has a registration that is not affixed; it does not need to be unless the vehicle is out on roadway. He said that misinformation is being used to make accusations against the MUD and contractors.
- No action was taken on this item.

Agenda Item 13: Report from the Investment Committee

- No action was taken on this item.

Agenda Item 15: Report from the Bills & Invoices Committee

- Dir. Norton Ramirez said the committee plans to meet next month.

- No action was taken on this item.

Agenda Item 16: Report from the Budget Committee

- Mr. Luft is preparing for budgeting in June and will be looking more closely at financials to project year-end amounts. This will be an ongoing process through September.
- No action was taken on this item.

Agenda Item 17: Report from the Customer Care Committee

- Dir. Zervigon discussed attempts from certain residents to obtain information on those cited for deed restrictions violations, as well as harassment of District residents from unwanted approaches and phone calls demanding detailed information and threatening residents who do not comply. Dir. Zervigon said that the new water service application was amended to automatically opt into privacy to protect new residents. He advises residents to never give out personal information to anyone contacting them; residents can contact the MUD directly if someone contacts them asking for information.
- Dir. Zervigon reported that there had been attempts to obtain protected data from vendors, and these actions will deter vendors from working with the MUD. The adopted policy to make vendors whole from costs rising from such demands stemmed from these actions.
- No action was taken on this item.

Agenda Item 18: Video recording of Board meetings by the District

- Mr. Flickinger said that the timestamping, organization on the website, etc. were all proceeding well.
- Dir. Zervigon confirmed that Touchstone has been receiving agendas prior to meetings.
- No action was taken on this item.

Agenda Item 19: Report from the Information Management Committee

- Dir. Norton Ramirez said that the committee is reviewing documents that Touchstone sent over today.
- Dir. Zervigon said that Touchstone had completed the website audit and sent the summary of findings; they will present recommendations to the Board about expanding the website capabilities.
- Dir. Franke noted that the deadline for cybersecurity training is June 14.
- No action was taken on this item.

Agenda Item 20: Report from the Infrastructure Committee

- No action was taken on this item.

Agenda Item 21: Report from the Management Committee

- No action was taken on this item.

Agenda Item 22: Report from the Solid Waste Committee

- Mr. Sagnes will provide pictures of trash carts left in the street to Dir. Rocco.

- Dir. Norton Ramirez asked about bulk trash day; Dir. Rocco said it could be scheduled in June.
- No action was taken on this item.

Agenda Item 23: Report from the Records Modernization Committee

- Dir. Norton Ramirez said that the committee is looking at hardware options to complete a price comparison. The committee will discuss with Mr. Flickinger which records will need to be available for meetings and if they can be transferred into Google Docs.
- No action was taken on this item.

Agenda Item 24: Service provider/vendor evaluations

- Dir. Rocco and Ms. Scales will have a meeting to discuss this item.
- No action was taken on this item.

Agenda Item 25: Traffic hazards in District; Request to County to Restrict through-truck traffic

- No action was taken on this item.

Agenda Item 26: License 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

- Dir. Franke discussed adding additional dog stations and asked if the license agreement allowed the District to place them in certain areas; Mr. Flickinger will determine if the license agreement is required for that type of installation.
- No action was taken on this item.

Agenda Item 27: Minutes from prior regular and special meetings; Reconsideration of Minutes previously approved with oral revisions

- **Motion: Approve minutes from the April 15, 2020 regular meeting.**

Motion by: Dir. Rocco
Second by: Dir. Norton Ramirez

Aye: Dir. Franke
Dir. Medrano
Dir. Norton Ramirez
Dir. Rocco
Dir. Zervigon

Agenda Item 28: Adjournment

- **Motion: Adjournment of meeting at 9:04 p.m.**

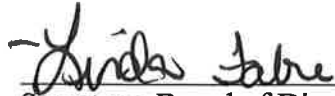
Motion by: Dir. Medrano
Second by: Dir. Norton Ramirez

Aye: Dir. Franke
Dir. Medrano
Dir. Norton Ramirez
Dir. Rocco
Dir. Zervigon



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]