

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

December 12, 2019

**Present:**

Scott Roberts, President  
Don Walden, Vice President  
Ray Whisenant, Secretary  
Bill Goodwin, Assistant Secretary

**Staff and Consultants:**

Jennifer Riechers, Agency Interim General Manager  
Jennifer Smith, Agency Controller  
Keli Kirkley, Agency Accountant  
Reuben Ramirez, Agency Engineer Technician  
Curtis Jeffrey, Agency Lead Water Operator  
Stefanie Albright, (Lloyd Gosselink Rochelle & Townsend, P.C.), Agency General Counsel  
David Klein, (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 10:00 a.m.

**II. ESTABLISH QUORUM**

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

**III. PUBLIC COMMENT**

Ms. Jan Kelly spoke as a homeowner in Falconhead. She stated that her last two water bills were significant, and that part of the time during these billing cycles she was out of the country. She stated that there are a lot of complaints in her neighborhood regarding the billing and that she wanted to pass this information on to the Board.

**IV. CONSENT AGENDA**

- A. Approve minutes of October 17, 2019 regular Board Meeting.**

- B. Approve payment of invoices and other related bookkeeping matters.
- C. Approve Contractor Pay Requests including:
  - 1. DN Tanks, Inc., Pay Request No. 2, \$161,166.08 West Bee Cave Ground Storage Tank No. 2 CIP Project.
  - 2. Landmark Structures I, LP, Pay Request No. 18 & Final, \$86,450.00, 1340 Elevated Storage Tank CIP Project.
- D. Approve Service Extension Request (SER) for:
  - 1. DMG Holdings, LLC Series Trautwein, 16 Water LUEs, 290 System
- E. Approve Non-Standard Service Agreements (NSSA) for:
  - 1. JPD Backyard Finance, LLC;
  - 2. DMG Holdings, LLC Series Trautwein
  - 3. Amend Spillman Ridge Townhomes, 61 Irrigation LUEs, 71 System.
- F. Approve Utility Conveyance Agreements to convey facilities to the WTCPUA from the following:
  - 1. Ledgestone Expansion, Ph. II
  - 2. Ledgestone Expansion, Ph. III
  - 3. Anthem at Ledgestone Apartments
- G. Approve purchase of replacement Pump Control Valve for High Service Pump #3 at Water Plant in the amount of \$33,469.
- H. Award 2-Year Contract Services Agreement to:
  - 1. Wastewater Transport Services, LLC, Sludge Transportation and Disposal.
  - 2. Brenntag Southwest, Water and Wastewater Treatment Plant Chemicals other than polymer. Polydyne Inc. for polymer.
  - 3. D.A.D.'s Lawn Services LLC., Landscape Maintenance.

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

The vote was taken with the following result:

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

## V. OLD BUSINESS

At 11:25 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 V.A, V.B and VI.H.

At 12:41 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.

**B. Discuss, consider and take action regarding Hays WCID 1 Wholesale Contract audit.**

This item was discussed in executive session.

**MOTION:** A motion was made by Director Whisenant to approve the letter, attached as **Exhibit I**, regarding the Hays WCID 1 Wholesale Contract audit. The motion was seconded by Director Walden.

The vote was taken with the following result:

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

**VI. NEW BUSINESS**

**A. Discuss, consider and take action on Leak Detection Services proposal from SAMCO Leak Detection.**

Mr. Jeffrey presented on this item, provided as **Exhibit J**. He provided a detailed account of the leak detection program and stated that work would start in the Bear Creek area, and such work includes walking the line and checking valves. In response to a question from Director Walden, Mr. Jeffrey stated that SAMCO will use GPS technology to update the PUA's maps regarding valve locations.

**MOTION:** A motion was made by Director Whisenant to approve the Leak Detection Services proposal from SAMCO Leak Detection. 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

**B. Discuss, consider and take action regarding proposal from CP&Y for Smoke Testing Project.**

Mr. Scott Wetzel with CP&Y presented on this item, provided as **Exhibit K**. He stated that the purpose of the project is to "smoke" the wastewater system to determine where any leaks may exist. He stated that the proposal is for project management, smoke testing in the field that is charged per linear foot of test, notification of the testing, and data processing of the results.

Director Walden asked where the testing would start, to which Mr. Wetzel stated that this would be one of the initial project management task determinations. Discussion ensued regarding the conduct of the program and the goals to be achieved regarding the testing.

In response to a question from Director Walden, Ms. Smith stated that there were funds in the Facilities Fund budgeted for this project.

**MOTION:** A motion was made by Director Whisenant to approve the proposal from CP&Y for smoke testing project, provided as **Exhibit K**. The motion was seconded by Director Walden.

The vote was taken with the following result:

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

Absent: Director Brzoska

Director Whisenant asked what level the PUA anticipates inflow and infiltration (I&I) to be at in the system. Mr. Harkrider stated that it depends on whether and how quick and lengthy the rain events are, stating that there is a 25-40% increase in treatment levels during high level rain events. Discussion ensued regarding the benefit analysis of addressing I&I and potential risks from I&I.

Director Whisenant flagged that administration is 10-12% of the proposal, to which Mr. Wetzel stated that this is a normal amount given the amount of public relations tasks that are needed to carry out the testing.

**C. Discuss, consider and take action regarding Hill Country Galleria concerns regarding wastewater pretreatment program.**

Director Goodwin stated that he asked that this item be included on the agenda due to requests from Hill Country Galleria management.

Mr. Andrew York with Armbrust and Brown addressed the Board on behalf of the Hill Country Galleria. He stated that current pretreatment testing by the PUA occurs at the front/back porch of the business versus where the customer connects to the PUA wastewater system. He stated he believes that the testing should be done where the wastewater is discharged or delivered to the PUA system. Mr. York stated that significant surcharges have been incurred by his client, and that despite measures taken to mitigate wastewater strength, exceedances are still being identified with the PUA's current testing.

Mr. Ramirez stated that the program applies to all non-residential users, and not just to restaurants.

Mr. York stated that his client is requesting a policy change regarding the pretreatment testing, and would like to continue the conversation with the PUA.

In response to a question from Director Roberts, Ms. Riechers stated that the surcharge violations for the Galleria are sent per building based on metering. Discussion ensued regarding impacts of different testing methods.

Mr. Ramirez stated that the testing methods used keeps each significant industrial user (SIU) responsible for the strength of the wastewater discharged by the user. Ms. Riechers stated that each building is provided a bill in the Galleria, and that the Galleria as a whole does not receive one inclusive bill.

Director Whisenant stated that he recalled the owner of the Galleria negotiating with the Board regarding the pretreatment program, and that the current billing system is in response to the prior owner's request. Discussion ensued regarding the billing and the Hill Country Galleria.

Director Goodwin asked whether the lines in the Hill Country Galleria had all been conveyed to the PUA, to which Ms. Albright stated that she would have to review LCRA records to confirm that what lines had all been transferred.

Director Walden recalled early construction of the Lake Pointe Wastewater Treatment Plant and the requirement for pretreatment for HEB, and that wastewater loadings went up significantly when this business connected. He stated that at that time, testing was taken at the source.

Director Goodwin confirmed that the pretreatment program was initiated following a TCEQ compliance agreement. Director Goodwin confirmed that there are some restaurants that do not receive surcharges, and Ms. Riechers stated that there are some that fail, then later pass with subsequent testing. Mr. Ramirez confirms that it is rare that a restaurant passes the first time.

Director Goodwin stated that he is in favor of a pretreatment program, but has concerns that restaurants cannot pass. Ms. Riechers stated that the PUA is consistent with national pretreatment criteria as well as that of other regional utilities.

Director Goodwin referenced the sampling criteria provided in the packet, provided as Exhibit L, identifying that testing is to relate to the specific user.

**MOTION:** A motion was made by Director Roberts to include this item on the January agenda with the opportunity to ask legal questions in executive session. The motion was seconded by Director Whisenant.

The vote was taken with the following result:

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

Discussion ensued regarding the grease traps used by most industrial users, and other potential pretreatment options. Director Goodwin stated that he would like additional information regarding ownership of the Galleria lines and where maintenance ends.

- D. Discuss, consider and take action regarding wholesale water service to Lazy Nine Municipal Utility District 1A, including:**
  - 1. Utility Conveyance Agreement between WTCPUA and Lazy Nine MUD 1A (Sweetwater Crossing Phase 1); and**
  - 2. Water Facilities Lease and Services Agreement between WTCPUA and Lazy Nine MUD 1A (Sweetwater Crossing Phases 1 and 2).**

Ms. Albright presented on this item, provided as Exhibits M and N.

**MOTION:** A motion was made by Director Goodwin to approve the Utility Conveyance Agreement between WTCPUA and Lazy Nine MUD 1A (Sweetwater Crossing Phase 1), and the Water Facilities Lease and Services Agreement between WTCPUA and Lazy Nine MUD

1A (Sweetwater Crossing Phases 1 and 2). 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

**E. Discuss, consider and take action on proposal from Murfee Engineering Co., Inc. for 1240 Transmission Main CIP Project Easement Identification & Acquisition, Design, Approval & Construction Administration.**

Mr. Murfee presented this proposal, provided as Exhibit O. He stated that this is a CIP project to allow the PUA to utilize existing storage tanks that are currently used as intermediate storage. He stated that this project would maximize existing capacity and alleviate some demands on the 1240 System.

Discussion ensued regarding the location of the work and benefits of the project. Mr. Murfee confirmed that this will improve pressure in this portion of the system. Director Roberts asked if this project would require future additional storage capacity, to which Mr. Murfee stated that he couldn't answer that question at this point.

**MOTION:** A motion was made by Director Whisenant to approve a proposal from Murfee Engineering Co., Inc. for 1240 Transmission Main CIP Project Easement Identification & Acquisition, Design, Approval & Construction Administration in an amount not to exceed \$ 236,740. 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

**F. Discuss, consider and take action on a Recommendation of Award for the Hamilton Pool Road Pump Station Expansion CIP Project.**

Mr. Murfee presented on this item, provided as Exhibit P. He stated that this project is in the general area of the Provence Subdivision, and that this is a project to upgrade the pumps at the pump station. He stated that the project is ready to be awarded and recommended award to G. Creek Construction, Inc. for a base bid amount of \$225,000.00. In response to a question from Director Walden, he stated that this project will assist with getting water to the storage tank to ensure quality of service.

**MOTION:** A motion was made by Director Goodwin to approve a Recommendation of Award for the Hamilton Pool Road Pump Station Expansion CIP project to G. Creek Construction, Inc. 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

**G. Discuss, consider and take action on Request for Adjustment to Project Budget for Hamilton Pool Road Pump Station Conversion and Upgrade.**

Mr. Murfee presented this proposal, provided as Exhibit Q. He stated that additional funds are needed to complete this project.

**MOTION:** A motion was made by Director Goodwin approve additional funds for the project budget for the Hamilton Pool Road Pump Station Conversion and Upgrade in the amount of \$ 23,815.00. 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

**H. Discuss, consider and take action on procedures to verify compliance with WTCPUA Service and Development policies.**

This item was discussed in executive session.

**VII. STAFF REPORTS**

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

Ms. Riechers provided this report, provided as Exhibit R. Director Goodwin asked about a meeting with Headwaters regarding a potential SER. In response to a question regarding whether such meetings were common, Ms. Riechers stated that as a wholesale customer the PUA needed additional information.

**B. Controller's Report.**

Ms. Smith provided this report, provided as Exhibit S. She stated that revenues from September were higher than anticipated and stated that next month she anticipates revenues should fall back in line with anticipated amounts.

**C. Engineer's Report including:  
1. Capital Improvements Plan Update.**

Mr. Murfee presented this report, provided as Exhibit T. He stated that the raw waterline project is in process and that there have been some issues with Lake Pointe and the contractor that Murfee Engineering is assisting with resolving.

Director Roberts asked about the potential for ASR. Mr. Murfee stated that MEC has met with DSWSC regarding their interest in such a project. Discussions ensued regarding available water for storage as well as potential for locations of storage.

Director Roberts confirmed that revenue decreases during drought restrictions, and discussed the possibility of looking into ASR as a potential option to address these revenue issues. In response to a question from Director Goodwin, Mr. Murfee confirmed that the PUA will need to work with area groundwater districts regarding the potential project. Director Walden asked about the TLAP permit flow reference and reference to the drip disposal system. Mr. Murfee confirmed this is the Falconhead drip area.

Director Roberts next addressed the DPR permit to which Mr. Murfee stated that the wastewater permit has been issued by TCEQ.

**D. Operations Report.**

Mr. Jeffrey presented this report, provided as Exhibit U. Director Walden asked how many fire hydrants are repaired annually, to which Mr. Jeffrey stated that he is not sure how many are repaired on an annual basis but that it is not a significant amount. Discussion ensued regarding potentially putting barriers around hydrants that are close to the road.

**VIII. ADJOURNMENT**

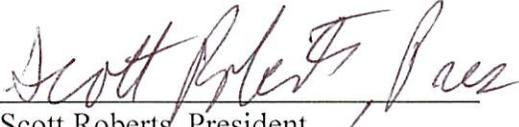
**MOTION:** A motion was made by Director Walden to adjourn the meeting. The motion was seconded by Director Whisenant.

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 12:42 p.m.

PASSED AND APPROVED this 16th day of January, 2020.

  
Scott Roberts, President  
Board of Directors

ATTEST:

  
Ray Whisenant, Secretary/Treasurer  
Board of Directors