

**REGULAR MEETING
TRAVIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT #10
BOARD OF DIRECTORS
DECEMBER 13, 2023**

Members Present:

Buster McCall, Vice President
Jon Luce, Secretary/Treasurer
Greg Reynolds, Director
Pamela Reed, Director

Members Absent:

Paul Barker, President

Others Present:

Carla Orts, General Manager, TCWCID #10
Daniel McDowell, TCWCID #10
Louise Winder, TCWCID #10
Randall Wilburn, The Carlton Law Firm
Mike Morin, Crossroads Utility Services
Taylor Kolmoldin, Municipal Accounts
Tom Arndt, DEC

1. MEETING CALLED TO ORDER

The Regular Meeting of the Travis County W.C& I.D #10 Board of Directors was called to order at 12:05 pm, with a quorum present.

2. ALL CONSENT AGENDA ITEMS LISTED ARE CONSIDERED TO BE ROUTINE BY THE BOARD OF DIRECTORS AND WILL BE ENACTED BY ONE (1) MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THE ITEMS IS NECESSARY UNLESS DESIRED BY A BOARD MEMBER (GENERAL MANAGER)

(A) Approval of Minutes From:

(i) Regular Meeting November 8, 2023

(B) Discuss, Consider, and Take Action Regarding District Bills and Bookkeeper's Report (Municipal Accounts) – Taylor Kolmodin with Municipal Accounts wanted to note that they are working to reconcile information from Crossroads to the bank accounts. Mike Morin with Crossroads noted that the issue is caused by not receiving proper reports from the new credit card processing company.

(C) Discuss, Consider, and Take Action as Necessary Regarding Utility Operations Report, Including Possible Action on Account Write-Offs (Crossroads Utility Services)

MOTION WAS MADE by Director Reed, seconded by Director McCall to approve the consent agenda items. The motion passed unanimously.

3. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING CAPITAL PROJECT PLANNING (GENERAL MANAGER)

(A) WAKEFIELD PUMP STATION IMPROVEMENTS – Crossroads is pulling Pump No. 7 and will send it out for maintenance. The parts have already been pre-ordered.

(B) MCCONNELL PUMP STATION – NEW TANK – DISTRICT AUTHORIZE THE USE OF ITS POWER OF EMINENT DOMAIN TO ACQUIRE A 0.1300 ACRE PARCEL FROM PROPERTY OWNED BY CHET LTG, LLC, LOCATED ON BUCKEYE TRAIL IN WEST LAKE HILLS, TEXAS REQUIRED FOR CONSTRUCTION OF PROPOSED IMPROVEMENTS TO THE MCCONNELL TANK AND PUMP FACILITIES OF THE DISTRICT, INCLUDING CONSIDERATION OF THE FOLLOWING:

- (i) RESOLUTION OF THE BOARD OF DIRECTORS OF TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 10 DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF CERTAIN PROPERTY AND AUTHORIZING THE DISTRICT’S ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE SAID PROPERTY INTERESTS –

MOTION WAS MADE by Director Reed, seconded by Director McCall to approve Resolution No. 2023-12-13.1 and move that the District authorize the use of its power of eminent domain to acquire a 0.1300 acre parcel from property owned by CHET LTG, LLC, located on Buckeye Trail in West Lake Hills, Texas required for construction of proposed improvements to the McConnell tank and pump facilities of the District. The motion passed unanimously.

4. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING ANNEXATION REQUESTS (GENERAL MANAGER)

(A) LOWER CAMELOT – Board Attorney Randy Wilburn informed the Board that we are waiting on the updated boundary map recording to come back from the Travis County Clerk’s office. The City of Austin is reviewing the plans and we are waiting to hear back on erosion control. This project is expected to be bid out in January 2024.

(B) 8907 BEE CAVE ROAD – Nothing to report.

5. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING PLAT REQUESTS (GENERAL MANAGER)

(A) 4010 BEE CAVE ROAD – NEW CITY HALL – DEC has reviewed and is waiting on comments from their engineer. The city did ask for a variance to not sprinkle an outside building that will be used as storage. The Board instructed General Manager Orts to review the District’s fire sprinkler rule to make a determination.

6. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING THE DISTRICT’S CAPITAL PROJECTS, INCLUDING POSSIBLE ACTION ON PAY APPLICATIONS, CHANGE ORDERS, CONTRACTS, AMENDMENTS, AND PROGRESS UPDATES FOR THE FOLLOWING PROJECTS (DEC)

(A) MCCONNELL PUMP STATION & STANDBY GENERATOR – The pump station is running on the bypass skid. Pumps 1 and 2 and the generator have been tested. The

District has ordered parts that DEC recommends to resolve the overflow issue and they are supposed to arrive next week.

General Manager Orts presented Pay Application No. 38 in the amount of \$179,360.00 to MCG Contractors, Inc. MOTION WAS MADE by Director McCall, seconded by Director Luce to approve Pay Application No. 38 as presented. The motion passed unanimously.

7. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING SENATE BILL 3 COMPLIANCE ITEMS (GENERAL MANAGER)
WAKEFIELD PUMP STATION (BOND PROJECT), RISKE PUMP STATION AND ROB ROY PUMP STATION

Texas Gas has been onsite to check layout in order to prepare to mobilize.

8. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING GENERAL MANAGER'S REPORT REGARDING FINANCIAL MATTERS, SERVICE AREA ISSUES, UTILITY OPERATIONS, SYSTEM MAINTENANCE, SERVICE REQUESTS, CUSTOMER ISSUES, WATER SUPPLY STATUS, MANAGEMENT ACTIVITIES AND PERSONNEL (GENERAL MANAGER)

The District received a complaint regarding overflow from the Riske tank that was due to the AT&T phone line going down. This is the 2nd time it has happened. A new fiber line was installed by AT&T at Riske PS. A new modem is on order due to compatibility issues. General Manager Orts is talking to AT&T about running new lines at McConnell PS and Wakefield PS to ensure communication lines are well maintained by AT&T.

9. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING CROSSROADS UTILITY SERVICES UNDER BILLING (THE CARLTON LAW FIRM) – Mike Morin with Crossroads verified that underbilling amounts were added to customer's accounts. Some customers are set up payment agreements. Crossroads is going to change out the meter for one customer.

10. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING CITY OF AUSTIN WHOLESALE WATER SUPPLY CONTRACT RENEWAL (THE CARLTON LAW FIRM)

In negotiations. Nothing to report.

Board Attorney Randy Wilburn is reviewing the LCRA contract.

11. DISCUSS, CONSIDER, AND TAKE ACTION AS NECESSARY REGARDING ITEMS DISCUSSED DURING EXECUTIVE SESSION

No action taken.

12. ADJOURNMENT

There being no further business brought before the regular meeting of the Board of Directors, the meeting was adjourned at 12:43 pm.

Respectfully Submitted

Jon Luce, Secretary/Treasurer

RESOLUTION NO. 2023-12-13.1

RESOLUTION OF THE BOARD OF DIRECTORS OF
THE TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 10
DETERMINING A PUBLIC NEED AND NECESSITY FOR THE ACQUISITION OF
CERTAIN PROPERTY AND AUTHORIZING THE DISTRICT'S
ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN
TO ACQUIRE SAID PROPERTY INTERESTS

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

WHEREAS, a regular meeting of the Board of Directors of Travis County Water Control & Improvement District No. 10 (the "District") was held on December 13, 2023;

WHEREAS, notices of the regular meeting were properly posted in accordance with the Texas Open Meetings Act;

WHEREAS, a quorum of the Board of Directors of the District was present at the regular meeting;

WHEREAS, the District is a reclamation and water conservation district and political subdivision of the State of Texas, organized under art. 16, Section 59 of the Texas Constitution and operating under the laws of the State of Texas; and,

WHEREAS, District desires to construct certain improvements to its McConnell elevated water storage tank, pump site and water distribution facilities located in Travis County, Texas to maintain and improve the water supply, storage and distribution facilities and protect public safety and economic infrastructure of the District, its members, and the public at large; and,

WHEREAS, to ensure adequate protection, construction, reconstruction, removal, replacement, maintenance, upgrade, and operation of its storage tank, pump station, and water supply and distribution facilities and related appurtenances and protect public safety and infrastructure (the "Project"), the District finds it is necessary to acquire fee simple title in and to that certain parcel of land being 0.1300 acre, owned by CHET LTG, LLC, a Texas Limited Liability Company and being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein (hereafter the "Property"); and,

WHEREAS, the Board of Directors of the District, upon consideration of the matter, has determined that there is a public necessity for the welfare of the public to acquire the Property required for the Project; and,

WHEREAS, in accordance with the above, and pursuant to the Constitution and laws of the State of Texas, the Board hereby finds that it is a necessity and in the public interest to acquire the Property through use of its power of eminent domain proceedings for the Project.


NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 10 THAT:

1. The above recitals are true and correct.
2. The Board of Directors hereby finds and determines that it is necessary for the welfare of the public and is in the public interest to acquire the Property for installation, upgrade, improvement, maintenance, and operation of its water supply, storage, and distribution, Project facilities, and perform associated public purposes and to acquire the specified interests in and to the above described Property to allow the District, its assigns, or both to complete the installation, construction, and maintenance of the Project.
3. The Board of Directors hereby authorizes the General Manager of the District or her designated agent to contract professional surveyors, engineers, planners, environmental engineers, and appraisers, as needed, to perform professional services in connection with the Project and associated public purposes, to determine the amount of damages and compensation to be paid to owners of the Property, and to make official, written, bona fide voluntary purchase offers to the owners for the appraised value of said Property pursuant to the requirements of Texas Property Code Chapter 21.

If it is determined that the District is unable to reach a voluntary purchase agreement with the owners of the Property as to the value, damages, and/or compensation to be paid for said Property, then the Board of Directors hereby authorizes the District's attorney to file or cause to be filed, against the owners and other interested parties of the Property, condemnation proceedings using its power of eminent domain to acquire the required property interest in and to the above described lands, to allow the District, its assigns, or both to complete said Project and to perform and undertake all other proceedings necessary to complete the acquisition of the Property.
4. The Board of Directors' intent is for this resolution to authorize all processes and procedures for the acquisition or the condemnation of all property required to complete the Project and to perform associated public purposes. If it is later determined that there are any errors in the descriptions contained herein or if later surveys contain more accurate revised descriptions, then the Board of Directors authorizes the District's attorney to have such errors corrected or revisions made without the necessity of obtaining a new resolution from the Board of Directors authorizing the condemnation of the corrected or revised Property.
5. The findings of fact and recitations of provisions set in the preamble of this Resolution are adopted and made a part of the body of this Resolution, as fully as if the same were set forth herein.
6. The District hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

ADOPTED this 13th day of November 2023.

**TRAVIS COUNTY WATER CONTROL &
IMPROVEMENT UTILITY DISTRICT NO. 10**



Paul Barker, President

[DISTRICT SEAL]

ATTEST:



Jon Luce, Secretary