

**MINUTES OF MEETING OF
THE BOARD OF DIRECTORS OF THE
WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY**

January 17, 2019

Present:

Scott Roberts, President
Don Walden, Vice President
Ray Whisenant, Secretary
Bill Goodwin, Assistant Secretary
Eileen Brzoska, Director

Staff and Consultants:

Robert Pugh, General Manager
Jennifer Smith, Controller
Keli Kirkley, Accountant
Jennifer Riechers, Customer Service Manager
Judith Coker, Senior Engineer
Reuben Ramirez, Engineering Technician
Trey Cantu, Operations Manager
Stefanie Albright (Lloyd Gosselink Rochelle & Townsend, P.C.), General Counsel
David Klein (Lloyd Gosselink Rochelle & Townsend, P.C.), General Counsel
Dennis Lozano (Murfee Engineering), District Engineer

I. CALL TO ORDER

Director Roberts called the meeting to order at 10:00 am.

II. ESTABLISH QUORUM

A quorum was established. Also present were the above-referenced staff and consultants.

III. PUBLIC COMMENT

No public comment was received by the Board.

IV. SPECIAL RECOGNITION

A. Presentation to Director Ray Whisenant for service to the WTCPUA Board of Directors from 2012-2018 (S. Roberts).

Director Roberts recognized Director Whisenant, stating that he was no longer a Hays County Commissioner and in the future would likely step down from the PUA Board. He presented

Director Whisenant a certificate of appreciation for his service to the customers of the PUA during his tenure from the original creation of the PUA.

Director Whisenant stated that he, Mike Murphy, and Director Goodwin were the early people involved with the utility's formation. He stated his appreciation for staff and consultants for their help and in moving forward with the best interests of the PUA.

V. CONSENT AGENDA (R. Pugh)

- A. Approve minutes of December 13, 2018 regular Board Meeting.**
- B. Approve payment of invoices and other related bookkeeping matters.**
- C. Approve Contractor Pay Requests including:**
 - 1. SJ Louis Construction of Texas., Ltd. Pay Request No. 6, \$\$\$\$, 1340 Transmission Main Project.**
 - 2. CFG Industries, LLC, Pay Request No. 11, \$\$\$, Water Tank and Pump Stations Improvements Project.**
 - 3. Landmark Structures I, LP, Pay Request No. 9, \$\$\$, 1340 Elevated Storage Tank Project.**
 - 4. Travis Industries, LLC, Pay Request No. 2, \$\$\$, Uplands WTP and HS Pump Station Improvements Project.**
 - 5. Payton Construction, Inc., Pay Request No. 10 Final, \$96,065, RWI Expansion and Rehabilitation Project.**
 - 6. Neltronics LLC, Pay Application No. 4 Final, \$33,311, SCADA System Upgrade – Phase 3.**
- D. Approve Contractor Change Orders including:**
 - 1. Payton Construction, Inc., Change Order No. 4, (\$1620), RWI Expansion and Rehabilitation Project.**

This item, included as Exhibit A, was pulled from the consent agenda for individual consideration and discussion.

MOTION: A motion was made by Director Roberts to approve Item D on the consent agenda. The motion was seconded by Director Whisenant.

The vote was taken with the following result:

Voting Aye: Directors Roberts, Walden, Whisenant, Goodwin, and Brzoska
Voting Nay: None
Absent: None

- E. Approve Service Extension Requests (SERs) for:**
 - 1. Ledgestone Commercial, 43 Water LUEs, 290 System.**

- F. **Approve Non-Standard Service Agreements (NSSAs) for:**
 - 1. **Ledgestone Commercial, 43 Water LUEs, 290 System.**

- G. **Ratify the following Agreements with Lake Austin Lake Pointe Homeowners Association, Inc. and the WTCPUA for the Second Raw Water Line Project:**
 - 1. **Letter Agreement.**
 - 2. **Easement Agreement.**

- H. **Approve termination of Communications Consulting Services Agreement between WTCPUA and Sawin Group.**

- I. **Award 2-Year Laboratory Services Agreement to Aqua Tech Laboratories, Inc. in the amount of \$90,448.**

- J. **Ratify Letter Agreements between WTCPUA and the following to facilitate construction of the 1340 Transmission Main Project at U.S. 290 and Sawyer Ranch Road:**
 - 1. **QuikTrip Corporation.**
 - 2. **Hays County WCID Nos. 1 and 2.**

MOTION: A motion was made by Director Roberts to approve Items A-C, E-J on the consent agenda (excluding item D), provided as **Exhibits B-J**. The motion was seconded by Director Walden.

The vote was taken with the following result:

Voting Aye: Directors Roberts, Walden, Whisenant, Goodwin, and Brzoska
Voting Nay: None
Absent: None

VI. OLD BUSINESS

At 10:03 a.m., Director Roberts announced that the Board would convene in executive session to consult with its attorney under Texas Government Code § 551.071 regarding Items VI. A, B, and C; and Item VII. A.

At 12:02 p.m., Director Roberts announced that the Board would convene in open session and that no action had been taken in closed session.

- A. **Discuss, consider and take action regarding pending and/or anticipated litigation, including:**
 - 1. *William R. Holms v. West Travis County Public Utility Agency; in Travis County Court of Law #2; C-1-CV-17-003601.*

2. *John Hatchett, Sandra Hatchett and JPH Capital, LLP v. West Travis County Public Utility Agency; in the 201st Judicial District Court, Travis County, Texas; Cause No. D-1-GN-18-001654.*

This item was discussed in executive session.

B. Discuss, consider and take action on Reclaimed Water Use Agreement with CCNG Golf, L.L.C.

This item, provided as **Exhibit K**, was discussed in executive session.

MOTION: A motion was made by Director Walden to deny approval of the proposed Reclaimed Water Use Agreement with CCNG Golf, LLC,: 1) because of the current financial impact the proposed agreement would have to the PUA, and (2) the proposed agreement contemplated establishing CCNG as a wholesale customer for reclaimed water which was likely not beneficial to the PUA. The motion was seconded by Director Roberts.

The vote was taken with the following result:

Voting Aye: Directors Roberts, Walden, Whisenant, and Brzoska
Voting Nay: Director Goodwin
Absent: None

Director Roberts stated his concern that he did not believe that the proposed agreement was the best way to address issues with rate structure. He instructed staff to put an item on the February agenda to address large irrigation customers using effluent.

Director Goodwin stated that he understood the reasons for the Board's decision even though he was not in agreement.

C. Discuss, consider, and take action on legislative efforts and legislation in the 86th Legislative Session.

This item was discussed in executive session.

VII. NEW BUSINESS

A. Discuss, consider and take action on Third Amendment to Wholesale Water Supply Agreement between the WTCPUA and the City of Dripping Springs.

This item was discussed in executive session and is included as **Exhibit L**.

MOTION: A motion was made by Director Whisenant to approve the Third Amendment to the Wholesale Water Supply Agreement between the WTCPUA and the City of Dripping Springs, with the edit proposed by

Director Roberts to remove language from the agreement regarding the removal of the potential for the PUA to inspect the facilities. The motion was seconded by Director Walden.

The vote was taken with the following result:

Voting Aye: Directors Roberts, Walden, Goodwin, Whisenant, and Brzoska
Voting Nay: None
Absent: None

VIII. STAFF REPORTS

A. General Manager's Report.

Mr. Pugh presented this item, provided as Exhibit M. Mr. Director Goodwin addressed the item regarding the Smart Controller programmer and confirmed that it related to irrigation.

Regarding the WEAT competition item relating to engineering, Director Goodwin asked if this had anything to do with the PUA, to which Mr. Pugh stated that this was a positive coordination with WEAT. Mr. Lozano stated that this was primarily an educational exercise.

Director Goodwin next asked about the City of Austin interconnect agreement, to which Mr. Pugh stated that the City agreed to revise some language that had been flagged. He stated that the plan is to bring a draft to the February meeting for comments and direction on the next step.

Regarding West Cypress Hills, Director Goodwin asked if there was any additional feedback regarding the engineering analysis, to which Mr. Pugh confirmed that the engineering review was being finalized.

Director Brzoska asked for an updated regarding the raw waterline easements in Lake Pointe. Mr. Pugh and Ms. Albright confirmed that they had obtained easements from the school district, municipal utility district, and homeowners' association, and that the PUA was coordinating final execution and recording of the easements.

B. Controller's Report.

Ms. Smith presented this item, provided as Exhibit N. She stated that the report now includes a comparative period. She stated that revenue is lower than last year due to rain, but there were no concerns.

In response to a question from Director Walden, Ms. Smith detailed the repairs and maintenance budget.

C. Engineer's Report (D. Lozano/J. Coker) including: 1. Capital Improvements Plan Update.

Mr. Lozano provided this report, included as **Exhibit O**. Mr. Goodwin asked about the raw waterline project, and the delay of the project due to the easement acquisition.

D. Operations Report (T. Cantu).

This report was provided by Mr. Cantu and included as **Exhibit P**. Director Walden asked about the status of tool and equipment inventory. Mr. Cantu stated that this is an ongoing project and he anticipates to have a preliminary report for the Board at the next Board meeting. He stated that the PUA is implementing a program of determining responsibility for tools and oversight by supervisors.

Mr. Cantu stated that all PUA vehicles were now equipped with GPS tracking equipment.

IX. ADJOURNMENT

MOTION: A motion was made by Director Goodwin to adjourn. The motion was seconded by Director Whisenant.

The vote was taken with the following result:

Voting Aye: Directors Roberts, Walden, Whisenant, Goodwin, and Brzoska
Voting Nay: None
Absent: None

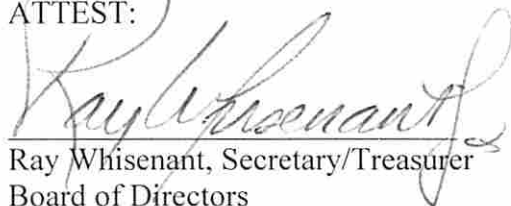
The meeting adjourned at 12:18 p.m.

PASSED AND APPROVED this 21st day of February, 2019.



Scott Roberts, President
Board of Directors

ATTEST:



Ray Whisenant, Secretary/Treasurer
Board of Directors