

**MINUTES OF MEETING OF  
THE BOARD OF DIRECTORS OF  
VISTA OAKS MUNICIPAL UTILITY DISTRICT**

November 9, 2015

THE STATE OF TEXAS           §  
  §  
COUNTY OF WILLIAMSON       §

A meeting of the Board of Directors of Vista Oaks Municipal Utility District was held on November 9, 2015, at the offices of Gray Engineering, Inc., 8834 N. Capital of Texas Highway, Suite 140, Austin, Texas. The meeting was open to the public and notice was given as required by the Texas Open Meetings Act. A copy of the Certificate of Posting of the notice is attached as **Exhibit “A”**.

The roll was called of the members of the Board:

Mike Asbury	-	President
Robert Wells	-	Vice President
Leslie Alger	-	Secretary
Heath Reed-Green	-	Assistant Secretary
Bowman Mires	-	Assistant Secretary

and all of the Directors were present, except for Directors Alger, thus constituting a quorum. Also present at times during the meeting were Andrew Hunt of Crossroads Utility Services LLC, the District’s general manager and utility operator; Herb Edmonson of Gray Engineering, Inc., the District’s engineer; Keli Kirkley of Municipal Accounts & Consulting, L.P., the District’s bookkeeper; and Jennifer Scholl of Armbrust & Brown, PLLC, the District’s general counsel.

Director Asbury called the meeting to order at 12:06 p.m. and stated that the Board would first receive citizens’ communications and Board member announcements.

Director Asbury then stated that the Board would consider approving the minutes of the October 12, 2015 Board meeting. Upon motion by Director Wells and second by Director Mires, the Board voted unanimously to approve the minutes.

Director Asbury then stated that the Board would consider the Wall and fence projects, and recognized Mr. Edmonson. Mr. Edmonson first reported on the status of Phase 3 of the wall project. He stated that the contractor’s crews had a short section of fence and caps to complete on the west side of Royal Vista, and that the concrete footing on the east side of Royal Vista was 90% complete. He stated that construction up to the mailbox location had been difficult due to the amount of trees in the area, but stated that construction was almost complete through the mailbox location and anticipated that work beyond the mailbox would be much easier. He then presented and recommended approval of pay estimate no. 3 for Phase 3 of the wall project, a copy of which is attached as **Exhibit “B”**, which he stated was in the amount of \$92,472.35 and reflected work through October. Director Asbury asked if construction was on schedule. Mr. Edmonson responded that Phase 3 was about 75% complete, and estimated that it would be completed in January. After further discussion regarding Phase 3 of the wall project, Director Wells moved that the Board approve the pay estimate no. 3 as presented by Mr. Edmonson. Director Reed-Green seconded the motion, which then passed unanimously. Mr. Edmonson next reported on the status of Phase 4 of the wall project. He stated that the survey along Sam Bass was almost complete. He stated that the surveyor ran into some issues with trees along the

existing fence line, but that once these issues were worked out, the remainder of the survey would be completed. Director Asbury asked if there were any additional approvals that the District would need to obtain. Mr. Hunt responded that he would look into this and coordinate with the District's attorney and engineer after the survey was completed. Director Asbury then stated that the Board would receive an update on the RM 1431 roadway widening project, the Texas Department of Transportation ("TXDOT") noise attenuation study, and related matters. Mr. Hunt stated that he had met with Mark Jones of TXDOT the previous Friday to discuss the status of the project. He reported that the project was moving along, but noted that it was not moving as quickly as he had hoped. Mr. Hunt then presented the handout attached as **Exhibit "C"** and stated that the proposed location of the sound wall would be along the edge of the right-of-way boundary. He noted that there would be some design issues that would need to be worked around at this location, such as a drainage culvert. Mr. Hunt then directed the Board's attention to the second page of his handout and stated that the proposed sound wall would be 6-8 inches thick and that it would be slide-in concrete panels with stone imprints on both sides. Director Reed-Green asked if it would be possible to replace the existing red brick wall. Mr. Hunt responded that it was not an option. He stated that the next step would be for TXDOT to hold a workshop for the affected homeowners at which TXDOT would present the initial design and discuss related issues with the homeowners. He stated that if a simple majority of the homeowners voted in favor of the wall at the end of the workshop, design and construction of the noise wall would begin. He estimated the workshop would be held early next year and stated that he and Director Reed-Green would attend. He explained that if the homeowners voted in favor of the sound wall, it would likely be change-ordered into the entire RM 1431 roadway widening project, which was estimated to be completed by August 2016.

Director Asbury then stated that the Board would receive the security report and consider taking related action. Mr. Hunt presented the September 2015 security report attached as **Exhibit "D"**. He stated that he had included the security guard time sheets, as requested, so that the Board could have an idea of when and where the guards were patrolling. He stated that the hours were normally staggered between the two guards and that they had previously worked 80 hours per month, but the guards were now working 60 hours per month. Mr. Hunt asked the Board to let him know if they would like to see the hours changed in any way. Director Mires asked if the hours would remain the same for the upcoming holidays. Mr. Hunt said that the guards usually worked more hours around the holidays and that he would speak with the guards about this.

Director Asbury then stated that the Board would receive a report from the District's engineer and recognized Mr. Edmonson. Mr. Edmonson directed the Board's attention to the engineering report attached **Exhibit "E"**. He stated that he had nothing further to report at this time. Mr. Hunt stated that he and Mike Williams had been looking at an area near the western water well to use as the storage site for fence materials. He stated that he would continue to look into what was required to get this done and that he would keep the Board updated.

Director Asbury then stated that the Board would receive a report from the District's bookkeeper and recognized Ms. Kirkley. Ms. Kirkley first presented the bookkeeper's report attached as **Exhibit "F"**. She reviewed the bills and invoices and account activity for the District's operating, manager's, and lock box accounts, noting that the check to Director Alger would be voided due to her absence from the meeting; the account balances; the pledged securities reports; the budget comparison; the debt service payment schedule; the balance sheet; the tax collection report; the recycling rebate report; and the monthly transfers. She recommended the addition of check no. 10483 to pay the Phase 3 wall project pay estimate previously approved during the meeting, check no. 10484 to her firm, check no. 10485 for a per diem to Director Reed-Green for his Open Meetings Act training, and the transfer of \$100,000

to the District's checking account to cover the supplemental checks. Upon motion by Director Mires and second by Director Wells, the Board voted unanimously to approve the bills, invoices, and transfers as presented.

Director Asbury then stated that the Board would receive a report from the District's general manager and utility operator. Mr. Hunt first presented the operations report attached as **Exhibit "G"** and reviewed his directives. He next addressed water accountability, noting a slight water gain in the amount of 0.85% for the month. Mr. Hunt confirmed that all test results were satisfactory. He then reviewed the District's billing report, and recommended that two write-offs be referred to collections. He reported that there had been one issue with sewer backup at 4134 Summercrest Loop, and that the line would need to be excavated. He reported that the wastewater line was complete, that there were no non-routine items to discuss with water system maintenance, and that there were no issues with solid waste. Director Wells stated that he had noticed some of the streets within the District were very dark and asked if there was a way to identify which street lights needed to be replaced or if there was a way to get additional lights installed. Mr. Hunt stated that there was a system to identify which lights were out and that additional lights could be installed, but noted that the District would need to pay up front for any additional lights. Mr. Hunt then directed the Board's attention to the memorandum on the Texas Commission for Environmental Quality (the "TCEQ") Rule changes attached as **Exhibit "H"**. He stated that effective April 1, 2016, the TCEQ and the Environmental Protection Agency would be implementing additional regulatory requirements for all public water systems that would require each water system to design and implement a monthly Nitrification Action Plan. He stated that this would require the operator to designate two locations within the system where the operator would regularly sample for total chlorine, monochloramines, and nitrate, and produce the additional samples for an inspector each month. He noted that the additional samples would not need to be filed with the state. Mr. Hunt stated that each system's existing coliform sample site plan would need to be revised to have the existing sample sites and repeat locations designated on an overall water system map. Director Asbury asked if the repeat sample sites would be residential sites. Mr. Hunt stated that the sample sites are normally residential spigots, but that some utilities had been investigating obtaining independent sample site addresses with spigots for sampling, so that the sampling could be conducted without bothering residents. He stated that he would look into the cost and other requirements for accessible test sites and would present his findings to the Board. Upon motion by Director Wells and second by Director Reed-Green, the Board unanimously voted to approve referring the write-offs to collections.

Director Asbury then stated that the Board would consider pass through utility service, including status of Agreement for Pass-Through Wastewater Service [Gardens at Mayfield Ranch] (Palmer Tract). Mr. Hunt stated that the final plat for the Gardens at Mayfield Ranch had been approved by the City of Round Rock, and that pass-through utility service had been completed on paper. He stated that the first \$105,000 had been paid up front, and that the second payment would be based upon the site plan, which would not require approval by the City of Round Rock, so he would continue to monitor P&Z meetings to ensure that no movement on the project is made without first making the necessary payments to the District.

Director Asbury then recognized Ms. Scholl for purposes of receiving a report from the District's attorney. Ms. Scholl stated that there were no consultant directives outstanding. She then reviewed the memorandum attached as **Exhibit "I"** summarizing new reporting requirements on eminent domain authority that had been passed during the 2015 legislative session and recommended that the Board authorize her firm to prepare and file the relevant information before the applicable deadline. Ms. Scholl then concluded by reviewing the memoranda attached collectively as **Exhibit "J"**, summarizing certain bills affecting water districts that passed during the 84<sup>th</sup> legislative session. She highlighted changes in conflict of

interest disclosure requirements under Chapter 176 of the Texas Local Government Code and directed the Board's attention to the supplemental analysis attached as **Exhibit "K"**, which she stated the Directors could use as a checklist to determine if disclosure requirements were triggered. Upon motion by Director Mires and second by Director Wells, the Board voted unanimously to authorize Ms. Scholl's firm to prepare and file the relevant eminent domain authority information, as requested.

Director Asbury next announced that the Board would consider its future meeting schedule and agenda items. After discussion, the Board confirmed that the next meeting would be held as scheduled at noon on December 14, 2015.

Director Asbury then asked if there was any further business to come before the Board. There being none, the meeting was adjourned at 12:59 p.m.

*(Signature page follows.)*



Date: December 14, 2015

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Bowman Mires, Assistant Secretary  
Board of Directors