

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

February 24, 2021

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 February 24, 2021, 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 R. Jones	-	Vice President
Diana Christiano	-	Secretary
Kim Roche-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.; Ja-Mar Prince and Julio Castanedo with Texas Disposal Systems, Inc. (“TDS”); Richard Fadal with TexaScapes, Inc.; Marc Marroquin with Premier Recreation Management Services, LLC; Neale van Streepen with Austin/San Antonio Concrete Raising LLC (“CRC”); Sergeant Scott Zion with the Williamson County Sheriff’s Office; Chris Newman with the Rattan Creek Neighborhood Association (the “RCNA”); and Kevin Flahive with Armbrust & Brown, PLLC.

Director Conklin called the meeting to order at 6:02 p.m. There being no citizen communications, the Board considered approval of the January 18 and January 20 minutes. Upon motion by Director Conklin and second by Director Jones, the Board voted unanimously to approve the January 18 minutes, as presented. The Board then addressed corrections to lines 46, 74 and 123 of the January 20 minutes. Upon motion by Director Roche-Green and second by Director Jones, the Board voted unanimously to approve the January 20 minutes, as corrected.

Director Conklin then recognized Ms. Newman to provide a report from the RCNA. Ms. Newman stated that the community rallied together during the winter storm event the previous week. She complimented Mr. Marroquin for his operation of the community center during that time. Ms. Newman then discussed with the Board the RCNA’s desire to assist District residents with cleaning upon disposing of downed tree limbs on their property as a result of the storm. She asked if the District could assist in any manner. The Board, Ms. Newman, Mr. Prince, Mr. Castanedo and Mr. Hunt then discussed potential options, including use of a tree chipping machine for one or two days, provision of roll-off dumpsters, and additional yard waste pickups. Mr. Prince confirmed that each bundle of yard waste is equivalent to one bag of yard waste and would count toward the 8 bag maximum per weekly pickup under the District’s agreement with TDS. Director Jones departed the meeting at 6:34 p.m. and returned at 6:36 p.m. After

discussion, the Board determined that it wanted to explore having TDS conduct additional yard waste pickups to assist residents with disposing of downed tree limbs and additional yard waste resulting from the storm. The Board directed Mr. Prince to prepare a proposal for additional yard waste pickups, on a per truck, per day basis, for the Board's consideration at a special meeting to be held at 6:00 p.m. on March 1. The Board directed Mr. Flahive to post the agenda for the March 1 special meeting. Director Jones then discussed repeated missed pickups by TDS on Muldoon Drive with Mr. Prince.

The Board next received the solid waste services report. Mr. Prince presented his report, attached as **Exhibit "B"**, and stated that he thought communication within TDS and between TDS and District residents was greatly improving. He complimented the Board on the new District website. Mr. Prince stressed the importance of informing District residents of the four weeks during which unlimited leaf bag pickups would be provided this spring. He also recommended that the Board encourage all District residents to utilize the Waste Wizard app.

Director Conklin then stated that the Board would next consider security matters. Sergeant Zion reviewed the report from the Williamson County Sheriff's Office, attached as **Exhibit "C"**. He stated that there were 454 calls within the portion of the District located in Williamson County during the month of January, but most of those calls were security checks. Sergeant Zion stated that there were two car burglaries. He stated that many welfare checks were performed during the previous week due to the storm event.

The Board next considered the proposal from CRC for sidewalk raising along Dallas Drive at a cost of \$27,155, attached as **Exhibit "D"**. Mr. Hunt introduced Mr. van Streepen, who discussed CRC's process and experience working with area municipalities, school districts and water districts. The Board discussed with Mr. van Streepen that the Dallas Drive project would be a pilot program to learn whether the sidewalks could be adequately repaired to provide for safe pedestrian and wheelchair access. After discussion, Director Conklin made a motion to approve the proposal, as presented. Director Christiano seconded the motion. Director Beaulieu stated that she wanted to ensure that the residents along Dallas Drive are provided advanced notice of the project. Mr. Hunt stated that his office would utilize door hangers to notify the residents. Director Roche-Green then stated that she wanted locations 1 and 50 identified on the proposal to be investigated with Mr. Hunt prior to the work being performed. Mr. Hunt and Mr. van Streepen agreed. The Board then voted unanimously to approve the proposal, as presented.

Director Conklin stated that the next item on the agenda was the restrictive covenants report. He stated that the Board would return to the agenda item later in the meeting in order to convene in executive session and receive legal advice from Mr. Flahive regarding pending enforcement actions and then take any necessary actions.

There being no accountant's report, the Board next received the park and landscape maintenance report. Mr. Fadal reviewed his report, attached as **Exhibit "E"**, with the Board. He stated that his crews had cleared fallen branches from the trails within the District greenbelts and started removing the branches. Mr. Fadal stated that he expected all of the branches to be removed by March 1. He recommended to the Board that it have arborist David Madden with The Davey Tree Expert Company inspect the Gypsy Oak in Robinson Park and remove dead branches. Mr. Fadal stated that he estimated that 25% of the landscaping within the District's parks and District entrances had died due to the low temperatures during the storm. He then recommended to the Board, and the Board agreed, to remove the newly planted sage plants near the Tamayo Bridge, as the plants were among those killed by storm, and replace them with grass

to leave the area open. Mr. Fadal then confirmed with the Board that the wildflower area program within the District's greenbelts had been discontinued for approximately one year and in the spring his crews would remove the signage and mow those areas with the same frequency as other portions of the greenbelts.

Mr. Marroquin then presented the pool and community center report, attached as **Exhibit "F"**. He stated that the St. Dominic Savio Catholic High School and McNeil High School swim teams had concluded their use of the swimming pool, but that the Sailfish swim team continued its use of the swimming pool. Mr. Marroquin then discussed water leaks and other damage caused by the storm and the actions that had been and would be taken to address those items. He then discussed with the Board a request by the kinderdance group to use the Grand Pavilion for a dance recital in late May, with attendance limited to two adults per child in the recital. The Board directed Mr. Flahive to add an item to the March 17 regular meeting agenda to consider and take possible action on the request. Mr. Marroquin then presented the Pool Use Agreement with the Hurricane Swim Team, attached as **Exhibit "G"**. The Board identified and directed corrections to Sections 1.b. and 2.d. of the Pool Use Agreement. After discussion, upon motion by Director Roche-Green and second by Director Jones, the Board voted unanimously to approve the Pool Use Agreement, as corrected.

At 8:16 p.m., the Board took a short recess. At 8:28 p.m. the Board reconvened in open meeting.

The Board then received a report from the District's general manager. Mr. Hunt referred the Board to his report, attached as **Exhibit "H"**. He stated that the District had a -1.01% water loss during the month of January, but he anticipated a substantial water loss during February due to broken pipes resulting from low temperatures during the storm. Mr. Hunt then presented four write-offs for approval. He next discussed the new website with the Board, stating that he would train staff to update the website more quickly and effectively, so that the website could be better utilized to provide information during future emergencies. Mr. Hunt then recommended to the Board that Mr. Marroquin serve as his back-up to update the District's Facebook page during future emergencies when he might not be available to do so. He next discussed the broken pipes in the Robinson Park restrooms that would be repaired. Mr. Hunt stated that Jon Van Allen with TexaScapes, Inc. was continuing work on conceptual layouts for the playscape project and related fencing within Robinson Park. He and Mr. Flahive next presented the First Amendment to Cleaning Services Agreement with Clean Etc. LLC, attached as **Exhibit "I"**. After discussion, upon motion by Director Conklin and second by Director Roche-Green, the Board voted unanimously to approve the four write-offs and the First Amendment to Cleaning Services Agreement, as presented. Mr. Hunt and Mr. Flahive then presented the Managed IT Services and Support Agreement with Contigo Technology LLC, attached as **Exhibit "J"**. The Board discussed the agreement, the storage options, and the monthly retainer amount and directed Mr. Hunt to discuss those items with the contractor and report back to the Board at the March 17 regular meeting. The Board directed Mr. Flahive to include an item for consideration and possible action regarding the agreement at the March 17 regular meeting. Mr. Hunt then presented a proposal from his office to install auto-dialers in the Tamayo Drive and Dallas Drive booster stations at a cost of \$8,460.80, attached as **Exhibit "K"**. Upon motion by Director Conklin and second by Director Jones, the Board voted unanimously to approve the proposal, as presented.

Director Conklin then recognized Mr. Malish to provide the District engineer's report, attached as **Exhibit "L"**. Mr. Malish stated that the Tamayo bridge project was complete and the City of Austin Environmental Review staffer had closed out the project after determining

that the disturbed area was sufficiently revegetated. He then stated that the meeting with John Peters in the Texas Department of Transportation's Georgetown office regarding the Parmer Lane bridge project, which was scheduled for the prior week, had been postponed due to the storm. Mr. Malish stated that he would work to reschedule the meeting as soon as possible. Mr. Malish then discussed with the Board the City of Austin's determination that the pool equipment building remodel and expansion project could not be permitted through a site plan correction, as was previously recommended to Mr. Malish's office by City of Austin staff. He discussed with the Board options for pursuing the project. Mr. Malish then updated the Board regarding his office's work on the risk and resiliency assessment for community water system pursuant to the America's Water Infrastructure Act of 2018, stating that he would have a kickoff meeting with Mr. Hunt and Ms. Bott in the near term. He then presented the wastewater line tving project proposal from National Power Rodding Corp. at a cost of \$40,939.50, attached as **Exhibit "M"**, and recommended approval. Upon motion by Director Conklin and second by Director Roche-Green, the Board voted unanimously to approve the proposal, as presented.

Director Conklin then updated the Board regarding the recent meeting of the Legislative Committee and the District's lobbyists, Roger Borgelt and Marty De Leon.

There being no bond projects items, the Board next discussed the City of Austin wholesale rate cases and reviewed the Interlocal Cooperation Agreement Related to Coordinated Negotiation of Wholesale Contract Renewals and Legislative Policy Matters, attached as **Exhibit "N"** (the "*Interlocal Agreement*"). Mr. Flahive presented the Interlocal Agreement to the Board and discussed the content of his communications with counsel for Travis County Water Control and Improvement District No. 10, Northtown Municipal Utility District, and Wells Branch Municipal Utility District. After discussion, upon motion by Director Roche-Green and second by Director Conklin, the Board voted unanimously to approve the Interlocal Agreement, as presented. The Board then discussed establishing a committee to serve as the District's representative under the Interlocal Agreement. After discussion, upon motion by Director Conklin and second by Director Roche-Green, the Board voted unanimously to: (i) create the Wholesale Contract Renewal and Legislative Policy Matters Committee, comprised of Director Conklin and Director Jones, with Director Christiano as the alternate; and (ii) authorize the Wholesale Contract Renewal and Legislative Policy Matters Committee to serve as the District's representative under the Interlocal Agreement for all purposes, including voting on behalf of the Board. After further discussion, upon motion by Director Conklin and second by Director Roche-Green, the Board voted unanimously to confirm: (i) that the City of Austin Rate Cases Committee, comprised of Director Jones and Director Conklin, with Director Christiano as an alternate, remained in existence and unchanged; and (ii) that the City of Austin Rate Cases Committee was not authorized to bind the Board in any manner.

There being no future annexation, limited district conversion, and other City of Austin related issues, Mr. Flahive then provided the attorney's report. He discussed with the Board his office's findings with respect to one pond lot and one drainage tract within the District still owned by Continental Homes of Texas, L.P., as successor by merger to Continental Homes of Austin, L.P. Mr. Flahive stated that he had discussed the matter with Tim Taylor, counsel to Continental Homes of Texas, L.P. and was working on a deed to convey the lot and the tract to the District, which he hoped to present for the Board's consideration at the March 17 regular meeting.

The Board next discussed District facilities. Mr. Flahive confirmed that no new state or local orders had been issued since the January 20 regular Board meeting. The Board determined that no action would be taken.

Director Conklin then stated that the Board would return to the restrictive covenants agenda item and, at 9:52 p.m., the Board convened 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 10:10 p.m. and Director Conklin stated that no action was taken during executive session. After discussion, upon motion by Director Conklin and second by Director Christiano, the Board voted unanimously to temporarily suspend the pending enforcement action relating to 12901 DeBarr Drive to facilitate continued communication with residents.

Director Conklin then asked if there were any other matters to come before the Board. Director Beaulieu raised two items discussed by the Board at the February 22 work session, the first being to expand the scope of the Website Committee to a more general communications committee, and also to consider establishing an emergency preparedness committee. The Board declined to establish an emergency preparedness committee. After discussion, upon motion by Director Conklin and second by Director Jones, the Board voted unanimously to: (i) change the name of the Website Committee, comprised of Director Jones and Director Beaulieu, with no alternate, to be the Communications Committee; and (ii) authorize the Communications Committee to conduct diligence and provide recommendations to the Board on broader District communications matters, as the new website project had been completed and the Board desired to continue to improve communications with its residents. There being no further matters to come before the Board, upon motion by Director Roche-Green and second by Director Jones, the Board voted unanimously to adjourn at 10:21 p.m.

(SEAL)



Diana Christiano

Diana Christiano, Secretary
Board of Directors

Date: March 17, 2021