

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

October 16, 2019

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

A regular meeting of the Board of Directors of North Austin Municipal Utility District No. 1, open to the public, was held on October 16, 2019, 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 as **Exhibit "A"**.

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

Donald G. Conklin	-	President
Jo Jones	-	Vice President
Diana Christiano	-	Secretary
Kim Green	-	Treasurer/Assistant Secretary
Rachel Beaulieu	-	Assistant Secretary/Assistant Treasurer

and all of said Directors were present, thus constituting a quorum. Also in attendance at the meeting were Mary Bott with Bott & Douthitt, P.L.L.C.; Jim Scaief and Evan Parker with Murfee Engineering Co., Inc.; Richard Fadal with TexaScapes, Inc.; Marc Marroquin with Premier Recreation Management Services, LLC; Andrew Hunt with Crossroads Utility Services, L.L.C.; Ja-Mar Prince with Texas Disposal Services, Inc.; Sergeant Troy Brogden with the Williamson County Sheriff's Office; Pete Peters with Concept Development & Planning LLC; Kevin Flahive with Armbrust & Brown, PLLC; and residents of the District, including but not limited to Kari Smith.

Director Conklin called the meeting to order at 6:07 p.m., and stated that the Board would first receive citizen communications, and recognized Ms. Smith. Ms. Smith stated that she had submitted a complaint to Sage Management Services on September 23 regarding the residence located at 7646 Elkhorn Mountain, the owner of which was operating a short-term rental of individual rooms within the residence at a rate of \$39/night and advertised on www.airbnb.com. She provided a printout of the webpage for the rentals and shared her concerns about safety due to the rental of rooms within the subject residence. Director Conklin explained to Ms. Smith that the Board continued its work to improve its restrictive covenant enforcement process and that it would take some time for the District to investigate and potentially take action on the matter. He stated that the Board would consult with Mr. Flahive regarding the matter. Ms. Smith then asked about the District's current restrictive covenant enforcement process. Director Jones summarized the process for Ms. Smith.

The Board next considered approval of the August 6, 2019, September 10, 2019, September 16, 2019 and September 18, 2019 minutes. Upon motion by Director Green and second by Director Jones, the Board voted unanimously to approve the August 6, 2019 minutes, as presented, with Director Conklin abstaining. The Board then identified corrections to lines 18 and 19 of the September 10, 2019 minutes. Upon motion by Director Green and second by Director Jones, the Board voted unanimously to approve the September 10, 2019 minutes, as

corrected. The Board next identified corrections to lines 51 and 71 of the September 16, 2019 minutes. Upon motion by Director Conklin and second by Director Christiano, the Board voted unanimously to approve the September 16, 2019 minutes, as corrected. The Board then identified corrections to lines 46, 47, 69, 178, 231, 233 and 273 of the September 18, 2019 minutes. Upon motion by Director Jones and second by Director Green, the Board voted unanimously to approve the September 18, 2019 minutes, as corrected.

There being no report from the Rattan Creek Neighborhood Association, Director Conklin stated that the Board would next receive the restrictive covenants report. The Board reviewed the report in the packet and discussed it with Mr. Flahive. At 6:37 p.m., Director Conklin stated that the Board would convene in executive session pursuant to Section 551.071 of the Texas Government Code to receive legal advice from Mr. Flahive regarding restrictive covenant enforcement matters. The Board reconvened in open meeting at 7:10 p.m. and Director Conklin stated that no actions were taken during executive session. Upon motion by Director Conklin and second by Director Beaulieu, the Board voted unanimously to direct Sage Management Services to continue to accept complaints, conduct tours of the District and document alleged violations, and to provide information regarding all complaints and documentation of alleged violations obtained during tours of the District to Mr. Flahive's office, upon the receipt of which Mr. Flahive's office will determine whether any violations of applicable restrictive covenants are evidenced by the documentation received and, if so, deliver all correspondence to the owners/residents of the subject properties pursuant to the District's current policy and prepare and include monthly reports in the Board's meeting packets. Further, the Board directed Mr. Flahive to obtain all information and documentation from Sage Management Services relating to the residence located at 7646 Elkhorn Mountain, assess same, proceed with notification pursuant to the District's policy if a violation of applicable restrictive covenants is determined, and present his findings to the Board at the November 20 regular Board meeting for consideration of expedited enforcement of same.

The Board next received the District accountant's report. Ms. Bott reviewed the updated cash activity report, attached as **Exhibit "B"**. She stated that five checks had been added to the report discussed with and approved by the Board at the October 14, 2019 work session, and reviewed those additional checks with the Board. Upon motion by Director Conklin and second by Director Jones, the Board voted unanimously to approve the five additional checks, as set forth in the updated cash activity report.

Director Conklin stated that the Board would next receive the solid waste services report and recognized Mr. Prince. Mr. Prince discussed with the Board his company's use of side-load trucks for recycling pickup, which was not addressed in the Solid Waste Collection and Disposal Services Agreement with the District. Director Conklin stated that his only concern was that the side-load trucks be suitable for the job and not unduly burden District residents with respect to cart placement. Director Beaulieu stated her concern that the use of the side-load trucks ensure that lids of the carts be closed once emptied. Mr. Prince confirmed that the arm used on the side-load trucks could empty carts placed in the customary location near the curb and close the lids. He then reported on his company's initial trash pickup day, including some missed streets that were subsequently serviced.

The Board then received the security report, attached as **Exhibit "C"**. Sergeant Brogden stated that the system that generates monthly statistics was down, so he was unable to provide those figures, but would provide them to Mr. Hunt once available. He stated that Detective Nunez, who attended the town hall meeting the prior evening, was now assigned to the District. Director Conklin asked Sergeant Brogden if he thought it would be helpful to meet with the

Safety & Security Committee prior to the November 20 regular Board meeting to discuss staffing during the holiday season. Sergeant Brogden agreed. The Board then discussed with Sergeant Brogden options for increasing patrols and quick response to the portion of the District within Travis County. He confirmed that the Williamson County Sheriff's Office could increase patrols, but due to the law enforcement agencies being on different radio frequencies, quick response for the sections of the District located within Travis County could only be provided by the Travis County Sheriff's Office. The Board directed Mr. Hunt to schedule a meeting with the Safety & Security Committee and the Travis County Sheriff's Office to discuss contracting for increased patrols. The Board then asked Sergeant Brogden to bring magnets stating contract information for the Williamson County Sheriff's Office to Mr. Marroquin to distribute at the next community event.

Director Conklin then addressed Mr. Fadal to provide the park and landscape maintenance report. Mr. Fadal referred the Board to the report, attached as **Exhibit "D"**, and reviewed the report with the Board. He stated that irrigated turf areas were being mowed shorter in preparation for the overseeding and topdressing project. Mr. Fadal stated that fire ant bait was being applied within the District parks and tree pruning along trails and sidewalks was ongoing. The Board and Mr. Fadal then discussed notifying residents that may be impacted by future tree pruning projects to ensure that input is solicited and residents are aware of upcoming projects. The Board discussed use of the new website, automated notifications and/or a projects calendar for this purpose. The Board directed Mr. Fadal to coordinate with the Greenbelt Committee to establish a notification protocol to meet the Board's goals, but not be too onerous on TexaScapes, Inc.

The Board next addressed the Upper Brushy Creek Floodplain Study with Mr. Scaief, Mr. Parker and Mr. Peters. Mr. Scaief explained that the Upper Brushy Creek Floodplain Study had been completed, submitted to the Federal Emergency Management Agency ("**FEMA**"), and that FEMA would publish new floodplain maps reflecting the findings of the study for the area including the District on December 20, 2019. He discussed with the Board potential differences in the amount of floodplain insurance premiums if policies are purchased by affected property owners before, versus after, the FEMA floodplain maps are published. Director Conklin stated that due to the importance and time-sensitivity of the matter, he had requested that Mr. Peters submit a proposal to provide community outreach services. Mr. Peters discussed with the Board his office's experience in these matters since the early 1970s and his recommended course of action, including initial mailings to District residents that may be impacted, followed by home visits or smaller meetings at the Community Center, and concluding with one or more larger District-wide meetings with the Board at the Community Center. Mr. Peters and Mr. Flahive then discussed the proposal from Concept Development & Planning LLC, attached as **Exhibit "E"**. After discussion, upon motion by Director Conklin and second by Director Green, the Board voted unanimously to approve the proposal, subject to HB 1295 compliance. Director Conklin then recommended that the Board authorize the Bond Projects Committee to coordinate with and direct Mr. David Malish, Mr. Peters, Mr. Hunt and Mr. Flahive with respect to community outreach regarding the matter. After discussion, upon motion by Director Conklin and second by Director Jones, the Board voted unanimously to direct and authorize the Bond Projects Committee to coordinate with and direct the District's consultants on behalf of the Board, as recommended by Director Conklin.

Director Conklin then recognized Mr. Scaief and Mr. Parker to provide the remainder of the District engineer's report, attached as **Exhibit "F"**. Mr. Scaief stated that his office had received comments on the Tamayo Bridge project from Williamson County and was working to address those comments. Mr. Parker then stated that that the permit for the water line

relocation project on the NW Austin Office Partners LLC site had been approved and that his office was presently advertising for public bids for the project. He stated that the pre-bid meeting would be held on October 23, followed by the bid opening on October 29. Mr. Scaief then discussed the Parmer Lane bridge project with the Board. He stated that the design of the project contemplated not only the upcoming FEMA floodplain maps, but also the future maps to be published by FEMA utilizing the Atlas 14 methodology. Director Conklin then updated the Board regarding the recent Bond Projects Committee meeting with Bob Daigh, Director of Infrastructure for Williamson County, regarding the Parmer Lane bridge project. Mr. Parker then discussed the findings of the annual wastewater line TVing project. He stated that one collapsed pipe was located and then determined to have been intentionally capped at a location outside of the District. Mr. Parker confirmed that no issues requiring repair were identified. He then stated that the 7-Eleven project was under construction, but that Mr. Malish had not been furnished a signed site plan set, nor was he invited to the pre-construction meeting. Mr. Hunt stated that he had been in touch with City of Austin staff regarding the matter and the project as a whole, and was working through a temporary construction water service request by the developer.

The Board then received the pool and community center report. Mr. Marroquin reviewed his report, attached as **Exhibit "G"**. He stated that he had contacted Hines to inspect the pool due to higher than usual water loss. Mr. Marroquin stated that, in order to determine the best value, he was seeking proposals to replace the compressor in the water fountain by the pool and proposals to replace the entire water fountain. He then requested the Board's approval of an amount not to exceed \$9,000 to purchase new tarps for the pool, as budgeted. Upon motion by Director Green and second by Director Christiano, the Board voted unanimously to approve an amount not to exceed \$9,000 to purchase new tarps for the pool. Mr. Marroquin then discussed the \$8,000 budgeted by the Board for holiday light purchase and installation in Rattan Creek Park. He stated that he had obtained a proposal in the amount of \$3,000 for installation, leaving ample funds to purchase the lighting. Mr. Marroquin requested that the Board delegate authority to the Parks & Community Center Committee to purchase the lighting and retain the contractor to install it the weekend after Thanksgiving at a total cost not to exceed \$8,000. After discussion, upon motion by Director Green and second by Director Christiano, the Board voted unanimously to delegate authority to the Parks & Community Center Committee to purchase the lighting and retain the contractor to install it the weekend after Thanksgiving at a total cost not to exceed \$5,000, subject to HB 1295 compliance. Mr. Marroquin and Mr. Flahive then presented and discussed the proposed Management Services Agreement for Community Center and Pool with Premier Recreation Management Services, LLC, attached as **Exhibit "H"**. Mr. Marroquin confirmed that the new rates in the agreement were consistent with the rates discussed during the Board's budget discussions. After discussion, upon motion by Director Jones and second by Director Green, the Board voted unanimously to approve the Management Services Agreement for Community Center and Pool, as presented. Mr. Marroquin then presented the First Amendment to Lease of Pool with St. Dominic Savio Catholic High School, attached as **Exhibit "I"**. After discussion, upon motion by Director Green and second by Director Jones, the Board voted unanimously to approve the amendment, as presented. The Board then directed Mr. Marroquin to coordinate with Mr. Peters and Mr. Hunt to use the Community Center for meetings with residents regarding the FEMA floodplain maps, if necessary. Mr. Marroquin recommended that the Board and the Bond Projects Committee consider scheduling any District-wide meetings regarding the FEMA floodplain maps on Thursday evenings, as the great room was not rented on that night of the week.

The Board next received the general manager's report. Mr. Hunt reviewed his report, attached as **Exhibit "J"**, with the Board. He stated that the District's water loss was 0.18%. Mr.

Hunt stated that his office was identifying fire hydrants for the next phase of the replacement project, but would not perform that phase until after winter averaging. He then presented two write-offs for approval. Mr. Hunt then discussed the website inquiries that he had received. He stated that the title survey of Rattan Creek Park would be completed within approximately two weeks and presented a proposal from Beacon Construction, Inc. for splash pad concept design in the amount of \$14,430, attached as **Exhibit “K”**. Mr. Hunt stated that the contractor would prepare three conceptual designs, including locations and cost estimates, based on the completed title survey and guidance from Mr. Malish, Mr. Hunt and the Pool Committee. Director Conklin recommended that the Board review the completed title survey, receive guidance from Mr. Malish and Mr. Hunt, identify potential locations for the splash pad, and then obtain conceptual designs. The Board agreed that the recommended order of events would produce more suitable conceptual designs and tabled the proposal. The Board directed Mr. Hunt to deliver the title survey to the Board via email upon receipt. The Board directed Mr. Flahive to add an item to review the title survey with Mr. Malish and Mr. Hunt at the November 18 work session. The Board then discussed and determined that it would consider the option of locating the splash pad in Robinson Park and directed Mr. Hunt to provide any existing surveys of Robinson Park to the Board via email. Mr. Hunt then continued his report, stating that he had yet to receive the results of the lead and copper sampling. He then presented a proposal from Westlake Home and Commercial for power washing services in the amount of \$1,809, attached as **Exhibit “L”**. After discussion, upon motion by Director Green and second by Director Christiano, the Board voted unanimously to approve the proposal, as presented. Mr. Hunt next presented a proposal from NRW Consulting Services, Inc. d/b/a JBS Associates for leak detection services in the amount of \$9,960, attached as **Exhibit “M”**. Upon motion by Director Jones and second by Director Green, the Board voted unanimously to approve the proposal, as presented. Upon motion by Director Jones and second by Director Green, the Board voted unanimously to approve the two write-offs. Director Green then asked Mr. Hunt if he had obtained proposals for painting the pool pump house. Mr. Hunt stated that he had not yet obtained any proposals, but would coordinate with Mr. Marroquin to do so. He then presented the District’s Wastewater Discharge Permit, issued by Austin Water Utility on September 30, 2019. At 9:30 p.m., Director Conklin stated that the Board would take a brief recess. At 9:37 p.m., the Board reconvened and Mr. Hunt and the Website Committee then presented three logo and visual identity options prepared by Hot Dog Marketing, attached as **Exhibit “N”**. After discussion, the Board selected the first logo, which the Board determined was very similar to the Gypsy Oak in Robinson Park, and the colors used for the first logo, but directed the Website Committee to request more variations of the font of the text used in the first logo and bring them back for consideration.

There being no lobbyists’ report, bond projects, City of Austin wholesale rate cases or related issues, or future annexation, limited district conversion or other City of Austin related issues to come before the Board, or attorney’s report, Director Conklin asked if there were any other items to come before the Board. There being no other matters to come before the Board, upon motion by Director Green and second by Director Conklin, the Board voted unanimously to adjourn at 10:03 p.m.

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(SEAL)



Date: November 20, 2019

Diana Christiano
Diana Christiano, Secretary
Board of Directors