

**MINUTES OF MEETING OF BOARD OF DIRECTORS OF
NORTH AUSTIN MUNICIPAL UTILITY DISTRICT NO. 1**

APRIL 28, 2014

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

A special meeting of the Board of Directors of North Austin Municipal Utility District No. 1, open to the public, was held on April 28, 2014, at the Rattan Creek Community Center, 7617 Elkhorn Mountain Trail, Austin, Texas, pursuant to notice duly given in accordance with law. A copy of the Certificate of Posting of said Notice is attached hereto as Exhibit "A".

The roll was called of the members of the Board, to-wit:

Alan McNeil	-	President
Donald G. Conklin	-	Vice President
Jo Jones	-	Secretary
Keith Collins	-	Treasurer
Kim Green	-	Assistant Secretary/Treasurer

and all of said Directors were present, except Director Conklin, thus constituting a quorum. Also in attendance at the meeting were David Malish with Murfee Engineering Co., Inc.; Michael J. Whellan, with Graves Dougherty Hearon & Moody; and Kevin Flahive with Armbrust & Brown, PLLC.

Director McNeil called the meeting to order at 6:05 p.m. and stated that the Board would first discuss and consider any necessary action regarding a proposed twelfth amendment to the consent agreement with the City of Austin regarding a 25-foot vegetative buffer/setback note on the land use plan. Director McNeil recognized Mr. Malish, who explained the circumstances surrounding the intent of the subject land use plan note that was added by amendment to the consent agreement in 2007. Mr. Malish then discussed the present inability of Alliance Residential, the developer of the Broadstone at Parmer multifamily development, to obtain a site development permit for development of infrastructure within the setback due to the City of Austin Planning and Development Department staff's interpretation of the subject land use plan note and Alliance Residential's request that the Board direct Mr. Malish and Mr. Flahive to prepare and process a twelfth amendment to the consent agreement modifying the subject note. Mr. Flahive presented the current language of the subject note and discussed with the Board recommended alternative language to clarify the note in a manner that is consistent with the intent of the note. Director Collins stated that Alliance Residential should also confirm to Mr. Malish that the proposed multifamily project will comply with the note requiring a 100-foot setback from the adjacent residential properties for dumpsters. Mr. Whellan, Alliance Residential's counsel, stated that he would ensure that the note regarding dumpsters will be complied with. Mr. Whellan also discussed possible alternative language for the 25-foot

vegetative buffer/setback note. After discussion and upon motion by Director Jones and second by Director Collins, the Board unanimously authorized Mr. Malish and Mr. Flahive to prepare and process the amendment to the consent agreement; approved alternative versions of the revised 25-foot vegetative buffer/setback note, those being “25-foot vegetative buffer/setback from property line adjoining single-family residences for all retail, commercial, residential and multifamily buildings and parking structures” or “25-foot vegetative buffer/setback from property line adjoining single-family residences for all buildings and structures, including parking, but excluding drainage, detention, water quality structural components and fences”; authorized Mr. Flahive to pursue both versions and elect between them based on interactions with City of Austin Planning and Development Review staff; further authorized Mr. Flahive to prepare a resolution memorializing the Board’s action on this agenda item; and authorized Director McNeil to sign the resolution and deliver same to the City of Austin.

The next item to come before the Board was to discuss and consider acceptance of funds from Alliance Residential to fund the estimated costs to be incurred by the District to process the twelfth amendment to the consent agreement with the City of Austin. Mr. Flahive reviewed the basis of the estimated cost of \$15,000.00 for the preparation, filing and processing to seek administrative approval by the City of Austin of the twelfth amendment. He stated that he had received a check from Alliance Residential in the amount of \$15,000.00. He further stated that the proposal before the Board would provide that if the funds were exhausted, additional funds would be required from Alliance Residential, and any excess funds upon the conclusion of the amendment process would be returned to Alliance Residential. Upon motion by Director McNeil and second by Director Green, the Board unanimously approved acceptance of the developer advance with the understanding that Alliance Residential will fund the costs incurred by the District to process the twelfth amendment to the consent agreement with the City of Austin. Mr. Flahive stated that he would deliver the check to Mary Bott on April 29, 2014.

Director McNeil stated the Board would next discuss and consider taking any necessary action regarding approval of the Notice of Intent (NOI) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit. Director McNeil explained the content of the NOI and the District’s obligation to file the NOI every five years. Director Green asked if the NOI had already been submitted. Director McNeil and Director Collins stated that the recent filing was an annual reporting, which is a separate matter. Upon motion by Director McNeil and second by Director Green, the Board unanimously approved the NOI and authorized Director McNeil to sign the NOI and submit it to the Texas Commission on Environmental Quality. A copy of the NOI is attached hereto as Exhibit “B”.

The next item to come before the Board was to consider any necessary action regarding future annexation, limited district conversion, and other City of Austin related issues. Director McNeil stated that he had hoped to receive a draft of the JPI settlement agreement from Pamela Madere, but had not yet received it as the City of Austin was still reviewing it.

Director McNeil stated the Board would then consider such other matters as may come before the Board. He stated that during a water coalition meeting the home school group was using the Community Center in a manner that was loud and disorganized resembling a day care more so than home schooling. After discussion, Directors Green and Jones stated that they

would address the issue with Bill Burke. There being no further issues to come before the Board, upon motion by Director Green and second by Director Jones, the meeting was adjourned at 6:41 p.m.

(SEAL)



_____/S_____
Jo Jones, Secretary
Board of Directors

Date Signed: May 21, 2014