

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

August 19, 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 August 19, 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 Jay Howard and Ja-Mar Prince with Texas Disposal Services, Inc. ("TDS"); David Malish with Murfee Engineering Co., Inc.; Andrew Hunt with Crossroads Utility Services, L.L.C.; Marc Marroquin with Premier Recreation Management Services, LLC; Sergeant Scott Zion with the Williamson County Sheriff's Office; Kevin Flahive with Armbrust & Brown, PLLC; and Mike Lewandowski, Mark Calais and Deana Tollerton, residents of the District.

Director Conklin called the meeting to order at 6:03 p.m., stated that the Board would first receive citizen communications, and recognized Mr. Lewandowski. Mr. Lewandowski discussed with the Board and Mr. Malish his plans to construct an addition to his home and his questions regarding applicable regulatory requirements and proper permitting for the project. Director Conklin stated that the District has no formal relationship with the Architectural Control Committee created pursuant to the deed restrictions for the subdivisions within the District. Mr. Malish recommended that Mr. Lewandowski contact the City of Austin and Travis County. Director Conklin then recognized Mr. Calais. Mr. Calais stated that he had lived in the District for 16 years. He stated that he understood that facilities would be discussed later in the meeting and he urged the Board to reopen the tennis courts. Mr. Calais referenced the limited access to the courts and one's ability to open the gate without touching the handle in support of his request. Director Conklin stated that the Board had heard from many residents that desired the Board to reopen the tennis courts and thanked Mr. Calais for addressing the Board. The Board next discussed correspondence received from Kristi Copeland, a resident of the District, urging the Board to maintain all current facilities closures. Director Green stated that she had received correspondence from District residents urging the Board to open the playscapes and tennis courts. Director Beaulieu stated that she, too, had received correspondence from District residents regarding facilities and would relay that input to the Board under the facilities-related agenda items.

The Board next considered approval of the July 13 and July 15 minutes. Upon motion by Director Jones and second by Director Christiano, the Board voted 4-0 to approve the July 13 minutes, as presented, with Director Green abstaining. Then, upon motion by Director Jones and second by Director Christiano, the Board voted 4-0 to approve the July 15 minutes, as presented, with Director Green abstaining.

There being no report from the Rattan Creek Neighborhood Association (the "RCNA"), Director Jones stated that the Rattan Fest event, scheduled for September, had been canceled. Mr. Hunt then stated that Brian Kerman, a resident of the District that had served on the Architectural Control Committee for many years, had resigned from that position. The Board then discussed the bulk pickup event scheduled for November 21.

Director Conklin then stated that the Board would jump ahead in the agenda and receive the solid waste report. Mr. Howard and Mr. Prince then provided their report to the Board. Mr. Howard referred the Board to the June 12 correspondence from his office requesting an annual rate adjustment, effective October 1, 2020, from \$18.58 to \$19.12. He asked that the Board disregard the request and discussed with the Board establishing a methodology for determining annual rate increases by TDS pursuant to the Solid Waste & Recycling Collection & Disposal Agreement with the District. Mr. Howard discussed establishing a floor, a ceiling, and a number of indices to be utilized to determine the amount of a rate increase within such parameters. He stated that TDS did not request an annual increase for the District's 2020-2021 fiscal year, but he did want to establish the methodology in the spring of 2021, amend the Solid Waste & Recycling Collection & Disposal Agreement to incorporate the methodology, and then utilize the methodology for the District's 2021-2022 fiscal year. Director Conklin recommended that the Solid Waste Disposal RFP Committee be reconstituted to work with Mr. Howard and Mr. Prince toward a proposal to the Board in the spring of 2020. Directors Christiano and Beaulieu agreed to again serve on the committee. Director Conklin stated that he would like to serve as an alternate. Upon motion by Director Conklin and second by Director Green, the Board voted unanimously to establish the Solid Waste Disposal Committee, comprised of Directors Christiano and Beaulieu, with Director Conklin serving as an alternate, to work with Mr. Howard and Mr. Prince toward a proposal to the Board in the spring of 2021. Director Jones then asked Mr. Howard and Mr. Prince whether TDS's app could contact residents when pickups would be delayed. They responded that the function was not yet available, but TDS was working on integrating that function into the app. Mr. Howard then discussed the increase of approximately 40% in residential solid waste and recycling demand due to the COVID-19 pandemic. He confirmed that the bulk pickup event scheduled for November 21 would be performed as scheduled. The Board then directed Mr. Hunt to work with Mr. Prince to schedule the fall leaf pickup. Director Christiano then complimented Mr. Howard and Mr. Prince on their staff, who she said were always very friendly when in the District.

The Board next addressed the 2020-2021 budget and 2020 tax items on the agenda. Mr. Flahive discussed with the Board the three categories of special districts pursuant to the Texas Property Tax Reform Transparency Act of 2019 and his understanding that, with the advice of the District's engineer and financial advisor, the Board would determine that the District would be classified as a "developed" district, as it did not meet the statutory criteria for a "low tax rate" district and it had issued bonds to pay for all land, works, improvements, facilities, plants, equipment, and appliances necessary to serve at least 95% of the projected build-out of the District. He also discussed with the Board the availability of the disaster area exception due to Governor Abbott's monthly disaster area declarations due to the COVID-19 pandemic, which exemption he understood the Board would not elect to claim. Director Conklin then stated that the "developed" district designation, without the disaster area exception, meant that if the Board

were to adopt a 2020 tax rate resulting in an overall tax bill on the average home within the District that exceeds the 2019 tax bill on the average home within the District by more than 3.5%, then the District would be required to hold an election to reduce the operations and maintenance component of the adopted 2020 tax rate to a rate that would result in a 3.5% increase in the amount of operations and maintenance tax imposed on the average home in the District in 2019. After discussion, upon motion by Director Conklin and second by Director Green, the Board voted unanimously to classify the District as a “developed” district and not to claim the disaster area exception. Mr. Hunt then reviewed the 2020 Tax Rate Analysis, attached as **Exhibit “B”**, which he stated was the same analysis that Linda Hubble with Public Finance Group, LLC had reviewed with the Board at the August 17 work session. He stated that Ms. Hubble recommended that the Board approve a proposed tax rate of \$0.2817. Mr. Hunt then reviewed the 2020 Certified Estimated Values from Travis County and the 2020 Certified Appraised Values from Williamson County, establishing an aggregate 2020 certified/estimated value for the District of \$1,409,180,239, which he stated was an increase in value of approximately 3.6% over the 2019 value. The Board then discussed the 2020-2021 proposed budget with Mr. Hunt. The Board next discussed the proposed tax rate. Upon motion by Director Conklin and second by Director Christiano, the Board voted unanimously to adopt a proposed 2020 tax rate of \$0.2817. The Board next discussed the public hearing on the 2020 tax rate and referenced the proposed schedule provided by Mr. Flahive’s office. Upon motion by Director Conklin and second by Director Jones, the Board voted unanimously to schedule the public hearing at which the 2020 tax rate would be considered for Wednesday, September 16, 2020, at 6:00 p.m. Then, upon motion by Director Conklin and second by Director Jones, the Board voted unanimously to authorize a notice of the public hearing to be published in the newspaper.

Director Conklin then stated that the Board would address the restrictive covenants agenda item later in the meeting, as the Board would convene in executive session to receive legal advice pursuant to Section 551.071 of the Texas Government Code. The Board then received the accountant’s report. Mr. Hunt stated that there were no changes or additions to the updated cash activity report that he reviewed with the Board at the August 17 work session, attached as **Exhibit “C”**. Director Conklin then stated that he wanted to return to the budget topic and recommended that the Board consider a special meeting to conduct another budget work session prior to the September 16 regular meeting at which the Board would adopt the 2020-2021 budget. The Board elected to conduct the special meeting, but did not select a date. Upon motion by Director Conklin and second by Director Green, the Board voted unanimously to approve payment of the bills and invoices and the five transfers, all as presented.

The Board next considered the proposal from West, Davis & Company, LLP, attached as **Exhibit “D”**, for preparation of the District’s audit of the fiscal year ending September 30, 2020. Director Conklin stated that he had discussed the proposal with Mr. Bob West, who was unable to attend the meeting, and could confirm that the content of the proposal and proposed cost of the audit were the same as the prior year. Upon motion by Director Jones and second by Director Green, the Board voted unanimously to approve the proposal, as presented.

The Board next considered security matters. Sergeant Zion reviewed the report from the Williamson County Sheriff’s Office, attached as **Exhibit “E”**. He stated that there were 462 calls within the District during the month of July. Sergeant Zion stated that there were six burglaries of unlocked cars within the District. He then discussed the increase in mailbox thefts and stated that the U.S. Postal Service was investigating the matter. Sergeant Zion then addressed an indecent exposure incident that occurred during the evening in the District’s

greenbelt and stated that the perpetrator had not been located. Mr. Hunt then presented the report from the Travis County Sheriff's Office, attached as **Exhibit "F"**.

Mr. Hunt then presented the park and landscape report, attached as **Exhibit "G"**. He stated that standard maintenance projects for the time of year were ongoing. Mr. Hunt then presented proposal no. 9691 for drainage/erosion control work at the footbridge in Robinson Park at a cost of \$9,065. He confirmed that funds were budgeted for the project. Upon motion by Director Green and second by Director Conklin, the Board voted unanimously to approve the proposal, as presented.

Director Conklin then recognized Mr. Marroquin to provide the pool and community center report. Mr. Marroquin reviewed his report, attached as **Exhibit "H"**. He stated that, overall, operation of the swimming pool over the summer months had gone well. Mr. Marroquin stated that the reservation system worked well and that District residents had been complimentary of his staff and of the Board for operating the swimming pool. He discussed allowing non-resident members of the swimming pool to resume using the swimming pool during the winter season, which would begin on September 15. Mr. Marroquin then stated that he was working with representatives of the McNeil High School Swim Team, the St. Dominic Savio Catholic High School Swim Team and the Sailfish Swim Team to prepare proposed agreements for use of the swimming pool for the Board's consideration at the next Board meeting. Director Green recommended, and the rest of the Board agreed, that Mr. Marroquin would present the winter swimming pool membership request and the proposed agreements with the swim teams to the Pool Committee for consideration and recommendation to the Board.

The Board then received a report from the District's general manager. Mr. Hunt referred the Board to his report, attached as **Exhibit "I"**. He stated that the District had a negative 2.28% water loss during the month of July. Mr. Hunt then presented three write-offs. He next discussed utility invoice delinquencies with the Board, stating that they were consistent with prior years, and again recommended against resuming the assessment of late fees and cutting off service due to nonpayment in the near term. Mr. Hunt then discussed the new website and stated that he expected to provide the beta version to the Board for use and comment in the near term and, depending on the feedback, the website would go live shortly thereafter. The Board discussed its desire to launch the new website as soon as possible, even if changes and additions were needed thereafter. Mr. Hunt stated that the fence project in Robinson Park would be completed in the next two to three weeks, and the delay in completion was due to a delay in delivery of wrought iron by the manufacturer. He then completed his report. Upon motion by Director Jones and second by Director Green, the Board voted unanimously to approve the three write-offs, as presented. Mr. Hunt then presented the proposals from NRW Consulting Services, Inc. dba JBS Associates for the annual water loss audit at alternative costs of \$2,880 or \$8,265, depending on the scope desired by the Board, attached as **Exhibit "J"**. After discussion, upon motion by Director Jones and second by Director Green, the Board voted unanimously to approve the proposal, with a scope of 195 fire hydrants, at a cost of \$2,880, as presented. Mr. Hunt then presented the proposal from his office for installation of 10 dedicated bacteriological sampling stations within the District at a cost of \$52,000, attached as **Exhibit "K"**. He stated that he had solicited three proposals for the project, that the two other contractors did not submit proposals, and that he had provided information regarding same to Mr. Flahive's office. After discussion of the project, upon motion by Director Jones and second by Director Christiano, the Board voted unanimously to approve the proposal, as presented. Mr. Hunt and Mr. Flahive then reviewed the proposal from studio 16:19, LLC for preparation of a signage masterplan for Rattan Creek Park and Robinson Park, including the addenda thereto prepared by Mr. Flahive's office, attached as **Exhibit "L"**. The Board discussed the basic services and the

optional supplemental services to be provided under the proposal and, upon motion by Director Jones and second by Director Beaulieu, the Board voted to approve the proposal, as presented. Mr. Hunt then stated that he had still not received a response from the homeowners association manager for The Bluffs regarding resident complaints relating to maintenance of the 100' wide exclusive easement retained by the District on the ±20 acre parkland tract conveyed to Williamson County. Director Green stated that she knew one of the concerned residents and would provide that resident's contact information to Mr. Hunt so that he could contact the resident to learn more about the matter. Mr. Hunt then discussed with the Board recent incidents of correspondence, which incorrectly purports to come from the District, being placed on trash cans within the District to advise residents to store the trash cans within their garages or otherwise screened from view. Director Jones stated that she was aware of similar correspondence advising residents to mow their yards. Mr. Hunt asked the Board to let him know of any additional instances of this correspondence within the District.

Director Conklin then recognized Mr. Malish to provide the District engineer's report, attached as **Exhibit "M"**. Mr. Malish stated that the Tamayo bridge project would be completed in the next few weeks, with only installation of the handrail and plantings remaining to be completed. He reported on his meeting with Williamson County Judge Bill Gravell, Jr. regarding the Parmer Lane bridge project. Mr. Malish stated that he hoped to have the initial meeting with Texas Department of Transportation staff to introduce the proposed Parmer Lane bridge project and pursue conceptual approval in the near term. He next reported on difficulties encountered with the work product generated by Utility Testing and Services in connection with the annual wastewater line TVing project. Mr. Malish stated that the contractor's principal, Heath Anderson, had promised him that the report would be revised and errors corrected.

The Board next discussed the swimming pool equipment building remodel and expansion project. Mr. Hunt presented the proposal from Beacon Construction for design services at a cost of \$35,460, attached as **Exhibit "N"**. Director Christiano voiced concern about timing, as the Board desired to complete the project in February or March of 2021. Director Conklin confirmed with Mr. Hunt that the structure would be designed to house the potential equipment required to serve a splash pad, if the Board elected to construct one. After further discussion, upon motion by Director Green and second by Director Jones, the Board voted unanimously to approve the proposal, as presented. At 8:46 p.m., Director Conklin stated that the Board would take a brief recess. At 9:01 p.m., the Board reconvened in open meeting. Mr. Malish then presented the proposal from his office to provide permitting services relating to the new pool building project at a cost not to exceed \$75,000, attached as **Exhibit "O"**. After discussion, upon motion by Director Conklin and second by Director Green, the Board voted unanimously to approve the proposal, as presented.

The Board next discussed the lobbyists' report. Director Conklin stated that he and Director Green had spoken with the District's lobbyists, Marty De Leon and Roger Borgelt, and planned to meet with them later in the fall.

There being no bond projects to discuss, Director Conklin relayed to the Board the content of his discussion with Randy Wilburn regarding the discussions between WCID No. 10 and Austin Water Utility staff and legal counsel regarding future water utility service.

Director Conklin then stated that the Board would next address the District facilities items on the agenda. Mr. Hunt reviewed the August 13, 2020 Order of County Judge of Williamson County, Texas, providing that citizens may have outdoor gatherings in excess of 10 people in unincorporated areas of Williamson County so long as such gatherings otherwise

comply with Governor Abbott's Executive Order GA-28. He stated that Governor Abbott had not issued any Executive Orders or Proclamations that would affect District facilities since the Board's prior regular meeting on July 15. Mr. Hunt then distributed his facilities opening/closing matrix and a Centers for Disease Control and Prevention ("CDC") publication entitled "Guidance for Cleaning and Disinfecting Public Spaces, Workplaces, Businesses, Schools, and Homes", together attached as **Exhibit "P"**. Mr. Marroquin handed out his PowerPoint presentation with reopening procedures/guidelines, attached as **Exhibit "Q"**. Director Green then distributed a Texas Medical Association publication with a matrix of relative risks of infection of COVID-19 from various behaviors and a CDC publication entitled "How to Protect Yourself and Others", together attached as **Exhibit "R"**. The Board discussed the materials.

The Board next discussed the community center. Mr. Marroquin reviewed his proposal with the Board, referencing slide 8 of his handout. He stated that the kinderdance and karate groups were the two regular renters of the community center that desired to resume use of the facility as soon as the Board allows. After discussion, upon motion by Director Green and second by Director Jones, the Board voted unanimously to reopen the community center only to the kinderdance and karate groups, and such other groups as the Board may approve at a future meeting, subject to a 10 person maximum group size and compliance with all of Mr. Marroquin's recommended requirements listed on slide 8 of his handout, including that the facility be staffed at all times it is in use by the groups; the doors, restrooms and other touch points must be cleaned before and after use by the groups; all participants over 10 years of age must wear masks; all participants must screen their temperature as a condition of entry into the facility; parents must drop off participants and may not come into the facility; and at least 51% of the participants must be District residents.

The Board then discussed the swimming pool and elected to take no action to change operations of the facility.

The Board next discussed the basketball court, including options for reopening the facility, in whole or part, guidelines and signage. Director Green voiced concern that basketball is a high transmission activity. Director Beaulieu stated that many families within the District that use recreational facilities have formed pods to protect against exposure to COVID-19. Director Christiano stated that she was not comfortable with the risks associated with opening the facility. The Board took no action to reopen the basketball court.

The Board then discussed the tennis courts. Director Christiano stated that she wanted to determine the feasibility of adding handwashing stations to the existing water fountains in the vicinity of the tennis courts. The Board discussed the proposal and directed Mr. Hunt to obtain pricing for the handwashing stations and report back to the Board. The Board then discussed Mr. Marroquin's proposal on slide 3 of his handout and determined that removal of benches and installation of hand sanitizing stations within the courts would not be pursued. Upon motion by Director Green and second by Director Conklin, the Board voted unanimously to reopen the tennis courts, subject to the following requirements: the installation of signage requiring compliance with current CDC guidelines, compliance with current United States Tennis Association guidelines, and prohibiting waiting outside the facility; continued use of the District's reservation system; closure of the facility from 12:00 noon to 1:00 p.m. daily for cleaning of high touch areas; and a second nightly cleaning of high touch areas.

The Board next discussed the sand volleyball courts. After discussion, the Board took no action to reopen the facilities.

The Board then discussed the gaga ball pit. The Board took no action to reopen the facility.

The Board next discussed the playscapes. Director Beaulieu reviewed with the Board the response that she'd received from District residents to her request for input. She stated that 16 District residents responded with positions on reopening the playscapes, of which one asked that they remain closed, two were unsure, and 13 wanted the facilities reopened. Director Green stated that if the playscapes were to be reopened, she wanted guidelines in place to ensure that the facilities were as safe as possible under the circumstances. She proposed that hard surfaces be cleaned daily, that the number of users be limited, and that users over 10 years of age wear masks. After discussion, upon motion by Director Conklin and second by Director Jones, the Board voted 4-1, with Director Christiano voting against, to reopen the playscapes, subject to the following requirements: the installation of signage requiring compliance with current CDC guidelines; and daily closure of the facilities from 1:00 p.m. to 3:00 p.m. for cleaning.

The Board then discussed the large and small pavilions and picnic tables. Upon motion by Director Conklin and second by Director Jones, the Board voted 4-1, with Director Green voting against, to reopen the small pavilions and picnic tables, but not to allow the facilities to be reserved for use, and to keep the large pavilions closed.

The Board next discussed the trails, which had remained open. The Board took no action.

The Board then discussed the soccer fields, which were open for use but not reservations. The Board took no action.

The Board next discussed the workout stations along the trail, which were closed. Director Beaulieu stated that she wanted to reopen the facilities. Upon motion by Director Beaulieu and second by Director Conklin, the Board voted 3-2, with Directors Green and Christiano voting against, to reopen the facilities and install signage stating that users do so at their own risk and requiring compliance with current CDC guidelines.

The Board then recessed at 10:27 p.m. and reconvened in open meeting at 10:38 p.m. Director Green stated that she wanted to revisit the Board's actions to reopen the playscapes and small pavilions and picnic tables, as she was concerned about the safety implications of large numbers of users over the Labor Day weekend, despite the signage that would be installed. After discussion, upon motion by Director Green and second by Director Christiano, the Board voted 4-1, with Director Beaulieu voting against, to close the playscapes, small pavilions and picnic tables during the Labor Day weekend (Friday, September 4 through Monday, September 7).

Director Conklin then stated that the Board would address the election items on the supplemental agenda. Mr. Flahive presented the Amendment to Order Calling Director Election for November 3, 2020, attached as **Exhibit "S"**. He explained that Governor Abbott had extended early voting from October 19-October 30 to October 13-October 30 by Proclamation on July 27, 2020, which necessitated the amendment to the Order Calling Director Election for November 3, 2020 approved by the Board at its July 15 regular meeting. After discussion, upon motion by Director Conklin and second by Director Green, the Board voted unanimously to approve the Amendment to Order Calling Director Election for November 3, 2020, as presented.

At 10:47 p.m., Director Conklin then 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. The Board reconvened in open meeting at 12:08 a.m. and Director Conklin stated

that no action was taken during executive session. Mr. Flahive then reviewed the restrictive covenant report, attached as **Exhibit "T"**. He stated that there were no action items for the Board's consideration.

Director Conklin then asked if there were any other items to come before the Board. The Board discussed conducting a Town Hall Meeting in the large pavilion on Rattan Creek Park and selected October 1 as a tentative date for the event, to be discussed further and acted upon by the Board at the September 16 regular meeting. There being no further matters to come before the Board, upon motion by Director Jones and second by Director Green, the Board voted unanimously to adjourn at 12:16 a.m.

(SEAL)



Diana Christiano  
Diana Christiano, Secretary  
Board of Directors

Date: September 16, 2020