

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

June 15, 2023

Board:

Scott Roberts President
Jack Creveling, Vice President
Jason Bethke, Director

Staff and Consultants:

Jennifer Riechers, Agency General Manager
Eric Morgan, Agency Operations Manager
Lauren Kalisek (Lloyd Gosselink Rochelle & Townsend, P.C.), Agency General Counsel
David Klein (Lloyd Gosselink Rochelle & Townsend, P.C.), Agency General Counsel
Kathryn Thiel (Lloyd Gosselink Rochelle & Townsend, P.C.), Agency General Counsel
George Murfee (Murfee Engineering Company, Inc.), District Engineer
Bryce Canady (Murfee Engineering Company, Inc.), District Engineer
Dennis Lozano (Malone Wheeler) Consultant

I. CALL TO ORDER

The meeting was called to order by President Roberts at 1:26 p.m.

II. ESTABLISH QUORUM

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

III. PUBLIC COMMENT

None.

IV. CONSENT AGENDA

- A. Approve minutes of April 20, 2023 Regular Board Meeting.**
- B. Approve payment of invoices and other bookkeeping matters.**
- C. Ratify payments approved by General Manager:**
 - 1. G Creek, Inc, Pay Application #4, \$328,225.00, Uplands Trident/Office Building Renovation;**
 - 2. G Creek, Inc, Pay Application #5, \$101,217.75, Uplands Trident/Office Building Renovation;**

3. S.J. Louis Construction of Texas, Ltd., Pay Application #9, \$100,799.87, 1080 24" Transmission Main-Segment A;
4. EDC Construction, \$35,500, Concrete Pad for Portable Building at County Line PS.

D. Approve Contractor Pay Requests including:

1. B-5 Construction Company, Inc., Pay Application #9, \$29,509.07, County Line 1420 Pump Station Upgrades;
2. B-5 Construction Company, Inc., Pay Application #10, \$6,292.71, County Line 1420 Pump Station Upgrades;
3. S.J. Louis Construction of Texas, Ltd., Pay Application #10, \$124,234.65, 1080 24" Transmission Main-Segment A;
4. G Creek, Inc., Pay Application #7, \$108,896.01, Permanganate Chemical Feed Relocation.

E. Approve Change Orders, including:

1. Udelhoven Oilfield Services, Inc., Change Order #2, \$183,081.64, Lake Pointe Lift Station Rehab;
2. S.J. Louis Construction of Texas LTD, Change Order #5, \$23,247.85, 1080 Transmission Main Segment A.

Item IV.E.2. was pulled from the Consent Agenda and staff was directed to bring the item back for consideration at a future date.

MOTION: A motion was made by President Roberts to approve the Consent Agenda, presented in items IV.A-E.1. of the Board Packet. The motion was seconded by Director Creveling.

The vote was taken with the following result:

Voting Aye: Unanimous
Voting Nay:
Abstained:
Absent: Directors Smith and Garza

V. NEW BUSINESS

- A. Discuss, consider and take action on 1080 Transmission Main Easement Approval process (J. Riechers).**
This item may be taken into Executive Session under the Consultation with Attorney exception.

President Roberts announced the meeting would convene in executive session for items V.A., V.H., and V.K. at 1:57 p.m.

This item was taken into executive session to consult with WTCPUA legal counsel pursuant to Texas Government Code § 551.071. No action was taken.

President Roberts announced the public meeting would reconvene at 2:54 p.m.

Staff was directed to move forward based on discussions during executive session.

**B. Discuss, consider and take action on approval of Service Availability Letter for:
1. Dripping Springs Water Supply Corporation.**

J. Riechers presented this item. Ms. Riechers stated that the application for service was received and Service Availability Letter needs to be approved to begin negotiations for a contract amendment.

MOTION: A motion was made by Director Creveling to approve this item, presented in item V.B.1. of the Board Packet. The motion was seconded by President Roberts.

The vote was taken with the following result:

Voting Aye: Unanimous

Voting Nay:

Abstained:

Absent: Directors Smith and Garza

C. Discuss, consider and take action on Developer Reimbursement Agreement with Canaan Los, LLC (J. Riechers).

J. Riechers presented this item regarding an agreement for reimbursement to a developer for a line extension.

MOTION: A motion was made by President Roberts to approve this item, presented in item V.C.1. of the Board Packet. The motion was seconded by Director Creveling.

The vote was taken with the following result:

Voting Aye: Unanimous

Voting Nay:

Abstained:

Absent: Directors Smith and Garza

D. Discuss, consider and take action on proposal from Malone Wheeler, Inc. for Uplands Water Treatment Plant Sludge Dewatering Improvements (J. Riechers).

J. Riechers presented this item. Ms. Riechers stated that the engineering service will provide assistance with design of installation for the dewatering equipment.

MOTION: **A motion was made by Director Bethke to approve this item, presented in item V.D. of the Board Packet. The motion was seconded by President Roberts.**

The vote was taken with the following result:

Voting Aye: Unanimous

Voting Nay:

Abstained:

Absent: Directors Smith and Garza

E. Discuss, consider and take action on proposal from Malone Wheeler, Inc. for Emergency Power Feasibility Study for Uplands Raw Water Intake (J. Riechers).

J. Riechers presented this item and noted it is in follow-up on Winter Storm Uri and the need for backup power to operations infrastructure. Staff is looking to identify emergency power sources for the raw water intake facility. Malone Wheeler has submitted a proposal to perform a study that will provide potential options for a path forward. President Roberts and Director Creveling discussed what would be required to ensure that the water treatment plant would continue functioning in the event of grid failure. Ms. Riechers stated she would ask Malone Wheeler to include the water treatment plant into the scope of the study.

MOTION: **A motion was made by President Roberts to approve this item as amended to include review of the water treatment plant, presented in item V.E. of the Board Packet. The motion was seconded by Director Creveling.**

The vote was taken with the following result:

Voting Aye: Unanimous

Voting Nay:

Abstained:

Absent: Directors Smith and Garza

F. Discuss, consider and take action on Effluent Management Plan report (J. Riechers).

J. Riechers stated this item would be tabled for discussion for a future Board meeting after receiving feedback from engineering staff.

G. Discuss, consider and take action on ability to transfer LUE assignments (J. Riechers).

J. Riechers presented this item. Ms. Riechers stated that a request was received for the transfer of Living Unit Equivalent from one project to another. Ms. Riechers further explained all current Non-Standard Service Agreements and LUEs are tied to specific projects. Ms. Riechers requested Board input. Directors discussed with L. Kalisek, counsel for WTCPUA, regarding the current practices and policies for capacity and designated LUEs that run with the land.

President Roberts stated the proposed transfer of LUEs policy would only be acceptable if it provided revenue to WTCPUA by attaching a fee for each LUE transferred. President Roberts stated that it should be the burden of the applicant to provide evidence in the form of engineering studies that there would not be a negative impact to the WTCPUA system and its customers. The Board discussed requiring Board approval in addition to the previously discussed requirements or swapping available LUE for future LUEs. Ms. Riechers was asked to present a proposed policy for LUE transfer at future Board meeting. No action taken.

- H. Discuss, consider and take action on alternative disposal methods for treated effluent (J. Creveling).**
This item may be taken into Executive Session under the Consultation with Attorney exception.

This item was taken into executive session to consult with WTCPUA legal counsel pursuant to Texas Government Code § 551.071. No action taken.

- I. Discuss, consider and take action regarding the legislative update from the 88th Texas Legislative Session and passage of HB 4217 (L. Kalisek).**

L. Kalisek presented on the legislative update memo included in the Board packet and highlighted House Bill 4217 which authorized the WTCPUA to utilize eminent domain power.

- J. Discuss, consider and take action regarding declaring 17 acre tract on Highway 71 as surplus property and authorizing solicitation of sealed proposals (L. Kalisek).**

L. Kalisek presented this item. At the direction of the Board during a previous meeting, staff moved forward with declaring the property as surplus. Subdivision is completed and ready for the Board to officially declare as a surplus property and authorize notice for solicitation of bids and authorize negotiation of sales agreement by General Manager.

Director Creveling stated that he and Director Garza serve on a sub-committee for this property. Director Creveling requested that this item be postponed due to zoning and master planning efforts of neighboring subdivisions. Ms. Kalisek stated it may pose legal issues if the WTCPUA were to be asked to replat for a reason that is inconsistent with the interest of the Agency. Ms. Kalisek advised that the Board is not required to take action and proposed delaying this item to determine what may be requested of the WTCPUA. Item postponed for a future meeting.

- K. Discuss, consider and take action regarding the Contract for Termination of Wholesale Water Services Agreement between the WTCPUA and Travis County Municipal Utility District No. 12 (L. Kalisek).**

This item may be taken into Executive Session under the Consultation with Attorney exception.

This item was taken into executive session to consult with WTCPUA legal counsel pursuant to Texas Government Code § 551.071. No action was taken.

MOTION: **A motion was made by Director Roberts to approve this item, presented in item V.K. of the Board Packet. The motion was seconded by Director Creveling.**

The vote was taken with the following result:

Voting Aye: Unanimous

Voting Nay:

Abstained:

Absent: Directors Smith and Garza

L. Discuss, consider and take action on proposal from Murfee Engineering for additional water supply alternatives (G. Murfee).

G. Murfee presented this item. Mr. Murfee stated that based on Board feedback, Murfee Engineering will conduct an engineering analysis to identify two surface and two groundwater sources for future water supply. Mr. Murfee will also determine how to make up the difference between peak demand and current capacity. Mr. Murfee stated that expanding the Uplands WTP would be the most cost-effective measure to meet demand.

President Roberts asked Mr. Murfee if boring had been considered for a third raw water line from the raw water intake structure. Mr. Murfee stated boring could potentially be disruptive to bird habitats and surrounding neighborhoods. President Roberts noted that a business in Austin has obtained permission to bore and seal at the same time and requested Mr. Murfee contact them. Mr. Murfee anticipates staff endorsement of one or two options and will move forward with a cost analysis.

MOTION: **A motion was made by President Roberts to approve this item, presented in item V.L. of the Board Packet with the understanding that boring options would be considered. The motion was seconded by Director Creveling.**

The vote was taken with the following result:

Voting Aye: Unanimous

Voting Nay:

Abstained:

Absent: Directors Smith and Garza

VI. STAFF REPORTS

A. General Manager's Report (J. Riechers).

None.

B. Controller's Report (J. Smith).

None.

C. Operation's Report (E. Morgan)

E. Morgan presented this item. Mr. Morgan provided updates on the Lake Pointe Sewer replacement project.

D. Engineering Report (G. Murfee) including:

1. Wastewater Demand and Effluent Disposal Memo

VII. ADJOURNMENT

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

The vote was taken with the following result:

Voting Aye: Unanimous

Voting Nay:

Abstained:

Absent: Directors Smith and Garza

President Roberts adjourned the meeting at 2:54 p.m.

PASSED AND APPROVED this 17th day of August, 2023.


Walt Smith, Secretary
Board of Directors