

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

January 21, 2021

The January 21, 2021 Board of Directors meeting was held with limited attendance and via remote access in accordance with the Governor's March 16, 2020 proclamation, as extended, suspending certain open meetings statutes in response to the current COVID-19 pandemic and statewide disaster declaration. The public was provided a toll-free number and free videoconference link to participate in the meeting.

Present:

Scott Roberts, President
Walt Smith, Secretary (Participating Remotely)
Jason Bethke, Director
Jack Creveling, Director
Clint Garza, Director

Staff and Consultants:

Jennifer Riechers, Agency General Manager
Jennifer Smith, Agency Controller (participating remotely)
Eric Morgan, Agency Operations Manager
Stefanie Albright, (Lloyd Gosselink Rochelle & Townsend, P.C.), Agency General Counsel
Dennis Lozano, (Murfee Engineering Company, Inc.), District Engineer
George Murfee, (Murfee Engineering Company, Inc.), District Engineer

I. CALL TO ORDER

Director Roberts called the meeting to order at 1:16 p.m.

II. ESTABLISH QUORUM

A quorum was established with the above-referenced Directors present.

III. PUBLIC COMMENT

No public comment on non-agenda items was provided.

IV. CONSENT AGENDA

- A. Approve minutes of December 17, 2020 regular Board Meeting.**
- B. Approve payment of invoices and other bookkeeping matters, including:**

1. Quarterly Investment Report;
2. BOK Financial Invoices for Bond Payments:
 - a. Revenue and Refunding Bonds, Series 2013, \$78,825.00;
 - b. Revenue Bonds, Series 2015, \$704,781.25;
 - c. Refunding Bonds, Series 2017, \$3,196,200.00;
 - d. Revenue Bonds, Series 2019, \$318,475.00.

- C. Approve Contractor Pay Requests including:
1. DNTanks, Inc., Pay Application No. 5, \$255,016.34 Southwest Parkway GST 1 CIP Project
 2. G. Creek Construction, Inc., Pay Application No. 2, \$156,194.54, Hamilton Pool Road Pump Station Expansion CIP Project
- D. Approve Service Availability Letter for:
1. Cannon Ranch, 396 LUEs water, 290 District;
 2. 7-Eleven, 11 LUEs water, 290 District.
- E. Approve Non Standard Service Agreement for:
1. HEB, 62 LUEs, 290 District;
 2. 7-Eleven, 11 LUEs, 290 District;
 3. 17507 Hamilton Pool Road, 14 LUEs water, 71 District.

MOTION: A motion was made by Director Roberts to approve the Consent Agenda items A-E, provided as Exhibits A-E. The motion was seconded by Director Creveling.

The vote was taken with the following result:

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

V. OLD BUSINESS

At 1:45 p.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 items VI. A, B, and C.

At 2:07 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 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.*

This item was discussed in executive session.

- B. Ratify Approval of Amended and Restated Nonstandard Service Agreement for Provence Subdivision.**

This item was discussed in executive session.

MOTION: A motion was made by Director Creveling to ratify approval of the Amended and Restated Nonstandard Service Agreement for the Provence Subdivision. The motion was seconded by Director Garza.

The vote was taken with the following result:

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

VI. NEW BUSINESS

- A. Discuss, consider and take action regarding planning for growth in the water system and implementation of tools to manage water capacity.**

This item was discussed in executive session.

- B. Discuss, consider and take action regarding administrative activities and costs to implement PUA policies, including policies relating to management of water capacity.**

This item was discussed in executive session.

- C. Discuss, consider and take action regarding 87th Regular Session of the Texas Legislature.**

MOTION: A motion was made by Director Roberts to establish a governmental subcommittee consisting of Director Smith and Director Creveling for the 87th Regular Session of the Texas Legislature. The motion was seconded by Director Garza.

The vote was taken with the following result:

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

Recommended polling members

D. Discuss, consider and take action regarding a proposal from Murfee Engineering Company to provide engineering services for the Circle Drive Pump Station Phase One CIP Project.

He stated that Dennis Lozano has resigned from Murfee Engineering and will be missed within the firm. Director Roberts stated that he appreciated the service that Mr. Lozano had given to the PUA as well as his knowledge and honesty.

Mr. Murfee presented on this item, provided as **Exhibit F**. Murfee detailed the proposal, stating that this was a site acquired from the LCRA. He stated that this was a phased project, with the first phase to add additional LUEs. The second phase of the project will come at a later date and be dependent on CIP and other planning decisions. This Phase One proposal includes site plan review.

Director Creveling asked when the Pump Station would be up a running, to which Mr. Murfee stated in a year if the site plan is approved by the City of Austin.

MOTION: A motion was made by Director Roberts to approve a proposal from Murfee Engineering Company to provide engineering services for the Circle Drive Pump Station Phase One CIP Project, provided as **Exhibit F**. The motion was seconded by Director Creveling.

The vote was taken with the following result:

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

E. Discuss, consider and take action on proposal from Murfee Engineering Company to perform a risk and resiliency assessment and develop an emergency response plan as required by the American Water Infrastructure Act 2018.

Mr. Murfee presented this item, provided as **Exhibit G**. He stated that this is a mandate by the federal government for utilities serving more than 3,300 people. He said that there is a good start on this as the first step is a full inventory of the system, which the PUA has generally done. He stated this program creates emergency preparedness response, and the deadline is June 2021.

Director Smith asked if there was a requirement for a homeland security audit or whether this was separate. Mr. Murfee stated that this would have been done by the LCRA, and the reports for this risk resiliency assessment is not required to be submitted to the EPA.

Director Roberts asked a question regarding the cost, Mr. Murfee replied that the estimate is \$127,000.

MOTION: A motion was made by Director Roberts to approve a proposal from Murfee Engineering Company to perform a risk and resiliency assessment and develop an emergency response plan as required by the American Water Infrastructure Act 2018, provided as Exhibit G. The motion was seconded by Director Garza.

The vote was taken with the following result:

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

F. Discuss, consider and take action on proposal from Murfee Engineering Company to perform an Impact Fee Study for FY 2021.

Mr. Murfee presented this item, provided as Exhibit H. He stated that the first step is to update land use assumptions using the school district's demography study. This will eventually result in a CIP program and adjustment of impact fees. He stated that Murfee Engineering Company will also be meeting with the Impact Fee Advisory Committee in the course of this program.

MOTION: A motion was made by Director Roberts to authorize the General Manager to enter into an agreement to engage Murfee Engineering in an amount not to exceed \$75,000 to perform an Impact Fee Study for FY 2021, provided as Exhibit H. The motion was seconded by Director Creveling.

The vote was taken with the following result:

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

G. Discuss, consider and take action on amendment to Service and Development Policies regarding Wholesale Agreements.

Ms. Albright presented this item, provided as Exhibit I. She stated that the Board had previously chosen to prohibit the PUA from entering into new wholesale agreements. Ms. Albright stated that there is a potential that new customers and the PUA could determine that a wholesale

agreement is advantageous to both entities, and removing this prohibition would allow staff to discuss such an agreement with applicants.

MOTION: A motion was made by Director Roberts to approve the order to amend the Service and Development Policies regarding Wholesale Agreements, provided as **Exhibit I**. The motion was seconded by Director Creveling.

The vote was taken with the following result:

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

Director Roberts asked staff to bring back edits to the Service and Development Policies to allow the General Manager to approve additional SERs and NSSAs.

H. Discuss, consider, and take action on Order amending the wholesale water rate for the City of Dripping Springs for the Blue Blazes Development.

Ms. Riechers presented this item, provided as **Exhibit J**. She stated that the rate order included an incorrect amount that needed to be corrected, but the City had been paying the correct amount.

Director Garza asked Ms. Albright regarding the date in whereas

MOTION: A motion was made by Director Garza to approve the Order amended the wholesale water rate for the City of Dripping Springs for the Blue Blazes Development, with the correction of the date, provided as **Exhibit J**. The motion was seconded by Director Roberts.

The vote was taken with the following result:

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

Director Garza asked for clarification on a date in the preamble of the Order, and Ms. Albright said that counsel would review and correct this information.

I. Discuss, consider, and take action on a resolution amending the WTCPUA Tariff regarding wastewater pretreatment and the management of fats, oils, and greases (FOG).

Ms. Riechers presented this item, provided as **Exhibit K**. Ms. Riechers stated that she worked with David Klein regarding the pretreatment resolution and enforcement of the provisions. She stated that anyone moving forward must follow the FOG program, as certain customers do not have grease traps.

MOTION: A motion was made by Director Roberts to approve a resolution amending the WTCPUA Tariff regarding wastewater pretreatment and the management of fats, oils, and greases (FOG), provided as Exhibit K. The motion was seconded by Director Creveling.

The vote was taken with the following result:

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

V. STAFF REPORTS

A. General Manager's Report.

Ms. Riechers presented this item, provided as Exhibit L.

B. Controller's Report.

Ms. Smith presented this item, provided as Exhibit M.

C. Operations Report.

Mr. Morgan presented this item, provided as Exhibit N.

D. Engineer's Report including:

1. Capital Improvements Plan Update

Mr. Murfee presented this item, provided as Exhibit O.

Mr. Murfee introduced Murfee Engineering Company design engineers that will continue to work with the PUA. He stated that Ms. Riechers received a good response from the LCRA to obtain the additional raw water that the PUA planned to request.

Director Roberts asked Murfee Engineering Company to bring back information regarding the Uplands Water Treatment Plant to determine how to expand treatment capacity.

VI. ADJOURNMENT

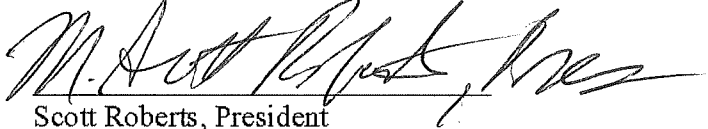
MOTION: A motion was made by Director Roberts to adjourn the meeting. The motion was seconded by Director Creveling.

The vote was taken with the following result:

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

The meeting adjourned at 2:11 pm.

PASSED AND APPROVED this 25th day of February, 2021.



Scott Roberts, President
Board of Directors