

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

October 21, 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 October 21, 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.; Richard Fadal with TexaScapes, 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; Roger Borgelt with Borgelt Law; Marty DeLeon with Escamilla & Poneck, LLP; Kevin Flahive and Andrew York with Armbrust & Brown, PLLC; and Nading Eram and Deana Tollerton, residents of the District.

Director Conklin called the meeting to order at 6:02 p.m., stated that the Board would first receive citizen communications, and recognized Ms. Eram. Ms. Eram stated that she was a resident of the District and a yoga teacher. She stated that she had been holding free, socially distanced yoga lessons in the Rattan Creek Park and would like to receive permission to do so in the future with attendees paying her for the lessons. Director Green and Director Conklin discussed the Board's general requirement that for-profit use of District facilities would require prior approval and payment of a fee for such use to the District. Director Conklin recommended that Ms. Eram discuss her proposal with the Parks & Community Center Committee for recommendation to and consideration by the Board at a future meeting.

The Board next considered approval of the September 8, September 14 and September 16 minutes. After discussion, the Board elected to defer action on the September 8 and September 14 minutes until the November 18 regular meeting. Director Beaulieu then addressed corrections to lines 30, 137 and 194 of the September 16 minutes. Upon motion by Director Beaulieu and second by Director Green, the Board voted unanimously to approve the September 16 minutes, as corrected.

Director Conklin stated that the Board would next receive a report from the Rattan Creek Neighborhood Association ("RCNA"). Ms. Tollerton stated that a new board of directors and officers of the RCNA had been elected as follows: Christine Newman, President; Kristi Copeland,

Vice President; Alisa Ludlum, Secretary; and Deana Tollerton, Treasurer. She stated that the terms of the new board members and officers would begin in January.

At 6:14 p.m., Director Conklin stated that the Board would jump ahead in the agenda to the lobbyists' report and convene in executive session pursuant to Section 551.071 of the Texas Government Code to receive legal advice from Mr. Borgelt and Mr. De Leon. The Board reconvened in open meeting at 6:30 p.m. and Director Conklin stated that no action was taken during executive session.

Director Conklin then 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.

The Board next received the accountant's report. Mr. Hunt stated that one check was not approved at the October 19 work session, which check was check no. 21689 in the amount of \$26,815, payable to T Bar M Land Services, LLC, relating to the Robinson Park fence project. After discussion, upon motion by Director Beaulieu and second by Director Green, the Board voted unanimously to approve the payment.

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 "B"**. He stated that there were 480 calls within the District during the month of September. Sergeant Zion stated that there were five burglaries of unlocked cars within the District. He then discussed the coordination between the Williamson County Sheriff's Office and the Williamson County Precinct 1 Constable's Office to address the ongoing mailbox theft problem within the District. Sergeant Zion then discussed the current level of patrols within the District, which had remained increased since the winter of 2019. The Board elected to maintain the patrols at their current level. The Board then discussed with Sergeant Zion staffing the Rattan Creek Community Center parking lot during the November 3 election to assist with traffic control and related matters. Sergeant Zion confirmed that he would have a deputy staffing the area throughout the day on November 3. Mr. Hunt then presented the report from the Travis County Sheriff's Office.

The Board next received the park and landscape maintenance report. Mr. Fadal presented his report, attached as **Exhibit "C"**, and stated that his crews had remained healthy and on schedule. He stated that low limbs over the trails were being cleared. Mr. Fadal stated that spot treatment for fire ants was ongoing. He stated that the vegetation clearing project near Chad's Bench had been completed. Mr. Fadal stated that the fall/winter color installation was in process. He then presented proposal no. 9724 for winter overseed and topdressing of irrigated turf in the amount of \$18,940, attached as **Exhibit "D"**. Upon motion by Director Conklin and second by Director Jones, the Board voted unanimously to approve the proposal, as presented. Mr. Fadal then presented proposal no. 9734 for mulching the cleared areas near Chad's Bench at a cost of \$935, attached as **Exhibit "E"**. Upon motion by Director Green and second by Director Jones, the Board voted unanimously to approve the proposal, as presented. Mr. Fadal concluded by presenting proposal no. 9742 for irrigation for mitigation plantings for the Tamayo bridge project in an amount not to exceed \$7,400, attached as **Exhibit "F"**. After discussion, upon motion by Director Jones and second by Director Green, the Board voted unanimously to approve the proposal, as presented.

Mr. Hunt then presented the solid waste services report, attached as **Exhibit "G"**.

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 the lane reservations at the pool were going well and the increased hours accommodated all of the lap swimmers. He stated that the St. Dominic Savio Catholic High School and McNeil High School swim team practices were going well and the protocols were being complied with by the swim team members. Mr. Marroquin then introduced Justin North, the new Aquatics Director for Premier Recreation Management Services, LLC. He continued his report by stating that the kinder dance group was the only group using the community center at the time and it was going well. Director Green asked about complaints relating to lights, a gate and a net on the tennis courts. Mr. Marroquin stated that the lights had been replaced and the gate repaired. Mr. Hunt stated that Dobbs Tennis Courts, Inc. would need to service the net. Director Green asked that Mr. Marroquin and Mr. Hunt request that Dobbs Tennis Courts, Inc. address any “dead spots” on the courts while on-site to repair the net. Mr. Marroquin continued his report by stating that he expected to present an electrical project proposal at the November 18 regular meeting to make the necessary repairs and additions to the Rattan Creek Park electrical facilities to accommodate the holiday lighting project. He stated that he expected the electrical proposal to be \$4,000 to \$6,000. Mr. Marroquin then presented his proposal, attached as **Exhibit “I”**, for the purchase of holiday lights and the installation/takedown of those lights at a cost not to exceed \$16,000. After discussion of the storage of the lights by the sub-contractor and related matters, upon motion by Director Green and second by Director Beaulieu, the Board voted unanimously to approve the proposal, as presented. Mr. Marroquin concluded his report by presenting the Second Amendment to Management Services Agreement for Community Center and Pool, attached as **Exhibit “J”**. Director Green stated that she supported the increased pool hours for “at risk” swimmers that the amendment would facilitate. Upon motion by Director Christiano and second by Director Green, the Board voted unanimously to approve the Second Amendment to Management Services Agreement for Community Center and Pool, as presented.

The Board then received a report from the District’s general manager. Mr. Hunt referred the Board to his report, attached as **Exhibit “K”**. He stated that the District had a 0.25% water loss during the month of September. Mr. Hunt stated that the leak detection report identified no major leaks. He stated that his crews were addressing the minor repairs and recommended actions identified in the leak detection report. Mr. Hunt then presented five write-offs. He discussed the utility delinquencies information in his report. Mr. Hunt stated that his office cut off service to five District residents with accounts that were 90+ days delinquent and facilitated payment plans for many others. He discussed with the Board returning to the District’s pre-COVID-19 policy to begin the cut-off process upon 30+ days of delinquency, but the Board elected not to do so. Mr. Hunt stated that he expected the new District website to launch in November, after he presented the beta version at the November 18 regular meeting. He then discussed the \$500,000 grant from GameTime and timing consideration regarding the Robinson Park playscape project. Mr. Hunt stated that he and Mr. Todd Miller with GameTime had met with the Parks & Community Center Committee at Robinson Park to discuss the project. Mr. Hunt recommended that the Board consider engaging Mr. Jon Van Allen with TexaScapes, Inc. on an hourly basis to assist with laying out the playscape project and related fencing and landscaping. Director Conklin stated that he preferred to take the necessary time to get community input and consensus among the Board to ensure that the Robinson Park playscape project met the needs of the District. He recommended that the Board consider conducting a special meeting at Robinson Park for that purpose. Mr. Malish then discussed with the Board that a survey of Robinson Park may be of value as planning tool. After discussion, the Board elected to involve Mr. Van Allen, as proposed by Mr. Hunt, and to review his preliminary layout during a special meeting at Robinson Park. Mr. Hunt then presented the Contractor Agreement with T Bar M Land Services, LLC for: (i) raising the stone columns of the new fence project that

was just completed, at a cost of \$2,000; and/or (ii) constructing additional fencing around the electrical transformer at a cost of \$3,000. After discussion, upon motion by Director Jones and second by Director Green, the Board voted unanimously to approve the Contractor Agreement only with respect to item (i) above. At 7:52 p.m., Director Conklin stated that the Board would take a short recess. At 8:01 p.m., the Board reconvened in open session. Mr. Hunt concluded his report by presenting the recent instance of water theft from a District fire hydrant by Horizontal Drilling Services, LLC and his letter regarding same, attached as **Exhibit "L"**. After discussion, upon motion by Director Conklin and second by Director Jones, the Board voted unanimously to levy a fine of \$1,000 against Horizontal Drilling Services, LLC pursuant to Article VI of the District's Amended and Restated Order Establishing Water and Wastewater Services, Rates, Charges and Tap Fees, and Adopting General Policies with Respect to the District's Water, Wastewater and Drainage Systems (February 19, 2020). Then, upon motion by Director Conklin and second by Director Jones, the Board voted unanimously to approve the five write-offs, as presented.

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 within one week, once the handrail and remaining plantings were installed. He then stated that Bill Kelm continued to seek the initial meeting with Texas Department of Transportation staff to introduce the proposed Parmer Lane bridge project and pursue conceptual approval. Mr. Malish stated that he intended to present a proposal for the 2021 wastewater line TVing project in early 2021, to get an earlier start on the project. He then stated that his office had received the initial pool equipment building remodel and expansion project site layout earlier in the day and he would review it and report to the Board on the necessary approvals to construct the project at the November 18 regular meeting.

The Board then addressed District facilities. Mr. Flahive presented Governor Abbott's October 7 Executive Order and the Board discussed use of the District's parks by groups of District residents. Director Conklin inquired as to whether any board members desired to modify the current rules relating to use of District recreational facilities. Director Green stated that she supported maintaining the current rules. Director Christiano stated that she supported opening the basketball and volleyball courts. Mr. Marroquin reported to the Board on the regular playscape cleaning conducted by his staff. The Board elected to take no action.

Director Conklin stated that the Board would return to the restrictive covenants agenda item and, at 8:14 p.m., convened in executive session pursuant to Section 551.071 of the Texas Government Code to receive legal advice from Mr. Flahive and Mr. York, with Mr. York joining by phone. The Board reconvened in open meeting at 8:49 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 "N"** and confirmed that there were three action items for the Board's consideration. He presented the enforcement action relating to 13107 Tamayo Drive. Upon motion by Director Conklin and second by Director Jones, the Board voted unanimously to direct Mr. Flahive's office to move forward with the enforcement action and deliver the Final Notice pursuant to the District's policy. Mr. Flahive then presented the enforcement action relating to 7306 Potters Trail. After discussion, Director Conklin inquired as to whether there was a motion to move forward with the enforcement action. There being none, upon motion by Director Conklin and second by Director Jones, the Board voted 4-1 to discontinue the enforcement action relating to 7306 Potters Trail, with Directors Conklin, Jones, Christiano and Green voting "aye" and Director Beaulieu voting "nay". Mr. Flahive then presented the enforcement action relating to 13243 Kerrville Folkway. Upon motion by Director Conklin and second by Director Jones, the Board voted 4-1 to direct Mr. Flahive's office to move forward with

the enforcement action and deliver the Final Notice pursuant to the District's policy, with Directors Conklin, Jones, Green and Beaulieu voting "aye" and Director Christiano voting "nay".

There being no bond projects, City of Austin wholesale rate case matters, or future annexation, limited district conversion or other City of Austin related issues to discuss, the Board next received the attorney's report. Mr. Flahive discussed with the Board its meeting schedule through the end of the year. The Board elected to meet on its regular dates in November and address its December meeting schedule at its November 18 regular meeting.

There being no further matters to come before the Board, upon motion by Director Christiano and second by Director Green, the Board voted unanimously to adjourn at 9:00 p.m.

(SEAL)



Diana Christiano
Diana Christiano, Secretary
Board of Directors

Date: November 18, 2020