

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

May 16, 2019

Present:

Scott Roberts, President
Don Walden, Vice President
Bill Goodwin, Assistant Secretary
Eileen Brozka, Director

Staff and Consultants:

Jennifer Smith, Agency Controller
Keli Kirkley, Agency Bookkeeper
Reuben Ramirez, Agency Engineer Technician
Curtis Jeffrey, Agency Lead Water Operator
Stefanie Albright, (Lloyd Gosselink Rochelle & Townsend, P.C.), Agency General Counsel
David Klein, (Lloyd Gosselink Rochelle & Townsend, P.C.), Agency General Counsel
Dennis Lozano (Murfee Engineering Company, Inc.), Engineer Consultant

I. CALL TO ORDER

Director Roberts called the meeting to order at 10:01 a.m.

II. ESTABLISH QUORUM

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

Director Roberts introduced Commissioner Walt Smith from Hays County.

III. PUBLIC COMMENT

Ms. Jamie Daniel addressed the Board regarding her water use and wastewater averaging. She stated that she was previously unaware that if there were two consecutive months of zero water use during the winter average period, the averaging would be at 10,000 gallons. Director Roberts asked for clarification regarding the Open Meetings Act. Director Walden asked that Ms. Daniel contact Jennifer Smith to explain the rate structure and assist her with any questions. Ms. Smith explained that the minimum wastewater bill is based on water usage. Director Goodwin stated that he had looked into a similar complaint in the past and discussed with Ms. Riechers.

Mr. James “Cinco” Cocke addressed the Board relating to a professional medical office building being developed in the PUA service area. He stated that he was told by PUA staff during final project approval that a water line needed to be extended down Bee Cave Parkway. He stated that this was not in the project budget, and that the cost is approximately \$75,000. Mr. Lozano stated that the City of Bee Cave ordinances and a plat note require extending this line, and that Mr. Ramirez caught that this line extension was not addressed earlier in the process. Director Goodwin stated that the property was platted some time before the site plan was approved, so he was not clear how this could be a surprise. Mr. Ramirez stated that he believed this line extension requirement was to extend the line to connect a gap. Mr. Lozano confirmed that this is a critical gap in the system, and benefits the system as a whole. Director Walden stated that he understands that the developer has been given an option to get the water meter more quickly and extend the line.

IV. CONSENT AGENDA

- A. Approve minutes of April 10, 2019 special Board Meeting and April 18, 2019 regular Board Meeting.**
- B. Approve payment of invoices and other related bookkeeping matters.**
- C. Approve Contractor Pay Requests including:**
 - 1. Landmark Structures I, LP, Pay Request 13, \$104,889.50, 1340 Elevated Storage Tank Project.**
- D. Approve Contractor Change Orders including:**
 - 1. S.J. Louis Construction of Texas, Ltd., Change Order No. 3, \$8,685.00, 1340 Transmission Main Project.**
- E. Approve Service Availability Letter:**
 - 1. Bee Cave Learning Center, 13 Water and Wastewater LUEs, Hwy. 71 System.**
- F. Approve Non-Standard Service Agreement (NSSA) including location map for:**
 - 1. Bee Cave Learning Center, 13 Water and Wastewater LUEs, Hwy. 71 System**
- G. Approve purchase of replacement pump for High Service Pump No. 5, \$33,600, Smith Pump Company, Inc.**
- H. Approve Award of Contracts including:**
 - 1. DN Tanks, Inc. for the West Bee Cave Pump Station Ground Storage Tank No. 2 CIP Project for \$1,274,452.00.**
- I. Approve Utility Conveyance Agreements for:**
 - 1. Highpointe, Phase 1, Section 3A.**

- J. Approve Pay Application No. 2 to RTS Water Solutions LLC for \$66,362.17.**
- K. Approve Developer Reimbursement in the amount of \$149,242 to Taylor Morrison for Phase IV of Sawyer Ranch Road Pipeline.**

MOTION: A motion was made by Director Roberts to approve the consent agenda items, with the exception of Item D, attached as **Exhibits A-J**. The motion was seconded by Director Goodwin.

The vote was taken with the following result:

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

V. OLD BUSINESS

At 10:57 a.m. Director Roberts announced that the Board would convene in executive session to consult with its attorney pursuant to Texas Government Code § 551.071 regarding Items V.A and B, and Item VI. B and C.

At 12:14 p.m., Director Walden announced that the Board would reconvene in open session and that no action had been taken in executive session.

Director Roberts did not participate in executive session on Item VI. B. Director Roberts left the meeting during executive 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 (S. Albright).*
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 (S. Albright).*
3. *John Hatchett, Sandra Hatchett and JPH Capital, LLP v. West Travis County Public Utility Agency, No. 03-18-00668-CV in the Court of Appeals for the Third District of Texas at Austin.*
4. *John Hatchett, Sandra Hatchett and JPH Capital, LLP v. West Travis County Public Utility Agency, Civil Action No. 1:19-CV-00260 in the United States District Court for the Western District of Texas, Austin Division.*

This item was discussed in executive session.

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

This item was discussed in executive session.

C. Discuss, consider and take action on proposed modification to WTCPUA Rules and Policies regarding Opt-Out Provision for Automatic Read Meters (AMR).

Ms. Smith presented on this item, provided as Exhibit K. She stated staff has recommended a \$75 one-time charge to change out the meter to a manual read meter, and to charge customers opting out a \$25/month fee. She stated that this amount was determined by looking at costs of the additional work involved to manually read meters.

Director Goodwin stated that the information provided at the last meeting related to electrical smart meters, which are much more powerful than the battery powered meters used by the PUA. He stated that the meter reader has to be close to the meter to take a read. Director Goodwin stated that he didn't see anything in the research that would suggest that a battery-powered meter underground would cause health impacts, and he is concerned that creating this opt-out program would mean that persons with certain disabilities would not be able to fill the meter reading position.

Dr. Laura Pressley addressed the Board on this item. She stated that she consults with families that are EMS sensitive, and that some individuals have higher levels of sensitivity than others. She stated that these meters measure in a 360 degree fashion, and it's important that these families with sensitivities have an opportunity to opt-out.

Director Goodwin asked Dr. Pressley if she was a customer of the PUA, to which she replied that she was not, but that she worked with families who are customers.

Ms. Cary Terrall next addressed the Board and stated that she is grateful that the PUA is considering an opt-out option. She stated that there is a need in the customer base for such a program, and that customers are willing to pay a reasonable fee to do so. Ms. Terrall stated that individuals are already exposed to sources of radiation, and that the World Health Organization and ADA recognizes sensitivity to wireless radiation. She thanked the Board for consideration of an opt-out program.

Director Walden inquired about the cost estimate and time required for manual reading and entry of meters. He asked if the reduction in meters read if there are manual reads are taken into account. Ms. Smith stated that the cost estimate was looked at the amount of miles traveled, taking into account that there would be other activities performed. She stated that there are currently 12 requests to opt out of the meter program.

MOTION: A motion was made by Director Roberts to approve an Automatic Read Meter Opt-Out program according to the cost structure

provided by PUA staff. The motion was seconded by Director Brzoska.

The vote was taken with the following result:

Voting Aye: Directors Roberts and Brzoska
Voting Nay: Directors Goodwin and Walden
Absent: Director Whisenant

The vote failed. Director Roberts asked that this be brought back on the June agenda when the full Board is present.

VI. NEW BUSINESS

A. Discuss, consider and take action regarding billing software proposal.

Ms. Smith presented on this item, provided as **Exhibit L**. She stated that staff had investigated different options and that staff was recommending Tyler Incode Technologies as the WTCPUA's new billing software provider.

She stated that Tyler was also the lowest quote. She stated integration of other modules from Tyler would benefit customers and assist with communications internally including the finance module. She stated that this module will allow budgeting and CIP tracking. The work order module will allow better tracking and implementation of work orders, and allow for SER tracking. She stated that training offered is 632 hours of onsite and/or web support. The system is cloud-based with multiple levels of backup for data.

Ms. Smith stated that the annual cost for the recommended modules is \$123,000, which is almost equivalent to what is being paid with accounting and billing software currently, but with a lot of new capabilities and functionality with the system.

Director Walden confirmed that for \$123,000 there would be more capabilities that would reduce the manual workload of staff, and provide more information. Ms. Smith estimated that the payback period for the new modules is two years or less.

Ms. Smith stated that the funding plan is provided in the backup, which includes the first year of annual fees. She requested the inclusion in the budget of another \$104,000 in Fiscal Year 2020, in addition to the \$100,000 appropriated for Fiscal Year 2019.

Director Goodwin confirmed that Tyler is the umbrella company, and their billing software is Incode. Ms. Smith confirmed that every user will receive training.

MOTION: A motion was made by Director Roberts to approve staff recommendation and select Tyler Incode Technologies as the PUA's billing software vendor, to move unused funds to 2020 and allocate

funding for FY 2019 for this item, and to authorize the General Manager to negotiate and execute a contract. The motion was seconded by Director Goodwin.

The vote was taken with the following result:

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

- B. Discuss, consider, and take action regarding water service to the Driftwood Creek Tract Commercial Project, including:**
- 1. Termination of April 30, 2015 Nonstandard Service Agreement with Driftwood Investments, Inc. (3 LUEs).**
 - 2. Fourth Amendment to the Wholesale Water Supply Agreement with the City of Dripping Springs (26 LUEs)**

This item was discussed in executive session. Director Roberts abstained and did not participate in executive session on this item, and did not participate or vote on this item in open session. Director Walden presided over the remainder of the Board meeting.

Mr. Lozano presented on this item provided as **Exhibits M and N**. He stated that a customer being served by a 2015 NSSA with the PUA is intended to now be served by the City of Dripping Springs through its wholesale contract with the PUA. The Fourth Amendment is updated to correct the area to be served, and it is requested that the 2015 NSSA be terminated.

MOTION: A motion was made by Director Goodwin to approve termination of the 2015 NSSA with Driftwood Investments as of the effective date of the Fourth Amendment to the City of Dripping Springs Wholesale Water Supply Agreement; and to approve the Fourth Amendment to the City of Dripping Springs Wholesale Water Supply Agreement, and authorize staff and consultants to finalize and implement adoption of this Fourth Amendment. The motion was seconded by Director Brzoska.

The vote was taken with the following result:

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

- C. Discuss, consider, and take action regarding a potential agreement for tertiary treatment with CCNG.**

This item was discussed in executive session.

Mr. Klein presented on this item, provided as **Exhibit O** and provided a summary of the proposed agreement for tertiary treatment.

MOTION: A motion was made by Director Goodwin to direct staff and consultants to pursue an agreement with CCNG for tertiary treatment according to the terms discussed in executive session. The motion was seconded by Director Brzoska.

The vote was taken with the following result:

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

D. Discuss, consider and take action on Murfee Engineering Company engineering services proposals including:

- 1. Wastewater Solids Management Master Plan, \$140,735.00**
- 2. Sawyer Ranch 1340 Conversion, \$92,000.00**

Mr. Lozano presented on this item, provided as **Exhibit P**. He stated that the first proposal is to provide engineering service relating to a wastewater solids management master plan, and detailed how the management of sludge is a significant wastewater operation cost. Director Walden confirmed that this would reduce operations and maintenance cost, and asked that Mr. Lozano provide an estimate of these savings. Mr. Lozano stated that there would also be an energy savings.

Mr. Lozano also presented the proposal regarding the Sawyer Ranch 1340 Conversion relating to pressure plane optimization. He stated that the waterline would extend from Highway 290 down Sawyer Ranch Road to provide the Vistas at Sawyer with service.

MOTION: A motion was made by Director Roberts to approve the Murfee Engineering service proposals for the (1) Wastewater Solids Management Master Plan, and (2) Sawyer Ranch 1340 Conversion. The motion was seconded by Director Walden.

The vote was taken with the following result:

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

E. Discuss, consider and take action on Letter Agreement with Travis County WCID #18 for emergency interconnect.

Mr. Lozano presented on this item, provided as Exhibit Q. He stated that this letter agreement lays out the terms for exploring the possibility and estimating payment of fees to be reimbursed by the TCWCID 18.

MOTION: A motion was made by Director Walden to approve the Letter agreement with Travis County WCID No. 17 as presented. The motion was seconded by Director Roberts.

The vote was taken with the following result:

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

Mr. Lozano stated that part of the review would be an assessment of what is needed to provide the interconnect, and that there would be a recommendation made to the Board.

VII. STAFF REPORTS

A. Interim General Manager's Report.

This report was included in the packets as Exhibit R.

B. Controller's Report.

Ms. Smith presented on this item, provided as Exhibit S. She flagged the budget and rate planning calendar, and the intent to hold a workshop after the June 20 Board meeting. Director Walden stated that he would like to hear from supervisors at the workshop.

She stated that revenue is still down, but usage is increasing as the summer months approach.

C. Engineer's Report including: 1. Capital Improvements Plan Update.

Mr. Lozano provided this item, provided as Exhibit T.

D. Operations Report.

Mr. Curtis Jeffrey provided this report, provided as Exhibit U.

VIII. ADJOURNMENT

MOTION: A motion was made by Director Brzoska to adjourn the meeting. The motion was seconded by Director Goodwin.

The vote was taken with the following result:

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


The meeting adjourned at 12:07 p.m.

PASSED AND APPROVED this 20th day of June 2019.



Scott Roberts, President
Board of Directors

ATTEST:



Ray Whisenant, Secretary/Treasurer
Board of Directors