

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

May 20, 2020

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 May 20, 2020, 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 times during the meeting were David Malish with Murfee Engineering Co., Inc.; Andrew Hunt with Crossroads Utility Services, L.L.C.; Marc Marroquin with Premier Recreation Management Services, LLC; Richard Fadal with TexaScapes, Inc.; and Kevin Flahive with Armbrust & Brown, PLLC.

Director Conklin called the meeting to order at 6:01 p.m., stated that the Board would first receive citizen communications. There being none, the Board next considered approval of the March 16, 2020, March 18, 2020 and May 2, 2020 minutes. Upon motion by Director Green and second by Director Jones, the Board voted unanimously to approve the March 16, 2020 minutes, as presented. Director Conklin then addressed a correction to be made to line 89 of the March 18, 2020 minutes. After discussion, upon motion by Director Green and second by Director Beaulieu, the Board voted unanimously to approve the March 18, 2020 minutes, as corrected. Upon motion by Director Conklin and second by Director Jones, the Board then voted unanimously to approve the Macy 2, 2020 minutes, as presented. The Board concluded by reviewing the April 15, 2020 minutes of the Emergency Expenditure Committee meeting.

There being no report from the Rattan Creek Neighborhood Association (the “RCNA”), at 6:15 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 6:32 p.m. and Director Conklin stated that no action was taken during executive session. Mr. Flahive then reviewed the restrictive covenant report, attached as **Exhibit “B”**. He discussed the status of the pending enforcement action relating to the garbage and refuse located in the yard of the property located at 13107 Tamayo Drive. After discussion, upon motion by Director Conklin and second by Director Christiano, the Board voted 4-1 to suspend the enforcement action for 30 days to provide the resident with additional time to remove the garbage and refuse from the property, with Directors Conklin, Jones, Christiano and Green voting “aye” and

Director Beaulieu voting “nay”. Mr. Flahive then discussed the status of the pending enforcement action relating to the garbage and refuse located in the yard of the property located at 13251 Kerrville Folkway. After discussion, upon motion by Director Conklin and second by Director Jones, the Board voted unanimously to direct Mr. Flahive to continue the enforcement action relating to the garbage and refuse located in the yard of the property located at 13251 Kerrville Folkway by delivering the Final Notice.

Director Conklin stated that the Board would next receive the District accountant’s report. Mr. Hunt reviewed the updated cash activity report, attached as **Exhibit “C”**, including the director and vendor payments and the three transfers. Mr. Hunt then reviewed the March financials. After discussion of the invoices, upon motion by Director Green and second by Director Jones, the Board voted unanimously to approve the director and vendor payments and the three transfers, as presented.

The Board next discussed the Williamson County security report, attached as **Exhibit “D”**, and the Travis County security report, attached as **Exhibit “E”**. The Board directed Mr. Hunt to contact Sergeant Scott Zion and Sergeant Ralph Moreno to request more stringent enforcement of each county’s respective leash law.

Director Conklin then recognized Mr. Hunt to provide the park and landscape maintenance report. Mr. Hunt reviewed the report, attached as **Exhibit “F”**. He then presented: (i) proposal no. 9644 for soccer fields summer repair and topdressing in the amount of \$10,953, attached as **Exhibit “G”**; and (ii) proposal no. 9645 for poison ivy treatment for the year 2020 in the amount of \$6,000, attached as **Exhibit “H”**. The Board had questions regarding the number and frequency of treatments under proposal no. 9645. Mr. Hunt called Mr. Fadal, who discussed the proposal with the Board and clarified that the proposal contemplated four one-day treatments, each at a cost of \$1,500. He stated that the treatments would occur as needed over the course of the growing season. Mr. Fadal stated that his office would invoice the District in the amount of \$1,500 for each full day of treatments, as they are performed. After discussion, upon motion by Director Conklin and second by Director Jones, the Board voted unanimously to approve both proposals, as presented, with the clarification that proposal no. 9645 is for treatments as needed, as determined by Mr. Fadal, not to exceed four full days of treatments at \$1,500 each.

The Board next reviewed the solid waste services report, attached as **Exhibit “I”**.

Director Conklin then recognized Mr. Marroquin to provide the pool and community center report, attached as **Exhibit “J”**. Mr. Marroquin reviewed his report and commented that the swimming pool had been well utilized by residents since reopening on May 13, 2020, but not to the extent that residents were turned away due to the District’s limitations on use. He then distributed a handout, attached as **Exhibit “K”**, providing the maximum occupancy of the swimming pool under Governor Abbott’s May 18, 2020 Executive Order and Williamson County & Cities Health District guidance and his proposal for further reopening of the swimming pool, including a daily schedule (the “*Pool Reopening Plan*”). Mr. Marroquin stated that the current 25% maximum occupancy limited use of the swimming pool to 45 persons and use of the wading pool to 4 persons. He concluded by recommending that the Board consider initiating the next phase of reopening of the pool effective May 29, 2020. Director Conklin stated that the Board would consider the proposal under the District facilities agenda item.

The Board took a recess at 7:40 p.m. and reconvened in open meeting at 7:47 p.m. Director Conklin stated that the Board would next receive a report from the District’s general

manager. Mr. Hunt referred the Board to his report, attached as **Exhibit “L”**. He stated that water loss was up to 4.98% during the month of April, which he attributed, in part, to utility projects and flushing of the District’s water system. Mr. Hunt stated that his staff was working to identify the next group of fire hydrants to be replaced, but was sensitive to the impact on residents during the pandemic. He stated that he would bring a proposal to the Board at a later meeting. Mr. Hunt then presented two write-offs for Board approval. He next provided an update on the status of utility bill delinquencies and stated that his office would monitor the matter closely moving forward. Mr. Hunt stated that the District had received numerous inquiries through the website relating to reopening facilities. He then updated the Board on the status of production of the new District website by the Website Committee and Hot Dog Marketing. Mr. Hunt stated that T Bar M Land Services, LLC would begin the fence project in Robinson Park approved by the Board at the February 19, 2020 regular meeting within the next week. Director Christiano requested that Mr. Hunt notify her when work commenced so that she could visit the site and see the location of the fence to be constructed. Mr. Hunt then discussed use of the title survey for Rattan Creek Park in connection with diligence into the possible splash pad project. After discussion, the Board directed Mr. Hunt to meet with the Pool Committee to identify proposed siting options for the splash pad for presentation to the Board at a future meeting. Mr. Hunt then reviewed the 2019 Consumer Confidence Report with the Board. He next presented the updated Rules Governing Water and Wastewater Services, attached as **Exhibit “M”**, and Amended and Restated Order Establishing Water and Wastewater Service Rates, Charges and Tap Fees, and Adopting General Policies with Respect to the District’s Water, Wastewater and Drainage System, attached as **Exhibit “N”** (together, the *“Rules & Rate Order”*). Mr. Hunt addressed new standards for permissible amounts of lead in plumbing pipes and fittings and other conforming changes in the documents. Upon motion by Director Conklin and second by Director Jones, the Board voted unanimously to approve the Rules & Rate Order, as presented. Mr. Hunt then presented: (i) the 2019 water audit report submitted to the Texas Water Development Board (the *“TWDB”*), attached as **Exhibit “O”**; (ii) the 2020 water conservation plan annual report submitted to the TWDB, attached as **Exhibit “P”**; and (iii) the Order Establishing Revised Water Conservation and Drought Contingency Plan, attached as **Exhibit “Q”**. He stated that the 2019 water audit found 2.9% water loss, which was very low in comparison to other water utilities. Mr. Hunt stated that the Water Conservation and Drought Contingency Plan, which must be filed each five years, was very similar to the 2015 plan. After discussion, upon motion by Director Conklin and second by Director Green, the Board voted unanimously to approve the Order Establishing Revised Water Conservation and Drought Contingency Plan and to direct that the Water Conservation and Drought Contingency Plan be filed with the TWDB, the Texas Commission on Environmental Quality, the Lower Colorado River Regional Water Planning Group and the Brazos Regional Water Planning Group. Mr. Hunt concluded his report by updating the Board on the operating procedures that his office had adopted as it navigates the COVID-10 pandemic. Upon motion by Director Conklin and second by Director Jones, the Board voted unanimously to approve the two write-offs, as presented.

Director Conklin then recognized Mr. Malish to provide the District engineer’s report, attached as **Exhibit “R”**. Mr. Malish stated that the contract with Joe Bland Construction, L.P. had been executed, proof of insurance provided, and the payment and performance bonds had been posted. He requested the Board’s authorization to deliver a notice to proceed to the contractor. Upon motion by Director Jones and second by Director Conklin, the Board voted unanimously to authorize Mr. Malish to deliver a notice to proceed to Joe Bland Construction, L.P., subject to HB 1295 compliance. Mr. Malish then discussed the issues encountered in performing the waterline relocation project on the NW Austin Office Partners LLC site and presented and recommended approval of: (i) pay estimate no. 4 from JBS Underground, LLC in

the amount of \$120,897.20, which included an additional \$2,112.91 material quantity adjustments for crushed stone and cement, attached as **Exhibit “S”**; and (ii) change order request from JBS Underground, LLC in an additional amount of \$8,253.77, attached as **Exhibit “T”** (together, the *“Pay Estimate & Change Order”*). He stated that he was awaiting receipt of the maintenance bond from the contractor and the environmental deposit from the City of Austin. After discussion, upon motion by Director Christiano and second by Director Green, the Board voted unanimously to approve the Pay Estimate & Change Order, subject to HB 1295 compliance, but directed Ms. Bott to release the payment only upon Mr. Malish’s confirmation that the maintenance bond had been received from the contractor, that the environmental deposit had been received from the City of Austin and that an invoice from the contractor for the additional amount owed under the change order had been received by her office. Mr. Malish next discussed the status of the Parmer Lane bridge project. He stated that Williamson County staff was in support of the project and that the next step would be to meet with Texas Department of Transportation (*“TxDOT”*) staff to introduce the project and pursue conceptual approval. Mr. Malish stated that additional geotechnical engineering and structural engineering services would be needed to further develop the design for presentation to TxDOT staff and presented: (i) a proposal from Balcones Geotechnical, LLC for geotechnical engineering services, attached as **Exhibit “U”**; and (ii) a proposal from Pickett, Kelm & Associates, Inc. for structural engineering services, attached as **Exhibit “V”** (together, the *“Engineering Proposals”*). Director Conklin clarified with Mr. Malish that the proposal from Balcones Geotechnical, LLC was for a fixed amount of \$6,000, while the proposal from Pickett, Kelm & Associates, Inc. was for a not-to-exceed amount of \$7,500. Upon motion by Director Conklin and second by Director Green, the Board voted unanimously to approve the Engineering Proposals, subject to HB 1295 compliance, and directed Mr. Malish to inform the Drainage Committee of scheduled meetings with TxDOT staff so that that one or both committee members could attend, if desired. Mr. Malish concluded his report by presenting the proposal from Utility Testing and Services for annual wastewater line TVing within the District in the amount of \$55,788.75, attached as **Exhibit “W”**. Upon motion by Director Conklin and second by Director Jones, the Board voted unanimously to approve the proposal from Utility Testing and Services, subject to HB 1295 compliance, as presented.

There being no lobbyists’ report, bond projects to discuss, City of Austin wholesale rate cases update, or future annexation, limited district conversion, and other City of Austin related issues to discuss, the Board next discussed District facilities. Mr. Flahive updated the Board on the content of Governor Abbott’s May 18, 2020 Executive Order and the Board discussed the Pool Reopening Plan presented by Mr. Marroquin, including use of the District’s reservation software for such purpose. Upon motion by Director Green and second by Director Jones, the Board voted unanimously to approve the Pool Reopening Plan, as modified and supplemented, to: (i) indefinitely suspend new out-of-District swimming pool memberships; (ii) indefinitely limit use of the swimming pool to current out-of-District members and District resident members, excluding guests; (iii) initiate the Pool Reopening Plan on Friday, May 29, 2020; (iv) authorize Mr. Marroquin to further limit occupancy below the 25% maximum at any time, if necessary or desirable, in his discretion; and (v) authorize Mr. Marroquin to modify the schedule set forth in the Pool Reopening Plan at any time, if necessary or desirable, in his discretion. The Board then discussed the tennis courts and basketball court and elected to not to take any action to modify the current rules for usage of same. The Board next discussed the community center and, upon motion by Director Conklin and second by Director Beaulieu, the Board voted unanimously to reopen the community center only to existing, repeat renters under agreements with the District, up to the 25% occupancy maximum imposed by Governor Abbott’s May 18, 2020 Executive Order, and subject to compliance with social distancing guidelines and any more restrictive rules determined appropriate by Mr. Marroquin in consultation with Mr.

Flahive. The Board next discussed the large and small pavilions within Rattan Creek Park and Robinson Park. After discussion, upon motion by Director Green and second by Director Jones, the Board voted 4-1 to reopen the pavilions, but not accept reservations for gatherings in the pavilions, with Directors Conklin, Jones, Green and Beaulieu voting “aye” and Director Christiano voting “nay”. The Board then discussed the playscapes, gaga ball pit and sand volleyball courts and elected to not to take any action to modify the current rules for usage of same.

Director Conklin then addressed Mr. Flahive to provide the District attorney’s report. Mr. Flahive reviewed the proposed preliminary schedule for adopting the District’s 2020-2021 budget and 2020 tax rate, attached as Exhibit “X”. The Board agreed with the schedule and discussed scheduling a special budget work session, the date of which would be determined at the June 17, 2020 regular Board meeting. Director Conklin encouraged the committees to begin preparing for the budget work session.

Director Conklin then asked if there were any other items to come before the Board. The Board discussed the Sign Committee and, upon motion by Director Beaulieu and second by Jones, voted unanimously to remove Director Conklin from and appoint Director Jones to the Sign Committee. There being nothing further to come before the Board, upon motion by Director Conklin and second by Director Green, the Board voted unanimously to adjourn at 10:50 p.m.

(SEAL)



*Diana Christiano*  
Diana Christiano, Secretary  
Board of Directors

Date: June 17, 2020