

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

June 17, 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 June 17, 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, except Director Conklin and Director Green, 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; April Bliss with Rattan Creek Neighborhood Association; Will Bowden with Ranger Excavating, LP; Natalia Riusech with Concept Development & Planning LLC; Sergeant Scott Zion with the Williamson County Sheriff's Office; Kevin Flahive with Armbrust & Brown, PLLC; Jim Aken, a resident of the District; and the sister of Lata Narumanchi, a resident of the District.

Director Jones called the meeting to order at 6:03 p.m. and stated that the Board would first receive citizen communications. There being none, the Board next considered approval of the May 9 and May 20 minutes. The Board elected to postpone consideration of the May 9 minutes until the July 15 regular Board meeting. Director Beaulieu then addressed a correction to be made to the May 20, 2020 minutes. After discussion, upon motion by Director Beaulieu and second by Director Christiano, the Board voted 3-0 to approve the May 20, 2020 minutes, as corrected.

Director Jones then recognized Ms. Bliss to provide a report from the Rattan Creek Neighborhood Association (the "RCNA"). Ms. Bliss stated that the RCNA's next event would be the Fourth of July parade from 9:00 a.m. to 10:00 a.m. She stated that the event would be limited to the parade and that the activities historically held in Rattan Creek Park would not be held this year due to the COVID-19 pandemic. Ms. Bliss then stated that the RCNA desired to hold its members only pool party at the District swimming pool the evening of August 8, if approved by the Board.

The Board then returned to the citizen communications agenda item and Director Jones recognized a woman stating that she was the sister of Lata Narumanchi, the owner of the property located at 13251 Kerrville Folkway. Ms. Narumanchi's representative read a letter from Ms. Narumanchi relating to the pending restrictive enforcement matter relating to the property

and the physical disabilities of the residents of the property. Director Jones thanked the representative for attending the meeting and addressing the Board with Ms. Naraumanchi's concerns.

Director Jones next recognized Ms. Riusech and Mr. Malish to address the Tamayo bridge project. Mr. Malish stated that Joe Bland Construction, L.P. would soon commence work on the project. Ms. Riusech then discussed prior discussions and correspondence with the Bond Projects Committee regarding posting signage near the project to advise residents of the purpose of the project. After discussion, upon motion by Director Christiano and second by Director Beaulieu, the Board voted 3-0 to authorize the Sign Committee to work with Mr. Malish and Ms. Riusech to determine the design and content of two 4' by 8' signs to be installed along Tamayo Drive at each end of the bridge and to approve payment of all costs in connection with creation and installation of the signage.

The Board next discussed with Mr. Bowden the occurrence of water theft from a District hydrant by Ranger Excavating, LP. Mr. Bowden acknowledged and apologized for the water theft. He stated that he had new staff working on the Apple campus under construction. Mr. Bowden assured the Board that it would not happen again and requested that the Board waive or reduce the \$1,000 fine or consider accepting services from Ranger Excavating, LP in lieu of the fine. Director Jones thanked Mr. Bowden for addressing the Board and stated that the Board would take action on the matter later in the meeting.

At 6:27 p.m., Director Jones 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 7:05 p.m. and Director Jones 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 Beaulieu and second by Director Christiano, the Board voted 3-0 to direct Mr. Flahive to resume the enforcement action by delivering a Notice of Impending Litigation.

Director Jones 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 three transfers. Director Jones pointed out inconsistencies in the per mile mileage reimbursement amounts to be paid to Directors. Mr. Hunt confirmed that the 2019 rate was 58 cents per mile and the 2020 rate was 57.5 cents per mile and stated that the reimbursement to Director Conklin should be corrected. Mr. Malish then discussed with the Board an invoice from the City of Austin in the amount of \$2,751.84 for an environmental inspection deposit for the initial Tamayo bridge project, which was subsequently halted and redesigned. He requested that the Board approve the invoice and have it paid electronically by the District's accountant on 6/18 or he would pay the invoice on 6/18 and receive reimbursement from the District's accountant. Mr. Flahive stated that the District's accountant should be able to make the payment electronically pursuant to the terms of the Resolution Establishing Emergency Expenditure Committee, Procedures for Approval of Expenditures and Transfers, and Signature of Disbursements approved by the Board on March 16, 2020. Upon motion by Director Jones and second by Director Beaulieu, the Board voted 3-0 to approve the director and vendor payments, as corrected and with the addition of the City of Austin invoice, as presented by Mr. Malish, and the three transfers, as presented. The Board then took a brief recess from 7:15 p.m. to 7:18 p.m.

The Board next received the Williamson County security report, attached as **Exhibit “D”**. Sergeant Zion reviewed the report, stating that 433 calls were received during the month of May, primarily relating to security and neighborhood checks. He stated that seven burglaries occurred within the District during May, which was consistent with an increase in burglaries throughout Williamson County. Sergeant Zion then responded to questions from the Board.

Mr. Hunt then presented the park and landscape report, attached as **Exhibit “E”**. He stated that regularly scheduled maintenance projects had been performed and that the greenbelt clean-up project approved by the Board at the February 19 regular meeting had been completed.

Mr. Hunt next provided the Travis County security report. He stated that Sergeant Ralph Moreno had resumed his patrols within the District upon approval by the Travis County Sheriff's Office.

Mr. Hunt then reviewed the solid waste services report, attached as **Exhibit “F”**, with the Board and responded to questions regarding the report.

Director Jones then recognized Mr. Marroquin to provide the pool and community center report, attached as **Exhibit “G”**. Mr. Marroquin reviewed his report and stated that swimming pool operations pursuant to the Pool Reopening Plan, as approved by the Board at the May 20 regular meeting, were going well. Mr. Marroquin stated that usage of the swimming pool had maximized the 25% capacity limitation, but only generated infrequent and short wait lists. He discussed with the Board the June 3 Executive Order by Governor Abbott, which permitted the District to further reopen the swimming pool to 50% capacity, but stated that he recommended that the Board consider further reopening to 38% capacity, thereby allowing 75 people within the swimming pool area at any time. Mr. Marroquin then stated that the Sailfish Swim Team desired to resume use of the swimming pool pursuant to the Pool Use Agreement with the District and any rules and requirements imposed by the Board due to the COVID-19 pandemic. He then requested that the Board approve a graduation pool party for District residents that had recently graduated from high school on August 2 from 7:30 p.m. to 11:00 p.m. Mr. Marroquin stated that he would like to work with the RCNA to sponsor the event. Director Jones stated that the numerous requests would be addressed with the facility items on the agenda.

Director Jones 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 “H”**. He stated that water loss was up to 4% during the month of May, which was consistent with prior months. Mr. Hunt stated that his staff had replaced a few fire hydrants that had isolation valves, so that the work would not disrupt water utility service to District residents. He then presented four write-offs. Mr. Hunt stated that the new website was in production and that he would soon provide an initial version to the Website Committee for review and comment. He stated that he would update the District's Facebook page with the facility reopening actions taken by the Board later in the meeting. Mr. Hunt stated that the fence project in Robinson Park was ongoing. He stated that he had received a resident request for a new pet waste station on Dallas Drive and agreed that it was needed. Mr. Hunt stated that he would obtain a proposal for the pet station for presentation to the Board at the July 15 regular meeting. He then discussed the \$229 reimbursement request from the owner of 8317 Osborne Drive for plumbing costs incurred by the resident that related to a District sewer line repair. Mr. Hunt concluded his report by reviewing the water theft from the District hydrant by Ranger Excavating, LP. After discussion, upon motion by Director Jones and second by Director Beaulieu, the Board voted 3-0 to: (i)

approve the four write-offs, as presented; (ii) levy a fine of \$500 on Ranger Excavating, LP; and (iii) approve the \$229 reimbursement to the owner of 8317 Osborne Drive.

Director Jones then recognized Mr. Malish to provide the District engineer's report, attached as **Exhibit "I"**. Mr. Malish stated that Joe Bland Construction, L.P. was commencing work on the Tamayo bridge project. He stated that the waterline relocation project on the NW Austin Office Partners LLC site had been completed. Mr. Malish stated that Balcones Geotechnical, LLC and Pickett, Kelm & Associates, Inc. had commenced the further authorized work on the Parmer Lane bridge project and that he was seeking the initial meeting with Texas Department of Transportation staff to introduce the project and pursue conceptual approval. He stated that the annual wastewater line TVing project would commence in the near term. Mr. Malish, Mr. Hunt and Mr. Flahive then discussed the complaints from District residents residing in the The Bluffs regarding the condition of the ±20 acre parkland tract owned by Williamson County. Mr. Hunt discussed his findings during a limited site investigation. Mr. Flahive reviewed the content of the 2004 Special Warranty Deed pursuant to which the District conveyed the ±20 acre parkland tract to Williamson County, including the 100' wide exclusive easement retained by the District and the District's rights and obligations thereunder. Mr. Malish discussed with the Board the context of the 2004 conveyance. The Board directed Mr. Hunt to contact the residents of The Bluffs to learn more about their complaints and then coordinate with Richard Fadal to have TexaScapes, Inc. provide recommendations and a proposal at the July 15 regular meeting.

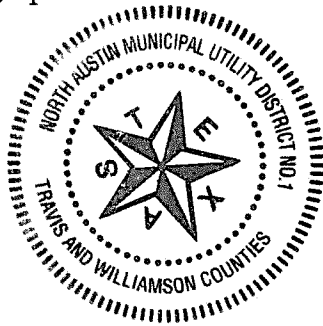
There being no lobbyists' report, bond projects, City of Austin wholesale rate cases update, or future annexation, limited district conversion, and other City of Austin related issues to discuss, the Board next discussed District facilities. Mr. Hunt and Mr. Flahive updated the Board on the content of Governor Abbott's June 3, 2020 Executive Order, the Centers for Disease Control and Prevention guidance for administrators of park and recreational facilities, the cleaning and disinfection guidelines, and the requests of Mr. Marroquin for the Board's consideration. Upon motion by Director Jones and second by Director Christiano, the Board voted 3-0 to: (i) permit the Sailfish Swim Team to resume use of the swimming pool pursuant to the Pool Use Agreement and rules relating to use of the swimming pool during the COVID-19 pandemic; (ii) approve the request for a graduation pool party for District residents on August 2 from 7:30 p.m. to 11:00 p.m.; (iii) approve the request for the RCNA members only pool party on August 8; and (iv) approve further reopening of the swimming pool to 38% capacity (i.e., a maximum of 75 persons) and otherwise continue all Pool Reopening Plan actions taken by the Board at the May 20 regular meeting. After discussion, upon motion by director Christiano and second by Director Beaulieu, the Board voted 3-0 to allow District resident pool members to resume private rentals of the swimming pool after hours, subject to all District rules, at which event guests may use the swimming pool. The Board then discussed private rentals of the community center and elected not to permit such rentals, but directed Mr. Marroquin to maintain a record of requests, including the name and contact information of the requestor and the proposed date of use for Board consideration at a later time. Then, after discussion and upon motion by Director Beaulieu and second by Director Jones, the Board voted 3-0 to further open the tennis courts for doubles play and reopen the basketball court, playscapes, gaga ball pit and volleyball courts, provided that new signage directing users to do so at their own risk and requiring compliance with Centers for Disease Control and Prevention guidelines and state and local regulations be prepared and installed in the locations of all facilities. The Board directed Mr. Hunt and Mr. Flahive to coordinate with the Sign Committee regarding the content and locations of the new signage. The Board next discussed pavilion rentals and, upon motion by Director Beaulieu and second by Director Jones, voted 3-0 to: (i) allow District residents to rent

the large and small pavilions for private events with an attendance of no more than 25 people for the large pavilions; and (ii) indefinitely waive the rental fee for the pavilions.

Director Jones then addressed Mr. Flahive to provide the District attorney's report. Mr. Flahive presented the Partial Terminations and Releases of Water Lines Easements, releasing a 0.2025 acre tract (OPRWTC 2001060527) and a 0.302 acre tract (OPRWTC 2018084005), attached as **Exhibit "J"** (the "*Partial Terminations*"), which he stated were the final actions to be taken by the District pursuant to the Settlement Agreement and Release with NW Austin Office Partners LLC in connection with the waterline dispute. Upon motion by Director Jones and second by Director Beaulieu, the Board voted 3-0 to approve the Partial Terminations and direct the execution and recording of same in the Official Public Records of Williamson County, Texas. Mr. Flahive then discussed the schedule for adopting the District's 2020-2021 budget and 2020 tax rate with the Board. The Board elected to conduct a budget work session and bills and invoices meeting on July 13 and a regular meeting on July 15.

Director Jones then asked if there were any other items to come before the Board. There being none, upon motion by Director Jones and second by Director Christiano, the Board voted 3-0 to adjourn at 8:58 p.m.

(SEAL)



Diana Christiano

Diana Christiano, Secretary
Board of Directors

Date: July 15, 2020