

Williamson - Travis Counties

Municipal Utility District # 1

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MINUTES OF MEETING OF THE BOARD OF DIRECTORS OF WILLIAMSON-TRAVIS COUNTIES MUNICIPAL UTILITY DISTRICT NO. 1

November 15, 2006

THE STATE OF TEXAS §

§

COUNTIES OF WILLIAMSON AND TRAVIS §

[Attachments to Minutes of November 15, 2007 Meeting](#)

A regular meeting of the Board of Directors of Williamson-Travis Counties Municipal Utility District No. 1 was held at 6:00 p.m. on November 15, 2006, at the District office at The Park at Lakeline Oaks, 1000 Old Mill Road, Cedar Park, Texas 78613. The meeting was open to the public and notice was given as required by the Texas Open Meetings Act.

Director Rocco called the roll of the members of the Board:

Chris Rocco - President

Steve Davies - Vice President

Linda Garrett - Secretary

Brian T. Hardin - Treasurer

Luis Zervigon - Assistant Secretary/Treasurer

All the directors were present with the exception of Directors Hardin and Rocco, thus constituting a quorum. Also present at the meeting were Bill Fry, Kristi Hester, and Becky Stathos with Severn Trent Services; Bill Flickinger with Willatt & Flickinger; Don Bayes with Gray-Jansing & Associates; Greg Vinella with Eco Systems; Chief Deputy Randolph Doyer and Deputy Jason Veselka with the Williamson County Constable's Office, Precinct 2; and District resident Beverly Zervigon.

Director Davies called the meeting to order at 6:08 p.m. and stated that the Board would first consider Agenda Item 1:

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Minutes from the October 18, 2006 meeting. Director Zervigon suggested the following corrections to the minutes:

- Page 2, Paragraph 2: Following the reference to paragraphs B, C, and D of Section one, insert “to limit exclusively to the Board the authority to authorize billable work by the engineer.”
- Agenda Item 6:
 - The reference should read “Request for Qualifications to Management Companies for Deed Restriction Enforcement.”
 - Director Zervigon’s recommendation should read “. . . explore qualifications of other management companies to perform the deed restriction enforcement.”
 - Director Rocco’s statement should read “The RFQ would work to identify other companies qualified to do the work.”
 - The following should be added to the end of the discussion: “Director Zervigon stated that it may be determined through the RFQ process that there are other companies qualified to enforce deed restrictions. He proposed consideration of the RFQ process for deed restriction enforcement only, explaining that the District engineer could administer the RFQ process.”
 - The paragraph stating the Board returned to Agenda Item 6 following the Executive Session should be deleted because the motion is captured under Agenda Item 5.
 - The directive referred to in the last sentence under Agenda Item 22 should be attached to the Minutes as Exhibit “A” and to the list of directives.
 - Director Zervigon’s motion under Agenda Item 24 included extending Director Davies’ term an additional three months to end in January, 2007.
- Agenda Item 5:
 - The reference should read “Management Services Agreement and Deed Restriction Enforcement Agreement with Severn Trent Environmental Services, Inc.”
 - The fourth sentence should read “He also asked that Severn Tent produce a preventative maintenance list as required by the contract and meet . . .”
- Page 7 – A sentence should be added to the end of the paragraph concerning the fire hydrant and manhole surveys reading “Recommendations for repairs will be referred to the Infrastructure Committee.”
- The motion under Agenda Item 26 should contain the exact verbiage furnished by Mr. Flickinger.

Directors Rocco and Hardin entered the meeting during discussion of the minutes.

On a motion by Director Hardin, seconded by Director Zervigon, the Board unanimously approved the minutes from the October 18, 2006 meeting as corrected.

Director Rocco then called for Agenda Item 5: Security and Traffic Control – Contract with Off-Duty Officers. Director Davies said the Management Committee met with Deputy Doyer and has almost reached an agreement. The price has increased from \$31 per hour to \$45 per hour since the previous discussions with the Constable’s office. Plans call for deputies to work eight 4-hour shifts each month. They would vary the shift times and each deputy would furnish a copy of his activity log showing the number of hours he worked, anything suspicious or out of the ordinary that happened, and any tickets written. Logs would be included with each billing. The deputies would work as contract labor and checks would be written directly to the officers. In addition, the County will charge \$1 an hour for the vehicle. Officers would

not be called out of the District unless something very major happened. They can cross the Travis County line to patrol, but cannot write traffic tickets in Travis County. They are allowed to make arrests in Travis County, but would need to call a Travis County officer to pick up the person arrested. Fines for any tickets issued go directly to the County. Deputy Doyer explained that deputies from the constable's office are the same as sheriff's deputies except they have wider jurisdiction in process serving and can go into contiguous counties. There are 10 deputies in Precinct 2. They would prefer to be paid weekly or bi-weekly. This could be accomplished by transferring funds into the Manager's account. Their shift will start upon arrival in the District and end when they leave the District. Mr. Flickinger said an extra endorsement can probably be added to the District's insurance.

Director Davies moved that the Board hire constable deputies to work 32 to 40 hours a month, not to exceed 40 hours, at a rate of \$45 an hour for eight 4-hour shifts with a target of eight shifts; that Williamson County be paid \$1.00 an hour for use of the County vehicle; that Board contacts be Director Davies and Director Rocco; that Mr. Fry be directed to determine, with the attorney's cooperation, what insurance is needed at a cost not to exceed \$1,000. The motion was seconded by Director Zervigon, and passed unanimously.

Director Rocco then called for Agenda Item 2: Report from the District's engineer. Mr. Bayes said Capital One construction is still on-going. Mr. Bayes is in the process of reviewing a set of plans from Wheeler Retail to construct a strip center on Lot 2 of replat of Lot 1 Blk B of Anderson Mill West Section 9. More information will be available at the December meeting.

Mr. Fry said discussions are underway with the City of Cedar Park regarding meter vault security and water loss variance. Director Zervigon suggested getting the engineer involved in discussions with the City of Cedar Park regarding the possible removal of the standpipe off Aster Pass. STES was directed to notify Mr. Bayes when discussions with the City reach a serious nature for removing the tank. There may be other alternatives to removing the standpipe.

Director Rocco then called for Agenda Item 27: Report from District's landscaper contractor and related items. Mr. Vinella said Capital One removed the pole with the electrical supply which was located on their property. There is still no power to the irrigation system at the El Salido entryway. STES will get PEC to restore power to the system. Mr. Vinella will do an analysis and come back to the Board with a recommendation and costs. These costs will be deducted from the Capital One deposit. He said he is unable to give a good cost estimate until the situation is properly diagnosed. He suggested the Board consider cleaning out the Cashell Wood and Vestavia ponds, but possibly not until spring rains are over.

Director Rocco then called for Agenda Item 4: Transfer of funds from surplus bond proceeds. Mr. Flickinger explained that this transfer can take place without TCEQ approval. On a motion by Director Hardin, seconded by Director Garrett, the Board voted unanimously to transfer \$39,976.27 from surplus bond proceeds into the operations account to cover fiscal year 2006 maintenance and repair to any part of the infrastructure built with bond funds.

Director Rocco than called for Agenda Item 6: Contract with District Engineer. No action was taken on this agenda item.

Director Rocco then called for Agenda Item 7: Management Services Agreement and Deed Restriction Enforcement Management Services Agreement with Severn Trent Environmental Services, Inc. No action was taken on this agenda item.

Director Rocco then called for Agenda Item 8: Request for Qualifications to Management Companies. Following a discussion, this item was tabled.

Director Rocco then called for Agenda Item 9: Repairs to District's CMU Fence. Mr. Fry reported that no repairs are needed at this time.

Director Rocco then called for Agenda Item 10: District Website. Director Garrett said the website is looking very nice and is up to date.

Director Rocco then called for Agenda Item 11: Fire Protection Services. Director Rocco reported he visited briefly with the fire chief at Jollyville VFD, but then the chief was called out on an emergency. The chief did say they are not planning to take on any more work and mentioned that there is an emergency response district in planning stages. Director Rocco will be meeting with him again tomorrow.

Director Rocco then called for Agenda Item 12: Solid Waste Disposal Contract. Waste Management received the check but it has not been applied to their invoice yet. No additional correspondence has been received.

Director Rocco then called for Agenda Item 13: District Depository, Bank Accounts. No action has been taken at this time. STES will make sure this is included in Director Hardin's directives.

Director Rocco then called for Agenda Item 14: Amend Rate Order. There was no discussion under this agenda item.

Director Rocco then called for Agenda Item 15: Strategic planning process. Director Rocco spoke with the facilitator, Linda Baker. He will be talking with her again later this week, and should have something to report by the December meeting.

Director Rocco then called for Agenda Item 16: Emergency Response Plan and Vulnerability Assessment and compliance with statutory and regulatory requirements in connection with same. Mr. Fry said he did a walk-through with Kimmons Security on November 2. As requested, he sent a rough draft of the ERP to Director Davies for review prior to the walk-through. Director Davies said the e-mail he received was not secured. Director Davies suggested future e-mails on the ERP be encrypted with Acrobat Version 6, pdf format 1.5, which uses 128 bit encryption, and a "strong" password be chosen and communicated outside of the e-mail. Mr. Fry will make sure when he e-mails the updated draft that it is secure. Director Davies said he sent photographs to Mr. Dunbar in a password protected zipped document, but Mr. Dunbar has not requested the password. Mr. Fry indicated Mr. Dunbar took some photographs during the walk-through. Hopefully, the ERP will be completed by the December meeting.

Director Rocco then called for Agenda Item 17: Water and Wastewater utility service to Lot 2 of Replat of Lot1 Blk B of Anderson Mill West Section Nine. This was discussed as a part of the engineer's report.

Director Rocco then called for Agenda Item 18: Director's Bond. Mr. Flickinger said he has been discussing some issues with Director Zervigon. He is working through the details and would like to keep this item on the agenda.

Director Rocco then called for Agenda Item 19: Audit. Ms. Hester said the audit is underway and is expected to be

presented at the December meeting. Director Hardin wants to make sure the Audit Committee is given an opportunity to prepare the management letter.

Director Rocco then called for Agenda Item 20: Payment to CASE for lobbyist and presentation by CASE. Director Zervigon said he spoke to CASE representatives and learned contributions were received from four municipal utility districts to cover the lobbyist through the end of August. Wells Branch has been picking up the slack, but cannot continue doing so. He suggested directing Mr. Flickinger to investigate and report at December meeting what mechanisms might exist to track legislation. Mr. Flickinger said there are several entities that will notify on filings and hearings, but he doesn't know of any that provide analysis. Mr. Fry said AWBD has hired an individual to report on legislation and the information will be posted on their website. AWBD has also hired a PR firm to get their name out to the Legislature and are urging directors to get with their local legislators. Mr. Fry is on the advisory council of AWBD and will pass any alerts on to all STES clients.

The AWBD mid-winter conference will be held in Austin January 26 and 27. Directors can go online and register for the conference. AWBD will bill the District through STES.

This item can now be removed from the agenda.

Director Rocco then called for Agenda Item 21: Receive citizen's communications. There were no citizens wanting to address the Board.

Director Rocco then called for Agenda Item 22: Report from DRC and act on restrictive covenant enforcement. Director Davies reported that STES provided all files, images, electronic summaries, etc, that were requested as well as another format which is even more useful. He said it was a huge improvement. Director Zervigon said STES' earlier failure to provide the requested information was one reason he had talked about sending out an RFQ. Mr. Fry said it was all a result of mistaken communication and that he had been making an assumption that Director Davies wanted to be involved in software revisions. Director Davies said he does not feel an RFQ is needed at this time.

Director Davies said he would like for a special meeting to be scheduled to discuss deed restrictions related issues. The meeting was scheduled for 6:00 p.m. on Thursday, November 30. STES will check availability of the facility. The agenda will include Items 7, 8, 24, 25, and 26 from tonight's agenda. Mr. Fry requested directors bring to the special meeting the information STES e-mailed in response to the recent directive on the deed restriction enforcement process. Directors Hardin and Zervigon asked that the information be resent to them. A packet will be produced including that information as well as policies of the various ACCs within the District. STES will e-mail and/or deliver the packet in advance.

Mr. Fry said he has been reviewing the time spent, cost, number of letters sent, and Ms. Stathos' involvement in management of the District's deed restrictions. Mr. Fry said he would be willing to reduce the DR contract by \$500 effective with the next billing unless the Board goes out for an RFP. It is possible that some of the action taken at the special meeting could reduce the cost even more. If the Board does go out for an RFP, STES would like to be included.

Director Garrett will not be able to attend the DRC on December 6. Director Hardin will attend in her place.

Director Rocco then called for Agenda Item 23: Report from ACC. Director Zervigon said PEC is tentatively scheduled

to clear the easement the first full week of December. They will also remove all stones piled up on the El Salido side. He also said the gate on El Salido across from Locust Cove has not been lubricated yet. STES will follow-up.

Director Rocco then called for Agenda Item 24: Funding for and Interaction with Homeowners Associations within the District to facilitate operation of Architectural Control Committee and other HOA functions. This item should remain on the agenda.

Director Rocco then called for Agenda Item 25: Rules for enforcement of restrictive covenants that include fines and termination of services. This item should remain on the agenda.

Director Rocco then called for Agenda Item 26: Proposal for clarifications and revisions to the Rules for Enforcement of Deed Restrictions. This will be discussed at the special meeting on November 30.

Director Rocco then called for Agenda Item 28: Report from Parks Subcommittee regarding park improvements. Mr. Fry and the Parks Committee will meet at the District building at 7:00 a.m. on November 29.

Mr. Flickinger will add a standing item to the agenda for committee reports.

Director Rocco then called for Agenda Item 29: All matters related to the District's parks, fields and office building. This was discussed under a previous agenda item.

Director Rocco then called for Agenda Item 3: Report from District's Manager and Affected Persons, including payment of bills and invoices and transfer of funds.

- a) review and discussion of pending Board directives to Manager, attorneys, Board members and sub-committees
- b) water and wastewater system report
- c) billing report and financials
- d) security issues and vandalism
- e) security measures for the water system
- f) builder and aged receivables
- g) detention pond and related issues
- h) fire hydrant survey
- i) RBC Dain Rauscher
- j) solid waste collection and disposal service
- k) marquees
- l) customer and resident complaints
- m) adjustment of delinquent accounts
- n) review changes made to Standard Operating Procedures (SOP) Manual
- o) collection of delinquent property taxes
- p) preventative maintenance program
- q) quarterly investment reports

Directives were reviewed as follows:

BOARD MEMBERS:

Current directives have been completed. Prior meeting directives have been completed with the following exceptions:

- Director Rocco is in the process of obtaining a strategic planning proposal.
- Mr. Fry received a letter from TCEQ saying no further action was necessary regarding the alleged violation, but that it may be evaluated during a subsequent investigation. Mr. Fry and Mr. Flickinger are still going to pursue this issue to get it resolved.
- Director Rocco has another meeting scheduled with Jollyville VFD tomorrow.
- Having Director Davies act as liaison between the Board and Mark Maxwell on technical issues should be marked as on-going.

SUBCOMMITTEES:

Current directives have been completed with the following exceptions:

- A possible RFQ regarding deed restriction enforcement will appear on the agenda for the special meeting on November 30.
- Ms. Hester will notify the Audit committee when the management letter is needed.

The following changes were made to prior meeting directives:

- Both directives regarding the website have been completed.
- Both directives regarding deed restrictions will be discussed at the special meeting.
- Mr. Fry and Director Hardin need to go on and discuss a business plan for rental of a camera.
- The Parks Committee has scheduled a meeting for November 29.
- The two directives about golf balls being hit in the Hatch Road detention pond were combined and will be discussed at the Parks Committee meeting.
- It is no longer necessary to develop a scope for proposals from structural engineers.
- STES will check with Mr. Bayes on the preliminary operating procedure for handling fence repairs.
- The directive regarding a contingency plan for solid waste removal was transferred to STES who will furnish information to the committee.

ATTORNEY:

The current directive has been completed. Prior meeting directives were revised as follows:

- The directive regarding the DR procedure will be discussed at the special meeting on November 30.
- Interpretation of the STES contract regarding PM activities can be removed.
- Redacted versions of the packet are available via pdf.
- The engineer's contract was put on the agenda.

ENGINEER:

There was no change in the directives.

SEVERN TRENT:

- The September minutes have been corrected.

- Off-the-Wall has removed the graffiti in Hatch Road detention pond.
- A secure copy of the revised VA will be sent to the Vulnerability Study committee and Director Davies.
- Information about fire protection fees will remain on the bottom of the bill through the end of 2006.
- Changes and improvements in deed restriction enforcement will be discussed at the special meeting on November 30.
- The \$1,000 check was issued to AMWNA for insurance renewal.
- The list of routine and non-routine items was discussed with the Infrastructure Committee.
- Progress of the PM system was reviewed with the Infrastructure Committee.
- Correcting the Quarterly Investment Report should be left on the directives.
- The resident requesting an adjustment was notified they could have a payment plan.
- TML said the District does not have coverage for fire hydrants or nightwatchman lights. Ms. Hester will follow-up to see why they are not on the schedule.
- Mr. Fry and Ms. Hester met with the Infrastructure Committee on November 10.

The following changes were made to prior meeting directives:

- The fall arrest system has been installed at the Hatch Road lift station.
- Adding additional items to the maintenance database was combined with a current directive.
- More detail will be added to the deed restriction portion of the Administrative SOP manual and brought to the special meeting on November 30.
- The procedure for access through the detention pond has been added to the SOP manual.
- The agreement was signed for the NW corner of El Salido & RM 620 and the wastewater permit has been issued.
- STES will check with the company by the Water Tank on McNeil to see if they will provide time and material costs for wall repairs.
- There is no need to continue sending a certified letter to WM every month.
- The directive regarding the ERP should remain on the list.
- The Parks Committee will meet on November 29.
- The three BBQ grills have been replaced at Anderson Mill West park.
- An article will be placed in the next newsletter regarding contacting the county on street and sidewalk issues.
- TCEQ is satisfied with agreement with City.
- Fines have been dropped at 2200 Portwood Bend.
- Redacted version of packet has been made available.
- Write-offs and collections no longer appear in the packet.
- Budget has been amended to reflect change in fire protection fee.
- Mark Maxwell has signed proposal for website maintenance.
- Met with Waste Management regarding contract.
- The August 16 minutes were corrected.
- The September 5 minutes were corrected.
- The General Information Sheet was updated.
- HOA's are now being allowed to utilize the building for social events without a deposit so long as an HOA officer is present.
- An updated report on the maintenance data base has been provided.

Director Zervigon asked that the terms of the DRC members be shown on the committee list and that future directives

reflect the date the directive was issued and back-up be attached as needed.

Mr. Fry then reviewed the Manager's Report for the month of October.

He then handed out notes from the Infrastructure Committee meeting and the PM schedule revision.

Mr. Fry said STES and the Infrastructure Committee came to compromise on the definition of "routine" maintenance as work that occurs on a scheduled basis and the scope of work to be performed is understood and the cost is predictable. If the work can be done by the person usually in the District, it should not be charged. A computerized PM list should be added as an appendix to the contract. Director Davies said at the last meeting he asked for due dates and wanted to see the PM list at the November meeting to see what is on the list. Ms. Hester will e-mail it to the Board tomorrow. A copy of the Infrastructure Committee directives is attached as Exhibit "A".

Board resolutions exist in the Minutes, but directors would like to see a summary of resolutions organized by subject.

The STES contract will be amended the first of next year and hopefully be finalized at a meeting with the Infrastructure Committee in January.

Director Zervigon moved to authorize the work recommended by the recent fire hydrant and manhole surveys. Director Hardin seconded the motion, which passed unanimously. The cost of this work will be eligible for transfer of surplus bond funds next year.

Mrs. Hester reviewed the October financials and distributed a revised check detail list. On a motion made by Director Davies, seconded by Director Garrett, the Board unanimously approved checks #7685 – #7728 totaling \$186,871.21.

Director Zervigon asked that STES e-mail directors the link to the AWBD website.

Director Rocco then called for Agenda Item 30: Adjournment. The meeting was adjourned at 10:31 p.m.

Linda Garrett, Secretary
Board of Directors

Date: _____

Williamson-Travis Counties MUD #1
Directives from
Infrastructure Committee Meeting
Held November 10, 2006

In attendance: Brian Hardin, Luis Zervigon, Bill Fry, Kristi Hester

1. Edit sewer back-up letter by removing last paragraph and signature line

2. Record Board resolutions in an easily accessible file
3. Review current year's minutes and extract any resolutions
4. Provide a list of historical non-routine items and add to contract as Exhibit "C"
5. Add page numbers to contract
6. Update preventative maintenance summary to include comments and add to contract as Exhibit "B"
7. Add definitions to contract
8. Add computerized PM schedule to contract

[Attachments to Minutes of November 15, 2007 Meeting](#)