

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

March 17, 2022

Board of Directors

Scott Roberts, President
Jack Creveling, Vice President (Absent)
Walt Smith, Secretary/Treasurer (Absent)
Jason Bethke, Director
Clint Garza, Director

Staff and Consultants:

Jennifer Riechers, Agency General Manager
Jennifer Smith, Agency Controller
Dennis Lozano, Malone/Wheeler, Inc.
Danielle Lam, (Lloyd Gosselink Rochelle & Townsend, P.C.), Agency General Counsel
Kathryn Thiel, (Lloyd Gosselink Rochelle & Townsend, P.C.), Agency General Counsel
Lauren Kalisek, (Lloyd Gosselink Rochelle & Townsend, P.C.), Agency General Counsel
George Murfee, (Murfee Engineering Company, Inc.), District Engineer
Jason Baze, (Murfee Engineering Company, Inc.), District Engineer
Andrea Wyatt, (Murfee Engineering Company, Inc.), District Engineer

I. CALL TO ORDER

President Roberts called the meeting to order at 1:00 p.m.

II. ESTABLISH QUORUM

A quorum was established with the above-referenced Directors, staff and consultants present.

III. PUBLIC COMMENT

No public comment was received.

IV. CONSENT AGENDA

- A. Approve minutes of January 20, 2022 regular Board Meeting.**
- B. Approve amended minutes of November 18, 2021 Board Meeting.**
- C. Approve payment of invoices and other bookkeeping matters.**

D. Ratify Contractor Pay Requests (February 2022) including:

1. Payton Construction, Pay Application 10, \$140,402.87, County Line 1308 Pump Station 1340 Conversion;
2. Preload, LLC, Pay Application 1, \$181,498.45, Hamilton Pool Road Ground Storage Tank 2;
3. B5 Construction Company, Inc., Pay Application 1, \$10,639.80, County Line 1420 Pump Station Upgrades;
4. DN Tanks, Inc., Pay Application 17, \$80,898.50, Southwest Parkway Ground Storage Tank 2.

E. Approve payment of Contractor Pay Requests including:

1. Qro Mex Construction Co. Inc.; Pay Application 1; \$448,890.62; Sawyer Ranch 1340 Water Main Conversion;
2. Preload, LLC; Pay Application 3; \$140,255.06; Hamilton Pool Road Ground Storage Tank 2;
3. Payton Construction; Pay Application 13; \$3,135.00; 1340 Pump Station Conversion;
4. G Creek Construction; Pay Application 1; \$88,018.63; Permanganate Chemical Feed.

F. Approve quote from Bobcat of Austin for compact excavator, \$58,429.44. (Replaces quote for excavator approved at November board meeting).

G. Approve Change Order #2 from G Creek for Permanganate Chemical Feed Relocation, \$2,788.05.

H. Approve Amended Non Standard Service Agreement for Ledgestone Commercial, Lots 1-4, 25 Water LUEs.

I. Approve 2021 Annual Developer Reimbursement in the amount of \$259,948.72 to NASH Sweetwater, LLC per Wholesale Water Services Agreement between WTCPUA and Lazy Nine MUD 1A.

J. Approve Change Order #2 from Payton Construction for 1340 Pump Station Conversion, \$16,720.00.

K. Approve quote from Hydro Source Services, Inc for replacement of Pump #4 at County Line Pump Station, \$28,000.

MOTION: A motion was made by President Roberts to approve the consent agenda. Provided as, Exhibits A-K. The motion was seconded by Director Garza.

The vote was taken with the following result:

Voting Aye: Directors Bethke, Roberts, and Garza
Voting Nay: None
Abstained: None
Absent: Directors Creveling and Smith

V. OLD BUSINESS

At 1:20 PM President 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.1., V.B., VI.G., VI.I. and VI.K.

At 1:37 PM, President Roberts announced that the Board would reconvene in open session and that no action had been taken in executive session.

A. Discuss, consider and take action regarding pending litigation, relating to the following:

1. Weekley Homes LLP v. West Travis County Public Utility Agency, in the 200th Judicial District Court, Travis County, Texas; Cause No. D-1-GN-20-002291, including approval of settlement agreement. (L.Kalisek).

MOTION: A motion was made by President Roberts to approve the settlement agreement presented as Exhibit L. The motion was seconded by Director Garza.

The vote was taken with the following result:

Voting Aye: Directors Bethke, Roberts, and Garza
Voting Nay: None
Abstained: None
Absent: Directors Creveling and Smith

B. Discuss, consider and take action on Amendment of General Manager Contract (L. Kalisek).

No action taken.

The Board members asked for this item to be postponed until April.

VI. NEW BUSINESS

- A. Discuss, consider and take action on Recommendation of Award to Process Water Technologies, LLC, and \$739,000.00 for wastewater sludge dewatering equipment (G. Murfee).**

Jason Baze presented this item, provided as Exhibit M, and noted Process Water Technologies will provide equipment and coordinate installation for that equipment. The project was approved at the February meeting.

MOTION: A motion was made by President Roberts to approve the recommendation of Award to Process Water Technologies, LLC. The motion was seconded by Director Garza.

The vote was taken with the following result:

Voting Aye: Directors Bethke, Roberts, and Garza
Voting Nay: None
Abstained: None
Absent: Directors Creveling and Smith

- B. Discuss, consider and take action on Recommendation of Award for Lake Pointe Influent Lift Station Rehabilitation (G. Murfee).**

Jason Baze presented this item, provided as Exhibit N, and explained that the lift station walls have deteriorated over time and the lift station needs to be maintained in good condition. In response to a question by President Roberts, Mr. Baze explained that the rehabilitation will be managed through a bypass with portable pumps. The Board also discussed the need to keep noise and odors during the project to a minimum and requested staff provide the Lake Pointe neighborhood with 30 days' notice prior to project start.

MOTION: A motion was made by President Roberts. The motion was seconded by Director Garza.

The vote was taken with the following result:

Voting Aye: Directors Bethke, Roberts, and Garza
Voting Nay: None
Abstained: None
Absent: Directors Creveling and Smith

- C. Discuss, consider and take action on Request for Project Budget Adjustment from Murfee Engineering for subsurface utility survey work at Water Treatment Plant, \$55,890 (G. Murfee).**

Jason Baze presented this item, provided as Exhibit O, and explained having this survey performed up front will allow for less conflicts during construction and reduced construction costs ultimately.

MOTION: A motion was made by President Roberts to approve the recommendation. The motion was seconded by Director Garza

The vote was taken with the following result:

Voting Aye: Directors Bethke, Roberts, and Garza
Voting Nay: None
Abstained: None
Absent: Directors Creveling and Smith

- D. Discuss, consider and take action on proposal from Murfee Engineering Company for 1240 Elevated Storage Tank design, approval and construction administration (G. Murfee).**

George Murfee presented this item, provided as Exhibit P, and described the need for the elevated storage tank (EST) due to service demands in the area. Following the Directors' review of the maps, discussion arose concerning the surrounding property and pressure planes on and around the proposed EST. The Board and staff also discussed site conveyance.

MOTION: A motion was made by Director Garza to approve the recommendation. The motion was seconded by Director Bethke.

The vote was taken with the following result:

Voting Aye: Directors Bethke, Roberts, and Garza
Voting Nay: None
Abstained: None
Absent: Directors Creveling and Smith

- E. Discuss, consider and take action on renewal agreement with Hays County MUD No. 5 for billing and disconnection of retail water service (J. Riechers).**

Jennifer Riechers presented this item, provided as Exhibit Q, and explained it is an extension of a current billing agreement with the district.

MOTION: A motion was made by President Roberts to approve the renewal agreement. The motion was seconded by Director Garza

The vote was taken with the following result:

Voting Aye: Directors Bethke, Roberts, and Garza
Voting Nay: None
Abstained: None
Absent: Directors Creveling and Smith

F. Discuss, consider and take action on proposal from Malone Wheeler for Emergency Power Generator Installation at County Line Pump Station (J. Riechers).

Jennifer Riechers presented this item, provided as Exhibit R, and explained the project was needed to be compliant with Senate Bill 3 Emergency Preparedness requirements. President Roberts inquired about staff availability to perform the work in house rather than outsourcing. Staff and Board members discussed concerns over liability and assistance in sizing the generator.

MOTION: A motion was made by Director Garza to approve the recommendation. The motion was seconded by Director Bethke.

The vote was taken with the following result:

Voting Aye: Directors Bethke, Roberts, and Garza
Voting Nay: None
Abstained: None
Absent: Directors Creveling and Smith

G. Discuss, consider and take action on disposition of surplus WTCPUA property (17 acres on Highway 71) (L. Kalisek).

President Roberts and the Board directed staff to move forward with platting the property not needed at the site and perform needed impervious cover calculation. They requested staff bring an item back to the Board at the appropriate time to declare property surplus and authorize sale as a workforce housing development.

H. Discuss, consider and take action on Service Availability Letter ("SAL") for:

1. Cannon East, 317 LUEs, 290 System;

Jennifer Riechers presented this item, provided as Exhibit S, and explained that this was an additional SER request from the City of Dripping Springs. Ms. Riechers stated the service availability letter (SAL) has been revised to add that they must have a raw water contract contingency. President Roberts questioned compliance with MOU capacity and Ms. Riechers explained that compliance was included as one of the clauses in the SAL. Ms. Riechers further

stated that service will be available when the District moves forward with projects in the area available. An ongoing issue was expressed concerning service availability based on pending and future facilities being built and updates and models in the area were provided for discussion. President Roberts questioned how to ensure that the City does not sell the taps before the master meters are installed on the property. Ms. Riechers addressed President Roberts' concerns and explained the installation of the Master Meter wouldn't occur until the development is ready to connect to the system.

MOTION: A motion was made by President Roberts to approve the Service Availability Letter to Cannon East. The motion was seconded by Director Garza.

The vote was taken with the following result:

Voting Aye: Directors Bethke, Roberts, and Garza
Voting Nay: None
Abstained: None
Absent: Directors Creveling and Smith

I. Discuss, consider and take action on FH Texas Management Company, LLC Golf Irrigation Water Rate and Billing Maximum (D. Klein).

(This item may be taken into Executive Session under the consultation with attorney exception).

This item was discussed in Executive Session.

MOTION: A motion was made by Director Garza to approve the agreement as presented but authorize Jennifer Riechers to negotiate and approve any final edits in the best interest of the WTCPUA. The motion was seconded by Director Bethke.

The vote was taken with the following result:

Voting Aye: Directors Bethke, Roberts, and Garza
Voting Nay: None
Abstained: None
Absent: Directors Creveling and Smith

J. Discuss, consider and take action on FY 2021 Audit by Maxwell, Locke and Ritter, LLP (J. Smith)

Ms. Tara Hojnacki with Maxwell Locke and Ritter presented the audit for YE 2021 as Exhibit T.

MOTION: A motion was made by Director Garza to accept the YE 2021 audit. The motion was seconded by President Roberts.

The vote was taken with the following result:

Voting Aye: Directors Bethke, Roberts, and Garza
Voting Nay: None
Abstained: None
Absent: Directors Creveling and Smith

K. Discuss, consider and take action on request by Lake Pointe MUD for conveyance of property at 3100 Napa Drive and 3012 Napa Drive (J. Riechers).

President Roberts and the Board directed staff to move forward with replatting the property in preparation of conveyance to Lake Pointe MUD.

VII. STAFF REPORTS

A. General Manager's Report.

Ms. Riechers provided the report attached as Exhibit U. The Board discussed the difference between wholesale and retail service. Ms. Riechers also noted it was the 10-year anniversary of the WTCPUA and invited all to celebrate with some cake after the meeting.

B. Controller's Report.

Ms. Smith provided the report at Exhibit V

C. Operations Report.

Operations staff provided the report as Exhibit W and discussed repairs to leaks within the system.

D. Engineer's Report including:

1. Capital Improvements Plan Update

In addition to the written report provided as Exhibit X, Mr. Murfee also commented on supply chain issues. Ms. Riechers and Mr. Murfee have met with Travis and Hays Counties to coordinate on road projects, including Fitzhugh line improvements. President Roberts questioned changing the current capital improvement plan on the Hamilton Pool Road line alignment. Discussion will be continued next month.

VIII. ADJOURNMENT

MOTION: A motion was made by President Roberts to adjourn the meeting. The motion was seconded by Director Garza.

The vote was taken with the following result:

Voting Aye: Director Bethke, Roberts, and Garza

Voting Nay: None

Abstained: None

Absent: Directors Creveling and Smith.

PASSED AND APPROVED this 21st day of April, 2022.



Walt Smith, Secretary
Board of Directors