

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

February 20, 2020

**Present:**

Scott Roberts, President  
Don Walden, Vice President  
Walt Smith, Secretary  
Bill Goodwin, Assistant Secretary

**Staff and Consultants:**

Jennifer Riechers, Agency General Manager  
Jennifer Smith, Agency Controller  
Keli Kirkley, Agency Accounting Supervisor  
Reuben Ramirez, Agency Engineer Technician  
Curtis Jeffrey, Agency Water Operations Supervisor  
Stefanie Albright, (Lloyd Gosselink Rochelle & Townsend, P.C.), Agency General Counsel  
Dennis Lozano, (Murfee Engineering Company, Inc.), District Engineer

**I. CALL TO ORDER**

Director Roberts called the meeting to order at 10:07 a.m.

Director Walt Smith was sworn in as a WTCPUA Director following the Call to Order.

**II. ESTABLISH QUORUM**

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

**III. ELECTION OF OFFICERS**

Director Roberts stated that the office of Secretary is vacant and recommended that Director Smith be appointed to fill this vacancy with the current slate remaining the same.

**MOTION:** A motion was made by Director Walden to keep current slate and appoint Walt Smith as Secretary. The motion was seconded by Director Roberts.

The vote was taken with the following result:

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

#### **IV. PUBLIC COMMENT**

Mr. Ray Whisenant spoke to the Board and stated that over the time he served on the PUA Board that this group of individuals has always had consistent and laudable reasons for serving. He stated that this utility has grown to a stable entity to provide important resources of water and wastewater to the people it serves. He stated that the challenges are still there, but that the utility is ready to answer these challenges. He is proud that this utility is a ratepayer utility, and the responsibility is not only providing service but doing so responsibly. He thanked the administrators, consultants, and employees of the entity and said that he thinks this is the best opportunity to move forward for the utility. Director Roberts thanked Mr. Whisenant on behalf of the Board for his service and hoped that he would stay involved in the utility.

#### **V. CONSENT AGENDA**

- A. Approve minutes of January 16, 2020 regular Board Meeting.**
- B. Approve payment of invoices and other related bookkeeping matters.**
- C. Approve Contractor Pay Requests including:**
  - 1. Cash Construction Company, Inc., Pay Application No. 3, \$362,970.00 Raw Water Line No. 2 CIP Project**
  - 2. DN Tanks, Inc., Pay Application No. 5, \$92,175.65 West Bee Cave Pump Station GST No. 2 CIP Project**
  - 3. SJ Louis Construction of Texas., Ltd. Pay Request No. 13 & Final, \$121,070.14, 1340 Transmission Main CIP Project**
- D. Approve Consent to Assignment for Forbes Tract**

**MOTION:** A motion was made by Director Walden to approve the Consent Agenda Items A-D, provided as **Exhibits A-D**. The motion was seconded by Director Roberts.

The vote was taken with the following result:

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

## VI. OLD BUSINESS

At 11:35 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, VII. A, B, C, D, H.

At 12:35 p.m., Director 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 and/or anticipated litigation, including:

1. *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.*
2. *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.*
3. *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.

## VII. NEW BUSINESS

### A. Discuss, consider, and take action on Resolution Regarding Request by the WTCPUA to the Participating Entities to Use Eminent Domain Authority.

This item was discussed in executive session.

**MOTION:** A motion was made by Director Roberts to approve the Resolution Regarding Request by the WTCPUA to the Participating Entities to Use Eminent Domain Authority, provided as **Exhibit E**. The motion was seconded by Director Smith.

The vote was taken with the following result:

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

**B. Discuss, consider, and take action on Memorandum of Understanding between the WTCPUA and Participating Entities regarding use of eminent domain authority for necessary WTCPUA facilities.**

This item was discussed in executive session.

**MOTION:** A motion was made by Director Roberts to approve the Memorandum of Understanding between the WTCPUA and Participating Entities regarding use of eminent domain authority for necessary WTCPUA facilities provided as Exhibits F-H. The motion was seconded by Director Smith.

The vote was taken with the following result:

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

**C. Discuss, consider, and take action on draft Resolution Regarding Request by the WTCPUA to the City of Bee Cave to use Eminent Domain Authority for easement rights.**

This item was discussed in executive session.

**MOTION:** A motion was made by Director Roberts to approve the Resolution Regarding Request by the WTCPUA to the City of Bee Cave to use Eminent Domain Authority for easement rights. The motion was seconded by Director Smith.

The vote was taken with the following result:

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

**D. Discuss, consider and take action on amendment to Wholesale Agreement with Travis County MUD No. 12 related to Bee Creek Sports Complex.**

This item was discussed in executive session.

**MOTION:** A motion was made by Director Roberts to approve to expand the service area as discussed to allow the District to serve the Bee Creek Sports Complex, and approve an amendment to the existing wholesale water agreement with Travis County MUD No. 12 to accomplish this direction. The motion was seconded by Director Walden.

The vote was taken with the following result:

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

**E. Discuss, consider and take action regarding a proposal from Murfee Engineering Company, Inc. for engineering services for the Water Treatment Plant Solids Management Master Plan CIP Project, \$57,000.**

Mr. Lozano presented this item, provided as Exhibit I. He stated that Murfee Engineering had worked with the General Manager and operations staff to find savings and efficiencies in the solids management operations. Director Walden asked if there was an estimate of savings when completed, to which Mr. Lozano stated this would be part of the deliverables, but potentially estimated at \$150,000 to \$200,000 per year.

**MOTION:** A motion was made by Director Walden to approve the engineering services proposal provided by Murfee Engineering Company for the Water Treatment Plant Solids Management Master Plan CIP Project in the amount of \$57,000. The motion was seconded by Director Roberts.

The vote was taken with the following result:

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

**F. Discuss, consider and take action regarding a request for budget amendment for the Raw Water Line 2 CIP Project, \$75,000.**

Mr. Lozano presented on this item, provided as Exhibit J. He stated that there have been some difficulties getting the project off the ground. He stated that there had been a lot of additional coordination with the contractor, and additional efforts with coordinating with the community and obtaining the easements for the project. He stated that he is confident that the budget as amended will be sufficient for the remainder of the project.

Director Walden asked if this revised amount would get the project to completion, to which Mr. Lozano stated that the restoration effort was taken into account in the budget and he thinks it will be sufficient.

Director Goodwin confirmed that this project was delayed by a year by Lake Pointe MUD in the past, and that there were a combination of issues in this situation with Travis County, Cash Construction, and the Texas Department of Transportation (“TxDOT”). Mr. Lozano stated that

Bee Cave's engineer was instrumental in helping the PUA with coordination with TxDOT. Mr. Lozano stated that if the contractor will stay within the bounds of the agreements with the community then he anticipates that the project will move forward with less issues.

Director Roberts asked when the project would be operational, to which Mr. Lozano replied that they plan to start testing in October, which will mean another summer before the line is complete.

**MOTION:** A motion was made by Director Roberts to approve the budget amendment for the Raw Water Line 2 CIP Project in the amount of \$75,000. The motion was seconded by Director Walden.

The vote was taken with the following result:

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

**G. Discuss, consider and take action regarding TxDOT 620 widening project as it impacts WTCPUA facilities.**

Mr. Lozano presented on this item, identifying TxDOT's plan to widen FM 620 and the impact to PUA facilities. He stated that near Falconhead West there are a great deal of facilities that could be impacted by the current plan. Such facilities include a proposed detention pond at the Falconhead West entryway that will conflict with the PUA's effluent irrigation disposal area that is subject to the PUA's TLAP permit. Mr. Lozano flagged that there is a February 20 public meeting, and that the PUA was working to flag the impact with TxDOT as well as identify potential alternatives.

Director Walden stated that he had met with representatives of the design engineering firm hired by TxDOT that prepared the plans for this project, and that at the time it was flagged for TxDOT that this land was permitted effluent disposal area. He stated that he is concerned that this plan creates a conflict with the PUA's permit compliance, the PUA needs to get engaged with this project and transmit its concern. Director Walden confirmed that the alternative site recommendations have been previously provided to TxDOT. Discussion ensued regarding TCEQ's potential involvement on this project, and the potential alternatives. Director Walden stated that the deadline for comments on the plan is March 7.

Director Goodwin flagged how critical this tract of land was for effluent disposal and the PUA's TLAP permit.

**MOTION:** A motion was made by Director Roberts to authorize a resolution stating the PUA's concern and urge TxDOT to look into alternatives and authorize Director Walden to finalize the resolution. The motion was seconded by Director Smith.

The vote was taken with the following result:

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

**H. Discuss, consider, and take action regarding appeal of Weekly Homes, LLC concerning the assessment of impact fees for the Burba Ranch Subdivision, pursuant to WTCPUA Tariff Section 2.16.**

This item was discussed in executive session.

Directors Roberts stated that the Board would take no action on the appeal and the determination made by the General Manager is upheld.

**VII. STAFF REPORTS**

**A. General Manager's Report.**

Ms. Riechers presented this item, provided as **Exhibit K**. Director Goodwin flagged the correspondence sent by the attorney for Hays County WCID No. 1 and the memo to Adrian Overstreet regarding pressure issues in the Galleria Oaks.

Director Roberts stated that he expressed concerns to the Belterra representative regarding the allocation concerns the PUA has. Ms. Riechers stated that this letter only came in last week accompanied by 300 pages of exhibits. She stated that the biggest issue is the treatment of the irrigation meters, and that staff is still looking at this information. She stated that the District feels like they should not have to pay impact fees on irrigation meters that were in place before the PUA took over the system. Ms. Riechers confirmed that this is the heads up for a future agenda item. In response to a question from Director Roberts, Ms. Albright confirmed that she had reviewed the letter and backup documentation, but that as the letter was only recently received, she had not met with the General Manager and engineer regarding an analysis and response.

Director Goodwin next addressed the memo regarding Galleria Oaks pressure issues. He stated that he thought that the 1080 Transmission Line project would alleviate the pressure issues, but that it seems that these issues may not be improved by the pressure plane project. He stated that the memo included in the report addresses the pressure issues flagged and potential options for resolution. Director Goodwin confirmed that a proposed booster pump for the Galleria Oaks would be more scaled down than the booster pump at the Sonesta Hotel. Director Goodwin stated that the PUA is required to deliver at least 35 psi of water pressure, and that at this time this pressure is not consistently being met.

Director Roberts asked whether any operational high pressure issues had been identified on the 1826 area, to which Mr. Lozano stated that he wasn't aware of any issues.

Director Goodwin asked about the leak detection program item and asked how the leak detection program picks up meters not detecting low flows. Mr. Jeffrey stated that there is a program to find not only leaks but lost water through meters.

**B. Controller's Report.**

Ms. Smith presented on this item, provided as Exhibit L. She stated that revenue through January is tracking with the budget and that staff is looking into some electrical usage increases. She stated that investment returns have been at 3.78% on an average of \$83 million in funds consistent with the PUA's investment policy and the Public Funds Investment Act. Director Roberts confirmed that staff could track impact fee funds paid, and what is available for current projects.

**C. Engineer's Report including:**

**1. Capital Improvements Plan Update.**

Mr. Lozano presented this report, provided as Exhibit M. He stated that the TCEQ responded regarding the beneficial water recycling project regarding the source water characterization, and overall, the letter lays out the process and steps for moving forward. In response to a question from Director Roberts, Mr. Lozano stated that the beneficial recycling project will help with the disposal issues posed by the TxDOT 620 project, but that disposal needs will increase over time so that this disposal area is still necessary.

Mr. Lozano flagged a memo from the City of Bee Cave regarding the possibility of a partnership around effluent management. He stated that this may also include a potential ASR facility. Director Goodwin stated that he has concerns about this potential project and the realities of effluent irrigation. He asked about the surface infrastructure relating to the ASR project, to which Mr. Lozano replied that it is minimal. Discussion ensued regarding the potential aspects of such a partnership and the needs of the parties. Director Smith stated that he is familiar with ASR projects that are interested in supply, and the migration of this water is a concern to be addressed as this is a resource the PUA wants to know is available.

Director Walden stated that he has experience with median irrigation and that without a good under-draining system, the water will migrate to the base of the roadway.

Mr. Lozano highlighted in his report a ground storage tank in disrepair at the Southwest Parkway Pump Station. He stated that this project has been held up for some time with the Nature Conservancy, LCRA, and City of Austin. He stated that there are structural concerns with the tank, and that next month is a compliance deadline with TCEQ that will not be met. He stated that he wanted to flag this as a vulnerability. Director Roberts confirmed that the water was within treated drinking water standards.

**D. Operations Report.**

Mr. Jeffrey presented this report, provided as Exhibit N. He stated that operations are running within permitted limits.



**E. Customer Service Report.**

Ms. Riechers presented this report, provided as **Exhibit O**.

**VIII. ADJOURNMENT**


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

The vote was taken with the following result:

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

The meeting adjourned at 12:37 p.m.

PASSED AND APPROVED this 19th day of March, 2020.

Approved 3/19/20   
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Scott Roberts, President  
Board of Directors

ATTEST:

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Walt Smith, Secretary/Treasurer  
Board of Directors