



Control Number: 46993



Item Number: 46

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SOAH DOCKET NO. 473-17-4339.WS
P.U.C. DOCKET NO. 46993

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APPLICATION OF CITY OF LAVON §
FOR A SEWER CERTIFICATE OF §
CONVENIENCE AND NECESSITY §
IN COLLIN COUNTY § BEFORE THE
STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

To: Bear Creek Special Utility District, Respondent in the above-referenced matter, by and through its Attorney of Record:

Mr. Anthony S. Corbett
McLean & Howard, LLP
901 S. Mopac Expressway, Suite 225
Austin, Texas 78746

NOW COMES CITY OF LAVON, TEXAS ("Lavon"), in the above-styled proceeding, and serves its Responses to Bear Creek Special Utility District's ("Bear Creek" or "BCSUD") First Set of Requests for Information ("RFIs"). Bear Creek served this set of discovery on July 19, 2017. Pursuant to PUC Proc. R. 22.4, and a one-week extension agreed upon by the parties, these responses are timely filed.

Lavon stipulates that the responses to requests for information provided can be treated by all parties as if the answers were filed under oath. Lavon reserves the right to amend or supplement its responses.

Respectfully submitted,

DAVIDSON TROILO REAM & GARZA, P.C.
601 NW Loop 410, Suite 100
San Antonio, Texas 78216
Telephone: (210) 349-6484
Facsimile: (210) 349-0041

246

By:


Patrick W. Lindner

State Bar No. 12367850

Paul M. González

State Bar No. 00796652

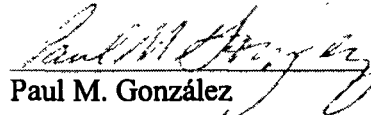
Justin J. Nail

State Bar No. 24102265

ATTORNEYS FOR CITY OF LAVON

CERTIFICATE OF SERVICE

I hereby certify that a true copy of this document was served on the parties of record in this proceeding on August 16, 2017 by certified mail, return receipt requested.


Paul M. González

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-1:

Identify each retail wastewater service connection to which Lavon currently furnishes retail sewer service located within Lavon's existing extraterritorial jurisdiction.

RESPONSE:

Lavon does not currently furnish retail sewer service to any connection located outside its corporate boundaries.

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-2:

Identify each retail wastewater service connection to which Lavon currently furnishes retail sewer service located within the Application Service Area but outside Lavon's corporate boundaries and outside Lavon's existing extraterritorial jurisdiction.

RESPONSE:

Lavon does not currently furnish retail sewer service to any connection located outside its corporate boundaries.

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-3:

Identify each request or application for retail wastewater service received by Lavon within the previous five years for any lands located outside of its existing corporate boundaries but within the Application Service Area.

RESPONSE:

Lavon has not identified any formal requests for retail wastewater service for lands outside of its current corporate boundaries; all formal requests for retail service resulted in the relevant properties becoming annexed into the City of Lavon.

Lavon has received the following informal requests for retail wastewater service outside of its corporate boundaries, but within the Application Service Area. Where the response does not indicate the date of the request, the name of the person/entity requesting service, the quantity requested, and the date when sewer service would begin, that information was either not provided to Lavon in the request or application or generated by Lavon therewith. Lavon will supplement this response as appropriate.

1. CCAD ID 2152129, Barbara K White Boyd, Owner. Investor/Developer - ABS A0740 S M RAINIER SURVEY, SHEET 1, TRACT 59, 66.9634 ACRES
2. CCAD ID 2737299 - Charles Smith, Smith & Sons Funeral Home, Owner, 2925 5TH STREET, Sachse, TX 75048, (972) 414-5050, ABS A0781 THOMAS T ROBERTS SURVEY, TRACT 14, 2.298 ACRES
3. CCAD ID 2671476, DPB Investments, LP, Owner, Commercial Prospect - ABS A0121 W A S BOHANNAN SURVEY, SHEET 3, TRACT 19, 3.401 ACRES
4. CCAD 2554272, DVB Family Ltd. Partnership, Owner, Commercial Prospect – LAVON BUSINESS PARK (GCN), LOT 10

5. CCAD ID 2664083 and 2635512, First Bank Farmersville, Owner, Commercial Prospect - ABS A0638 WILLIAM H MOORE SURVEY, SHEET 2, TRACT 13, 1.64 ACRES AND TRACT 10, 9.2268 ACRES
6. CCAD ID 2632625, Handt, Kai, Owner, Commercial Prospect - ABS A0638 WILLIAM H MOORE SURVEY, SHEET 2, TRACT 27, 2.3823 ACRES
7. CCAD ID 2663916, Meredith Rourke, Owner; Michael Nader, Lenart Development Company, LLC, 520 Central Parkway East #104, Plano, TX. 75074, 469-440-2702 (direct) 214-425-0858 (cell), Commercial Prospect and Residential Developer - ABS A0740 S M RAINER SURVEY, SHEET 1, TRACT 40, 200.8542 ACRES
8. CCAD ID 2653997, 2507840, 2087762, Belinda Collier, Owner; Pat Atkins, Director of Land Development and Acquisitions Saddle Star Land Development L.L.C., 3076 Hays Ln., Rockwall, Texas 75087, 972-388-6383, Commercial Prospect and Residential Developer - ABS A0002 DRURY ANGLIN SURVEY, SHEET 3, TRACT 121, 27.02 ACRES, TRACT 123, 4.74 ACRES and TRACT 113, 10 ACRES
9. CCAD ID 1965296, Community Church of Christ, Owner; David Henderson, Keller Williams, 3600 Preston Rd., Plano, TX 75093, 972-599-7000 - ABS A0740 S M RAINER SURVEY, SHEET 1, TRACT 120, 1.5232 ACRES
10. CCAD ID 2666581, M-Tex Properties Ltd, Owner, Commercial Developer - LAVON BUSINESS PARK II (CLA), LOT 1
11. CCAD ID 2120219, Commercial Prospect and Residential Developer - Nicholson Luther B Bypass Trust, Owner; William Butcher, Primavera Holdings, LLC, 8828 N. Stemmons Frwy, #212, Dallas, TX 75427, 214-693-1133, ABS A0002 DRURY ANGLIN SURVEY, SHEET 2, TRACT 31, 397.06 ACRES
12. CCAD ID 2117877 and 2087761, Tom Moon, Owner, Rockwall Retail Investors LLC, Russell Phillips, 2701 Sunset Ridge Dr., Ste. 607, Rockwall, TX 75032, 469-446-7734, Residential Developer - ABS A0002 DRURY ANGLIN SURVEY, SHEET 3, TRACT 107, 44.81 ACRES and ABS A0002 DRURY ANGLIN SURVEY, SHEET 3, TRACT 114, 31.93 ACRES

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-4:

Produce each written request or application for retail wastewater service received by Lavon within the previous five years for any lands located outside of its existing corporate boundaries but within the Application Service Area.

RESPONSE:

Please see the documents labeled COL-00001-00015; COL-00016-00134; and COL-00135.

Discovery is ongoing, and Lavon will supplement this response as required.

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-5:

Identify all written commitments and agreements concerning the provision of retail sewer service by Lavon to real property located outside of its existing corporate boundaries but within the Application Service Area.

RESPONSE:

Lavon has identified the following commitments to provide retail service by Lavon to real property currently or formerly located outside of its corporate boundaries, but within the Application Service Area. A copy of each of these documents is provided in response to BCSUD RFI No. 1–6.

1. *An Interlocal Boundary and ETJ Contract* dated January 6, 2009, between the City of Lavon, and the Cities of Nevada, Wylie, Rockwall, and Garland, discussing corporate boundaries, extraterritorial jurisdiction, and service related thereto. The Agreement was executed on behalf of the City of Lavon by then-Mayor Norma Martin. The Agreement was executed by the Mayors of the other cities, as well. Also included is an ordinance approving and adopting the Agreement.
2. Lavon City Ordinance No. 2012-08-07, passed and approved on August 21, 2012, which annexes property previously outside of Lavon's corporate boundaries, and provides for a commitment of sewer service from Lavon to the annexed areas. The ordinance was executed by Mayor Charles Teske.
3. Lavon City Ordinance No. 2013-12-03, passed and approved on December 30, 2013, which annexes property previously outside of Lavon's corporate boundaries, and provides for a commitment of sewer service from Lavon to the annexed areas. The ordinance was executed by Mayor Charles Teske.
4. Lavon City Ordinance No. 2013-12-04, dated December 30, 2013, which annexes property previously outside of Lavon's corporate boundaries, and provides for a commitment of sewer service from Lavon to the annexed areas. The ordinance was executed by Mayor Charles Teske.
5. Lavon City Ordinance No. 2017-06-01, dated June 20, 2017, which annexes property previously outside of Lavon's corporate boundaries, and provides for a

commitment of sewer service from Lavon to the annexed areas. The ordinance was executed by Mayor Charles Teske.

- 6. Lavon City Ordinance No. 2017-06-02, dated June 20, 2017, which annexes property previously outside of Lavon's corporate boundaries, and provides for a commitment of sewer service from Lavon to the annexed areas. The ordinance was executed by Mayor Charles Teske.**
- 7. A Draft Annexation Service Plan for Lavon Farms providing for sanitary sewer services to the property. This document was prepared by the City in June of 2017.**

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-6:

Produce all written commitments and agreements concerning the provision of retail sewer service by Lavon to real property located outside of its existing corporate boundaries but within the Application Service Area.

RESPONSE:

Please see the seven documents labeled as follows. For each document, the Document Number corresponds with the documents identified in BCSUD RFI No. 1-5.

**Document 1: COL-00136-00161;
Document 2: COL-00162-00166;
Document 3: COL-00167-00175;
Document 4: COL-00176-00184;
Document 5: COL-00185-00194;
Document 6: COL-00195-00202; and
Document 7: COL-00203-00205.**

Discovery is ongoing, and Lavon will supplement this response as required.

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-7:

Identify all communications concerning the provision of retail sewer service by Lavon to real property located outside of its existing corporate boundaries but within the Application Service Area.

RESPONSE:

The following communications concern the provision of retail sewer service by Lavon to real property located outside of its existing corporate boundaries but within the Application Service Area. A copy of each of these documents is provided in response to BCSUD RFI No. 1–8, or has been produced in response to another RFI, which fact is noted in BCSUD RFI No. 1–8 for the corresponding document.

1. A log of meetings from September 2, 2016 until June 1, 2017, when Lavon met with various municipalities and districts, as well as engineering consultants and financial advisors concerning the provision of retail sewer service outside its boundaries and within the Application Service Area, along with Agendas for two meetings between North Texas Municipal Water District (“NTMWD”) and Lavon, and calendar invites for several meetings.
2. A *Professional Services Agreement* between Lavon and Freeman-Millican, Inc. effective as of March 7, 2017 concerning planning and design for the proposed retail sewer service. The *Agreement* was drafted by Freeman-Millican, and was executed by Mayor Charles Teske, on behalf of Lavon, and by Larry J. Freeman, P.E., on behalf of Freeman-Millican, Inc.
3. Minutes from the March 7, 2017 meeting of the Lavon City Council, at which the City Council approved the *Professional Services Agreement* and the City’s short- and long-term plans for its sewer system and the Plant.
4. Minutes from the March 21, 2017 meeting of the Lavon City Council, at which was discussed the provision of sewer service to areas within the Application Service Area.
5. E-Mail from R.J. Muraski, Assistant Deputy Director for Capital Improvement Program Planning at NTMWD to Kim Dobbs, City Administrator/City

Secretary for Lavon, dated July 20, 2017, forwarding a draft Scope of Work for a feasibility study for the Bear Creek Sub-Regional Wastewater System.

- 6. The draft Scope of Work for the Bear Creek Sub-Regional Wastewater System Feasibility Study, prepared by R.J. Muraski on or about July 20, 2017.**
- 7. A letter from Lavon to Pat Atkins, Director of Land Development and Acquisitions of Saddle Star Land Development L.L.C., regarding a request for verification of sanitary sewer capacity at the Plant.**

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-8:

Produce all communications concerning the provision of retail sewer service by Lavon to real property located outside of its existing corporate boundaries but within the Application Service Area.

RESPONSE:

Please see the seven documents labeled as follows. For each document, the Document Number corresponds with the documents identified in BCSUD RFI No. 1-7.

Document 1: COL-00206-00215;
Document 2: COL-00216-00230;
Document 3: COL-00231-00234;
Document 4: COL-00235-00239;
Document 5: COL-00240-00241; and
Document 6: COL-00242.
Document 7 was produced in response to BCSUD RFI No. 1-4, labeled COL-00135;

Discovery is ongoing, and Lavon will supplement this response as required.

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-9:

Identify all land use and population studies undertaken by or on behalf of Lavon concerning the Application Service Area.

RESPONSE:

The following land use and population studies have been undertaken by or on behalf of Lavon concerning the Application Service Area. A copy of each of these documents is provided in response to BCSUD RFI No. 1–10, or has been produced in response to another RFI, which fact is noted in BCSUD RFI No. 1–10 for the corresponding document.

1. Presentation and Demographic Report prepared by Templeton Demographics for the City of Lavon, the Community Independent School District, and others. These were prepared on or about April 18, 2017.
2. Presentation regarding future mobility in Collin County presented by the Collin County Commissioner's Court to the Lavon City Council in September of 2016.
3. Memorandum to Kim Dobbs from Mark D. Hill, P.E. with Freeman-Millican, Inc. ("Freeman-Millican"), dated May 24, 2017, detailing population projections through the year 2030.
4. Demographic Report prepared by Sites USA for the City of Lavon in April 2017.
5. Demographic Report prepared by Sites USA for the City of Lavon in April 2017.
6. Presentation from the North Central Texas Council of Governments regarding the Collin County Strategic Roadway Plan, presented at the Local Government Coordination Meeting on June 1, 2017. A copy of the agenda for that meeting is also included.
7. Graph detailing population projections for the City of Lavon, Texas from the year 2010 to the year 2070. This graph was prepared for Lavon by Mark D. Hill, P.E. with Freeman-Millican in connection with the Memorandum of Understanding produced in response to BCSUD RFI No. 1–12.
8. Map from the Collin County Mobility Plan, 2013 Update, indicating future land use projections.

The Memorandum of Understanding produced in response to BCSUD RFI No. 1–12, and labeled COL–00384–00393 contains additional population study information prepared by Freeman-Millican for the City of Lavon.

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

Victoria Richards Harkins, Ph.D., P.E., D. WRE.
President
Harkins Engineering, Inc.

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-10:

Produce all land use and population studies undertaken by or on behalf of Lavon concerning the Application Service Area.

RESPONSE:

Please see the documents labeled as follows. For each document, the Document Number corresponds with the documents identified in BCSUD RFI No. 1-9.

**Document 1: COL-00243-00310;
Document 2: COL-00311-00326;
Document 3: COL-00327;
Document 4: COL-00328-00337;
Document 5: COL-00338-00347;
Document 6: COL-00348-00381;
Document 7: COL-00382; and
Document 8: COL-00383.**

The Memorandum of Understanding produced in response to BCSUD RFI No. 1-12, and labeled COL-00384-00393 contains additional population study information prepared by Freeman-Millican for the City of Lavon.

Discovery is ongoing, and Lavon will supplement this response as required.

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

Victoria Richards Harkins, Ph.D., P.E., D. WRE.
President
Harkins Engineering, Inc.

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-11:

Identify and describe all studies, evaluations, reviews, calculations, or engineering analyses performed by you or on your behalf or within your possession or control regarding or relating to the provision of retail sewer service by Lavon to any lands within the Application Service Area.

RESPONSE:

The following studies, evaluations, reviews, calculations, or engineering analyses have been performed on behalf of the City of Lavon regarding the provision of retail sewer service to lands within the Application Service Area. A copy of each of these documents is provided in response to BCSUD RFI No. 1–12, or has been produced in response to another RFI, which fact is noted in BCSUD RFI No. 1–12 for the corresponding document.

1. A *Draft Memorandum of Understanding – Bear Creek Wastewater Treatment Plant* from Freeman-Millican, Inc., dated May 26, 2017, which was prepared for Lavon in association with the evaluation of the City's Wastewater System and planning and design for the expansion of the existing Bear Creek Wastewater Treatment Plant. The Memorandum was drafted by Mark D. Hill, P.E. of Freeman-Millican.
2. In connection with the Memorandum of Understanding, Freeman-Millican also prepared for Lavon a *Draft Wastewater Master Plan Map*, dated July 31, 2017. This Map was completed by Mark D. Hill, P.E. of Freeman-Millican.
3. A *Feasibility Study* for the Upper Sabine Creek Regional Wastewater Interceptor System, prepared for NTMWD on September 14, 2004, by Laura L. Newsom, P.E. and R. Reeves Hayter, P.E. of Hayter Engineering, Inc.
4. A *Wastewater Feasibility Report* for the Lavon Lake East Side Regional Wastewater System prepared for NTMWD by Birkhoff, Hendricks & Carter, L.L.P. in February of 2010.
5. A *Wastewater Feasibility Report* for the Sabine Creek Regional Wastewater Collection and Treatment System prepared for NTMWD by Birkhoff, Hendricks & Carter, L.L.P. in August of 2006.
6. Map prepared on or about March 22, 2017 indicating the Sewer Basin Outfall for certain areas within Rockwall and Collin Counties that fall within within the Application Service Area.

7. ***The North Central Texas Water Quality Management Plan*** prepared by the North Central Texas Council of Governments in June of 2016.
8. **A presentation created by NTMWD regarding regional water-related service.**
9. **A Water Plan prepared by the Region C Water Planning Group in December 2015.**
10. **A Map, prepared August 3, 2017, indicating the Facility Lines and Service Areas covered by Lavon's current CCN.**
11. ***A Summary of the 2016 Region C Regional Water Plan***, prepared in December 2016 by the Texas Water Development Board.
12. ***A Blacklands Corridor Feasibility Study*** prepared by the North Central Texas Council of Governments in January of 2015.
13. ***The Lavon Lake Watershed Protection Plan*** prepared in June of 2017 by the Lavon Lake Watershed Partnership.
14. ***The Lavon Lake Master Plan*** prepared in September of 2016 by the U.S. Army Corps of Engineers.
15. ***The Mobility 2040 Map Package*** prepared in March of 2016 by the North Central Texas Council of Governments.
16. ***The Technically Based Local Limit Study*** prepared in May of 2016 by NTMWD.

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

Victoria Richards Harkins, Ph.D., P.E., D. WRE.
President
Harkins Engineering, Inc.

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**CITY OF LAVON'S RESPONSES TO
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FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-12:

Produce all studies, evaluations, reviews, calculations, or engineering analyses performed by you or on your behalf or within your possession or control regarding or relating to the provision of retail sewer service by Lavon to any lands within the Application Service Area.

RESPONSE:

Please see the documents labeled as follows. For each document, the Document Number corresponds with the documents identified in BCSUD RFI No. 1-11.

**Document 1: COL-00384-00393;
Document 2: COL-00394;
Document 3: COL-00395-00430;
Document 4: COL-00431-00456;
Document 5: COL-00457-00485;
Document 6: COL-00486;
Document 7: COL-00487-00617;
Document 8: COL-00618-00640;**

**Document 9: COL-00641-00680;
Document 10: COL-00681;
Document 11: COL-00682-00689;
Document 12: COL-00690-00825;
Document 13: COL-00826-01028;
Document 14: COL-01028-01414;
Document 15: COL-01414-01437;
Document 16: COL-02417-03254.**

Discovery is ongoing, and Lavon will supplement this response as required.

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

Victoria Richards Harkins, Ph.D., P.E., D. WRE.
President
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BCSUD RFI NO. 1-13:

Identify the total projected wastewater treatment and disposal capacity required for the provision of retail wastewater service by Lavon to all lands within the Application Service Area upon full development (buildout) thereof.

RESPONSE:

Based upon current population and development trends, an ultimate average flow treatment capacity of 6.4 MGD will be required to serve the fully-developed Application Service Area.

Prepared by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

Mark Hill, P.E.
Freeman-Millican, Inc.

Sponsored by:

Kim Dobbs

Victoria Richards Harkins, Ph.D., P.E., D. WRE.
President
Harkins Engineering, Inc.

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-14:

Identify all capital improvements to be undertaken by or on behalf of Lavon for the provision of retail wastewater service to all lands located within the Application Service Area upon full development (buildout) thereof.

RESPONSE:

Capital improvements to be undertaken will include expansion of the existing Bear Creek Wastewater Treatment Plant, participation in the proposed NTMWD Regional Facility and installation of wastewater lines and lift stations as necessary to support development.

Prepared by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

Mark Hill, P.E.
Freeman-Millican, Inc.

Sponsored by:

Kim Dobbs

Victoria Richards Harkins, Ph.D., P.E., D. WRE.
President
Harkins Engineering, Inc.

**SOAH DOCKET NO. 473-17-4339.WS
P.U.C. DOCKET NO. 46993**

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-15:

Identify any plans, specifications, studies, reports, memoranda or other documents performed by you or on your behalf or within your possession or control regarding or relating to expansion of Lavon's Plant.

RESPONSE:

The following documents are responsive to this request. A copy of each of these documents is provided in response to BCSUD RFI No. 1–16, or has been produced in response to another RFI, which fact is noted in BCSUD RFI No. 1–16 for the corresponding document.

1. A *Professional Services Agreement* between Lavon and Freeman-Millican, Inc. effective as of March 7, 2017 concerning planning and design for the proposed retail sewer service. The *Agreement* was drafted by Freeman-Millican, and was executed by Mayor Charles Teske, on behalf of Lavon, and by Larry J. Freeman, P.E., on behalf of Freeman-Millican, Inc.
2. A *Draft Memorandum of Understanding – Bear Creek Wastewater Treatment Plant* from Freeman-Millican, Inc., dated May 26, 2017, which was prepared for Lavon in association with the evaluation of the City's Wastewater System and planning and design for the expansion of the existing Bear Creek Wastewater Treatment Plant. The Memorandum was drafted by Mark D. Hill, P.E. of Freeman-Millican.
3. Design Calculations and Site Plan prepared by Freeman-Millican for the benefit of Lavon. These documents were prepared by Freeman-Millican on or about March 26, 2017.
4. A letter from Mike Rickman, Deputy Director of NTMWD to Ms. Kim Dobbs, City Administrator/City Secretary for Lavon, dated August 3, 2017, regarding an application for an amendment to the System Permit to expand the Plant.
5. A letter from Thomas W. Kula, Executive Director/General Manager of NTMWD to Ms. Kim Dobbs, City Administrator/City Secretary for Lavon, dated July 31, 2017, regarding budgetary estimates for CY 2018.

Prepared by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

Mark Hill, P.E.
Freeman-Millican, Inc.

Sponsored by:

Kim Dobbs

Victoria Richards Harkins, Ph.D., P.E., D. WRE.
President
Harkins Engineering, Inc.

**SOAH DOCKET NO. 473-17-4339.WS
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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-16:

Produce all engineering and consulting agreements, plans, specifications, studies, reports, memoranda or other documents performed by you or on your behalf or within your possession or control regarding or relating to expansion of Lavon's Plant.

RESPONSE:

Please see the documents labeled as follows. For each document, the Document Number corresponds with the documents identified in BCSUD RFI No. 1-15.

Document 1 was produced in response to BCSUD RFI No. 1-8, labeled COL-00216-00230;

Document 2 was produced in response to BCSUD RFI No. 1-12, labeled COL-00384-00393;

Document 3: COL-01438-01449;

Document 4: COL-01450; and

Document 5: COL-01451-01452.

Discovery is ongoing, and Lavon will supplement this response as required.

Prepared by:

Kim Dobbs
City Administrator / City Secretary, City of Lavon

Mark Hill, P.E.
Freeman-Millican, Inc.

Sponsored by:
Kim Dobbs

Victoria Richards Harkins, Ph.D., P.E., D. WRE.
President
Harkins Engineering, Inc.

**SOAH DOCKET NO. 473-17-4339.WS
P.U.C. DOCKET NO. 46993**

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-17:

Identify all documents concerning how Lavon anticipates providing wastewater collection and treatment services to the entirety of the Application Service Area.

RESPONSE:

The following documents concern how Lavon anticipates providing wastewater collection and treatment services to the entirety of the Application Service Area:

- 1. A Draft *Memorandum of Understanding – Bear Creek Wastewater Treatment Plant* from Freeman-Millican, Inc., dated May 26, 2017, which was prepared for Lavon in association with the evaluation of the City's Wastewater System and planning and design for the expansion of the existing Bear Creek Wastewater Treatment Plant. The Memorandum was drafted by Mark D. Hill, P.E. of Freeman-Millican.**
- 2. In connection with the Memorandum of Understanding, Freeman-Millican also prepared for Lavon a Draft *Wastewater Master Plan Map*, dated July 31, 2017. This Map was completed by Mark D. Hill, P.E. of Freeman-Millican.**
- 3. A draft *Scope of Work* for the Bear Creek Sub-Regional Wastewater System Feasibility Study, prepared by R.J. Muraski on or about July 20, 2017.**

Please also see responses to BCSUD RFIs No. 1–3, 1–7, 1–9, 1–11, and 1–15.

Prepared by:

Kim Dobbs, City Administrator / City Secretary, City of Lavon

Mark Hill, P.E., Freeman-Millican, Inc.

Sponsored by:

Kim Dobbs

Victoria Richards Harkins, Ph.D., P.E., D. WRE.
President
Harkins Engineering, Inc.

**SOAH DOCKET NO. 473-17-4339.WS
P.U.C. DOCKET NO. 46993**

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-18:

Produce all documents identifying how Lavon anticipates providing wastewater collection and treatment services to the entirety of the Application Service Area.

RESPONSE:

Please see the documents labeled as follows.

**Document 1 was produced in response to RFI No. 1-12, labeled COL-00384-00393.
Document 2 was produced in response to RFI No. 1-12, labeled COL-00394.
Document 3 was produced in response to RFI No. 1-8, labeled COL-00242.**

Discovery is ongoing, and Lavon will supplement this response as required.

Please also see documents produced in response to BCSUD RFIs No. 1-4, 1-8, 1-10, 1-12, and 1-16.

Prepared by:

Kim Dobbs, City Administrator / City Secretary
City of Lavon

Mark Hill, P.E.
Freeman-Millican, Inc.

Sponsored by:

Kim Dobbs

Victoria Richards Harkins, Ph.D., P.E., D. WRE.
President
Harkins Engineering, Inc.

**SOAH DOCKET NO. 473-17-4339.WS
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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-19:

Identify the sources of funding for construction of all future facilities to be constructed by or on behalf of Lavon for the provision of retail sewer service to all lands located outside of Lavon's existing corporate boundaries but within the Application Service Area.

RESPONSE:

Lavon has not identified sources of funding for all future facilities to be constructed by or on behalf of Lavon for the provision of retail sewer service to all lands located outside of Lavon's existing corporate boundaries but within the Application Service Area. This would be premature given current capacity of existing facilities, the engineering studies in progress, and the nature of financing methods. As described further in Lavon's Response to RFI No. 1-49, Lavon intends to utilize its current Plant to serve the Application Service Area through CY 2018.

The City is considering the following financing options for the construction of future facilities:

- a. Certificates of Obligation;**
- b. Tax Notes;**
- c. Developer contributions pursuant to existing and potential agreements;**
- d. Financing from the Texas Water Development Board;**
- e. Grants (e.g. Clean Water State Revolving Fund, Drinking Water State Revolving Fund, etc.); and**
- f. Various combinations of these methods.**

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

**SOAH DOCKET NO. 473-17-4339.WS
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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-20:

Produce all documents concerning any voted bond authorization approved by the resident electors within Lavon for funding the construction of any improvements to the Plant or expansion of Lavon's wastewater collection, treatment or disposal facilities.

RESPONSE:

There are currently no documents concerning any voted bond authorization approved by the resident electors within Lavon for funding the construction of any improvements to the Plant or expansion of Lavon's wastewater collection, treatment or disposal facilities.

Should these documents become available, Lavon will supplement this response.

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

**SOAH DOCKET NO. 473-17-4339.WS
P.U.C. DOCKET NO. 46993**

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-21:

Identify any schedule or time projections reflecting when Lavon anticipates providing retail wastewater service to specific tracts of real property that are within the Application Service Area but are located outside of Lavon's existing corporate boundaries.

RESPONSE:

Lavon has no schedule or time projections to provide retail wastewater service to specific tracts of real property that are located within the Application Service Area but are located outside of Lavon's existing corporate boundaries.

Historically, it is the practice of Lavon to provide service to land located only within Lavon's corporate boundaries. While certain developers have *requested* annexation, due to other factors like zoning, plat requirements, construction of development infrastructure, and actual annexation, no service to any of these developments is anticipated before December of 2018.

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

Victoria Richards Harkins, Ph.D., P.E., D. WRE.
President
Harkins Engineering, Inc.

**SOAH DOCKET NO. 473-17-4339.WS
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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-22:

Produce any schedule or time projections reflecting when Lavon anticipates providing retail wastewater service to lands that are within the Application Service Area but are located outside of Lavon's existing corporate boundaries.

RESPONSE:

Lavon has no schedule or time projections to provide retail wastewater service to specific tracts of real property that are located within the Application Service Area but are located outside of Lavon's existing corporate boundaries.

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

**SOAH DOCKET NO. 473-17-4339.WS
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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-23:

Identify all contracts to which Lavon is a party concerning the provision of retail sewer service to, or development of, lands within the Application Service Area located outside of Lavon's existing corporate boundaries.

RESPONSE:

As of this date, there are no contracts to which Lavon is a party concerning the provision of retail sewer service to, or development of, lands within the Application Service Area that are located outside Lavon's boundaries.

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

**SOAH DOCKET NO. 473-17-4339.WS
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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-24:

Produce all correspondence and other documents concerning the provision of retail sewer service by Lavon to lands located within the Application Service Area but outside of Lavon's existing corporate boundaries.

RESPONSE:

Please see the documents produced in response to BCSUD RFI No. 1–4, No. 1–6, No. 1–8, and No. 1–12.

Additionally, please see the document labeled COL–001453–001482.

Discovery is ongoing, and Lavon will supplement this response as required.

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

**SOAH DOCKET NO. 473-17-4339.WS
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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-25:

Identify any existing or proposed subdivisions located outside Lavon's corporate boundaries but within the Application Service Area to which Lavon intends to provide retail wastewater service.

RESPONSE:

Lavon has not identified any existing subdivisions outside its corporate boundaries within the Application Service Area to which it intends to provide retail wastewater service.

Lavon has identified the following proposed subdivisions outside its corporate boundaries but within the Application Service Area that it intends to provide retail wastewater service to:

- 1. A yet-to-be named 200-acre development with potentially 900 dwelling units with potential commercial space located southeast of intersection of State Hwy 78 and FM 6.**
- 2. Lavon Farms, a 41.8 acre development located southwest of FM 2755 and CR 483, which is currently pending annexation into the City of Lavon.**
- 3. Bluff Creek Ranch Development, a 435-acre development generally located east of CR 483, and west of Old Mill Wood Road, in the vicinity of Bluff Creek.**

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

**SOAH DOCKET NO. 473-17-4339.WS
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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-26:

Identify the design treatment capacity of the existing Plant (expressed in gallons per day).

RESPONSE:

Lavon's current facility is permitted for an average daily flow of 250,000 gallons per day.

Prepared by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

Mark Hill, P.E.
Freeman-Millican, Inc.

Sponsored by:

Victoria Richards Harkins, Ph.D., P.E., D. WRE.
President
Harkins Engineering, Inc.

**SOAH DOCKET NO. 473-17-4339.WS
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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-27:

Identify the person or entity that funded construction of the existing Plant.

RESPONSE:

Lavon's original plant construction was initially funded by a group of developer interests that eventually became World Land Developers, LP to serve their development. World Land Developers dedicated the Plant to the City of Lavon.

World Land Developers, a Texas limited partnership, can be reached at 2101 Clear Springs Road, Suite 600, Dallas, Texas 75201. Lavon's contact with World Land Developers is Alan Bain, Vice President of Real Estate Development. Mr. Bain's office number is (214) 880-8595, and his fax number is (214) 880-1901.

The developer's costs of construction were reimbursed with Special Assessment Bonds, Contemplated Tax Increment Financing Zone contributions, and directly by the City. The City currently owns the Plant in full with no debt presently associated with the existing Plant.

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-28:

Identify all agreements to which Lavon is a party relating to finding or construction of Lavon's existing Plant, any expansions of the Plant, or construction of any new wastewater treatment plant facilities for the provision of retail wastewater service by Lavon within the Application Service Area.

RESPONSE:

Lavon is a party to the following relating to funding or construction of its existing plant, expansions thereto, or construction of new wastewater treatment plant facilities for the provision of retail wastewater service within the Application Service Area. A copy of each of these documents is provided in response to BCSUD RFI No. 1–29, or has been produced in response to another RFI, which fact is noted in BCSUD RFI No. 1–29 for the corresponding document.

1. **Lavon City Ordinance No. 2006-12-01, passed and adopted on December 12, 2006, which establishes a tax increment financing zone. The ordinance was executed by then-Mayor Jim Albright.**
2. ***The Amended and Restated City/Developer Master Development Agreement* between Lavon and World Land Developers, LP, executed with an effective date of February 20, 2007 by then-Mayor Jim Albright for Lavon and Alan Bain on behalf of World Land Developers, LP.**
3. ***The City/Developer Master Development Agreement* between Lavon and World Land Developers, LP, executed with an effective date of October 28, 2004 by then-Mayor Steve Parker on behalf of Lavon and W.H. Hunt on behalf of World Land Developers. This Agreement was amended by the *Amended and Restated City/Developer Master Development Agreement* on February 20, 2007.**
4. ***The Service and Assessment Plan* for the Heritage Public Improvement District No. 1, prepared by Lavon on June 27, 2006.**
5. ***The Annual Service Plan* for the Heritage Public Improvement District No. 1, prepared by Lavon on October 12, 2016.**

6. **The *Preliminary Financing Plan for Tax Increment Financing, Reinvestment Zone Number One***, prepared for Lavon by Stein Planning and Management on October 27, 2006.
7. A payment agreement between World Land Developers and Lavon, executed by Alan Bain on behalf of World Land Development on April 28, 2010.
8. **The *Special Assessment Revenue Bonds, Series 2013***, prepared by the City of Lavon, dated October 1, 2013.
9. A ***Sanitary Sewer Collection System Reimbursement Request***, from Alan Bain, representing World Land Developers, prepared on September 29, 2015 and various correspondence related thereto.
10. **The *City/Developer Construction and Funding Agreement*** between Lavon and World Land Developers, LP, executed with an effective date of January 9, 2007 by then-Mayor Jim Albright on behalf of Lavon and Alan Bain on behalf of World Land Developers. This Agreement was amended by the ***First Amendment to City/Developer Construction and Funding Agreement*** on January 20, 2015.
11. **The *First Amendment to City/Developer Construction and Funding Agreement*** between Lavon and World Land Developers, executed with an effective date of January 20, 2015 by Mayor Charles Teske on behalf of Lavon and Alan Bain on behalf of World Land Developers.
12. **The *Pre-Development and Professional Services Agreement*** between Lavon and Bear Creek 35, LP; Bear Creek Windmill, L.P.; Lavon Realty Partners, L.P.; Bear Creek, L.P.; Bear Creek Residential, L.P.; Bear Creek Commercial Properties, L.P.; and World Land Developers, LP., executed with an effective date of December 4, 2003, by the following parties:
 - a. Lavon: then-Mayor Steve Parker;
 - b. Bear Creek 35, L.P.: James W. Beavers, Jr.;
 - c. Bear Creek Windmill, L.P.: James W. Beavers, Jr.;
 - d. Lavon Realty Partners, L.P.: James W. Beavers, Jr.;
 - e. Bear Creek, L.P.: James W. Beavers, Jr.;
 - f. Bear Creek Residential, L.P.: W. Herbert Hunt;
 - g. Bear Creek Commercial Properties, L.P.: W. Herbert Hunt; and
 - h. World Land Developers, LP: W. Herbert Hunt.

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

**SOAH DOCKET NO. 473-17-4339.WS
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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
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BCSUD RFI NO. 1-29:

Produce all agreements to which Lavon is a party relating to funding or construction of Lavon's existing Plant, any expansions of the Plant, or construction of any new wastewater treatment plant facilities by or on behalf of Lavon.

RESPONSE:

Please see the documents labeled as follows. For each document, the Document Number corresponds with the documents identified in BCSUD RFI No. 1-28.

**Document 1: COL-01483-01492;
Document 2: COL-01493-01544;
Document 3: COL-01545-01574;
Document 4: COL-01575-01606;
Document 5: COL-01607-01632;
Document 6: COL-01633-01668;
Document 7: COL-01669;
Document 8: COL-01670-01790;
Document 9: COL-01791-01796;
Document 10: COL-01797-01811;
Document 11: COL-01812-01814; and
Document 12: COL-01815-01822.**

Discovery is ongoing, and Lavon will supplement this response as required.

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

**SOAH DOCKET NO. 473-17-4339.WS
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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-30:

Identify all agreements to which Lavon is a party relating to the receipt of wholesale wastewater service or participation in regional wastewater treatment plant facilities for the provision of retail sewer service by Lavon for the Application Service Area.

RESPONSE:

Lavon is not a party to any agreements relating to the receipt of wholesale wastewater service.

Lavon is a party to the following agreements relating to the provision of retail sewer service by Lavon for the Application Service Area:

- 1. Three (3) Texas Commission on Environmental Quality ("TCEQ") Subscriber Agreements between the TCEQ and Randy Barton (dated May 12, 2016), Jenna Covington (dated on or about May 12, 2016), and Ken Wesson (dated May 13, 2016), relating to the Bear Creek Wastewater Treatment Plant. Each Subscriber Agreement was executed by Mayor Charles Teske on behalf of Lavon and the Bear Creek Wastewater Treatment Plant.**
- 2. The executed *Wastewater Treatment Agreement* by and between Lavon and NTMWD, dated June 22, 2006. NTMWD's counsel drafted this Agreement, and Kenneth Bell, former President of NTMWD, executed the Agreement on behalf of NTMWD, while J. Mike Jones, former City Administrator and Linda Ardis, former City Secretary executed the Agreement on behalf of Lavon.**
- 3. The draft Scope of Work for the Bear Creek Sub-Regional Wastewater System Feasibility Study, prepared by R.J. Muraski on or about July 20, 2017.**

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

**SOAH DOCKET NO. 473-17-4339.WS
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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-31:

Produce all agreements to which Lavon is a party relating to the receipt of wholesale wastewater service or participation in regional wastewater treatment plant facilities for the provision of retail sewer service by Lavon within the Application Service Area.

RESPONSE:

Please see the documents labeled as follows. For each document, the Document Number corresponds with the documents identified in BCSUD RFI No. 1-30.

Document 1: COL-01823-01828;

Document 2: COL-01829-01832; and

Document 3 was produced in response to BCSUD RFI No. 1-8, labeled COL-00242.

Discovery is ongoing, and Lavon will supplement this response as required.

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

**SOAH DOCKET NO. 473-17-4339.WS
P.U.C. DOCKET NO. 46993**

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| APPLICATION OF CITY OF LAVON FOR A SEWER CERTIFICATE OF CONVENIENCE AND NECESSITY IN COLLIN COUNTY | § § § § | BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS |
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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-32:

Identify all conveyance instruments or other documents conveying the Plant to Lavon.

RESPONSE:

The conveyance instruments and other documents conveying the Plant to Lavon are as follows:

- 1. *Transfer of TCEQ Permit* prepared by the TCEQ transferring Permit No. WQ0014577001 from World Land Developers, LP to Lavon. The document was executed by a representative of the TCEQ and the transfer was issued September 28, 2006.**
- 2. *Easement: Wastewater Treatment Plant Easement* by Bear Creek Windmill, L.P. in favor of Lavon. This Easement was executed on April 10, 2006, by Alan Bain, Vice President of Pitman Investments, LLC, general partner of Bear Creek Windmill.**
- 3. Please see the Grand Heritage Amended and Restated Master Development Agreement.**

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
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BCSUD RFI NO. 1-33:

Produce all conveyance instruments or other documents conveying the Plant to Lavon.

RESPONSE:

Please see the documents labeled as follows. For each document, the Document Number corresponds with the documents identified in BCSUD RFI No. 1-32.

Document 1: COL-01833; and

Document 2: COL-01834-01839.

Document 3 was previously produced in response to BCSUD RFI No. 1-29, and is labeled COL-01493-01544.

Discovery is ongoing, and Lavon will supplement this response as required.

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

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P.U.C. DOCKET NO. 46993**

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-34:

Identify all licensed wastewater operators employed by Lavon, the duration of each operator's employment by Lavon, and the license held by each such operator.

RESPONSE:

Lavon utilizes the following employees and agreement as wastewater operators:

1. **Lavon employs Mr. Jose "Sonny" Macias, its Public Works Director. He has worked for the City since June 2, 2014 and carries a Class II Wastewater Collection Operator's license. Mr. Macias can be contacted through the Lavon City Hall, P.O. Box 340, 120 School Road, Lavon, Texas 75166.**

Please see COL-01840 for a copy of Mr. Macias's wastewater license.

2. **Lavon also employs Mr. Jacob M. Denney, its Public Works Operator. He has worked for the City since January 9, 2014, but took one year and 129 days of military leave during that time. Mr. Denney can be contacted through the Lavon City Hall, P.O. Box 340, 120 School Road, Lavon, Texas 75166.**

Mr. Denney does not yet have his Class II Wastewater Collection Operator's License, but has taken one course and Lavon has paid registration for two further courses, after which Mr. Denney will be able to take the next available test.

3. **Lavon has developed an interlocal agreement with the City of Farmersville, Texas, under which the two cities agreed to support each other with licensed operators as needed. The two cities' City Councils are scheduled to consider this interlocal agreement in September of 2017. Please see COL-01841-01847 for a draft of this interlocal agreement.**

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

**SOAH DOCKET NO. 473-17-4339.WS
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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-35:

Identify any contracts between Lavon and North Texas Municipal Water District relating to the operation of the Plant.

RESPONSE:

Lavon and NTMWD engaged in a Wastewater Treatment Agreement with an effective date of June 22, 2006. NTMWD drafted this Agreement, and Kenneth Bell executed the Agreement on behalf of NTMWD, while J. Mike Jones executed the Agreement on behalf of Lavon. This document has been produced in response to RFI No. 1-36.

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-36:

Produce any contracts between Lavon and North Texas Municipal Water District relating to the operation of the Plant.

RESPONSE:

Please see the document produced in response to BCSUD RFI No. 1-31, labeled COL-01829-01832.

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
FIRST REQUESTS FOR INFORMATION**

BCSUD RFI NO. 1-37:

Identify each TCEQ inspection report relating to Lavon's wastewater system for the previous five years.

RESPONSE:

Lavon has located two TCEQ Inspection reports from the preceding five years:

- 1. An Inspection Report, dated September 5, 2012 Karen Smith for Sid Slocum, Water Section Manager of the Dallas/Fort Worth Region Office of the TCEQ.**
- 2. An Inspection Report, dated May 19, 2017, prepared by Jeff Tate, Water Section Manager of the Dallas/Fort Worth Region Office of the TCEQ, along with a Summary of Investigation Findings and Exit Interview notes.**

Prepared/Sponsored by:

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
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BCSUD RFI NO. 1-38:

Produce each TCEQ inspection report relating to Lavon's wastewater system for the previous five years.

RESPONSE:

Please see the documents labeled as follows. For each document, the Document Number corresponds with the documents identified in BCSUD RFI No. 1-37.

**Document 1: COL-01848-01856; and
Document 2: COL-01857-01859.**

Discovery is ongoing, and Lavon will supplement this response as required.

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

**SOAH DOCKET NO. 473-17-4339.WS
P.U.C. DOCKET NO. 46993**

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
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BCSUD RFI NO. 1-39:

Identify any notices of violation received by Lavon from TCEQ relating to Lavon's wastewater system during the previous five years.

RESPONSE:

Lavon received the following notices of violation in the previous five years relating to its wastewater system:

- 1. Letter: Notice of Violation dated November 14, 2014, from Jeff Tate, Water Section Manager, Dallas/Fort Worth Region Office of the TCEQ along with various documents indicating settlement of the matter.**
- 2. The Inspection Report, dated September 5, 2012 identified in RFI No. 1-37 and produced in RFI No. 1-38 contains a Notice of Violation prepared by Investigator Karen Smith. This document is labeled COL-01848-1856.**

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Kim Dobbs
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**SOAH DOCKET NO. 473-17-4339.WS
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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
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BCSUD RFI NO. 1-40:

Produce any notices of violation received by Lavon from TCEQ relating to Lavon's wastewater system during the previous five years.

RESPONSE:

Please see the documents labeled as follows. For each document, the Document Number corresponds with the documents identified in BCSUD RFI No. 1-40.

Document 1 is labeled COL-01860-01885.

Document 2 was previously produced in response to BCSUD RFI No. 1-38, and is labeled COL-01857-01859.

Discovery is ongoing, and Lavon will supplement this response as required.

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

**SOAH DOCKET NO. 473-17-4339.WS
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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
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BCSUD RFI NO. 1-41:

Identify each unauthorized spill of wastewater effluent from Lavon's wastewater system, Plant upset event or Permit exceedance during the prior five years.

RESPONSE:

1. **June 30, 2017—average daily flow, which is measured monthly, exceeded permit for the Month of June. The cause is unknown, but is suspected to be due to inflow or infiltration.**
2. **May 31, 2017—average daily flow, which is measured monthly, exceeded permit for the Month of May. The cause is unknown, but is suspected to be due to inflow or infiltration.**
3. **March 16, 2016—E. coli sample was collected that exceeded the permit limit. The cause appears to be sample contamination due to possible airborne particles.**
4. **October 31, 2015—Monthly average E. coli concentration exceeded permit based on a single grab sample following significant rainfall.**
5. **June 19, 2017—TSS exceeded 7-day average permit parameter due to improper sample collection.**

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**CITY OF LAVON'S RESPONSES TO
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BCSUD RFI NO. 1-42:

Produce Lavon's annual fiscal year audit report for the most recent prior five years for which such reports are available.

RESPONSE:

Please see the documents labeled as follows:

**2012: COL-01886-01939;
2013: COL-01940-02009;
2014: COL-02010-02083;
2015: COL-02084-02157; and
2016: COL-02158-02235.**

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
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BCSUD RFI NO. 1-43:

Produce a copy of Lavon's 2014 Tax Note and any agreements to which Lavon is a party relating to the funding of construction of the sewer infrastructure improvements in the Lavon Business Park.

RESPONSE:

Please see the documents labeled COL-02236-02274; COL-02275-02289; COL-02290-02295; and COL-02296-02300.

Discovery is ongoing, and Lavon will supplement this response as required.

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**CITY OF LAVON'S RESPONSES TO
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BCSUD RFI NO. 1-44:

Produce a copy of the Service and Assessment Plan for Heritage Public Improvement District No. 1.

RESPONSE:

Please see the document produced in response to BCSUD RFI No. 1-29, labeled COL-01575-01606.

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
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BCSUD RFI NO. 1-45:

Identify Lavon's retail sewer rates, fees and charges.

RESPONSE:

Please see the document labeled COL-02301-02303, which contains Lavon's retail sewer service rates, fees, and charges.

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
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BCSUD RFI NO. 1-46:

Produce any contracts and correspondence between Lavon and the developers of the Lakewood Estates Subdivision and Crestview Meadows Subdivision concerning or addressing the provision of sewer service by Lavon to either such subdivision.

RESPONSE:

Lavon is not a party to any contract with and has no correspondence with developers of the "Lakewood Estates Subdivision" or the "Crestview Meadows Subdivision" concerning or addressing the provision of sewer service by Lavon to either such subdivision.

Prepared/Sponsored by:

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**CITY OF LAVON'S RESPONSES TO
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BCSUD RFI NO. 1-47:

Identify the 183-lot development and 97-lot development referenced by Lavon in response to PUC Staff RFI 1-1, including the name and developer(s) of the subdivision(s).

RESPONSE:

The reference to a 97-lot development in Lavon's response to PUC Staff RFI 1-1 refers to Traditions at Grand Heritage West, a 20.098 acre development situated in the Drury Anglin Survey, Abstract No. 2. The developer of Traditions at Grand Heritage West is Bloomfield Homes, LP and it is part of the Grant Heritage Development. The development is subject to the agreements provided in response to BCSUD RFI 1-29, COL-01493-01544.

Lavon's response to PUC Staff RFI 1-1 does not reference a 183-lot development.

Prepared/Sponsored by:

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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
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BCSUD RFI NO. 1-48:

Produce any agreements or correspondence between Lavon and the developers of the 183-lot development and 97-lot development referenced by Lavon in response to PUC Staff RFI 1-1.

RESPONSE:

Lavon's response to PUC Staff RFI 1-1 does not reference a 183-lot development.

Please see the documents labeled COL-02304-2352; COL-02353-02364; COL-02365-2383; and COL-02384-2416.

Discovery is ongoing, and Lavon will supplement this response as required.

Prepared/Sponsored by:

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City Administrator / City Secretary
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**CITY OF LAVON'S RESPONSES TO
BEAR CREEK SPECIAL UTILITY DISTRICT'S
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BCSUD RFI NO. 1-49:

Identify all planning efforts for, and the additional facilities expected to be online by the end of CY 2018, including the source of funding for such facilities, as referenced in Lavon's response to PUC Staff RFI 1-3.

RESPONSE:

Lavon entered into a contract with Freeman-Millican on March 7, 2017 to receive engineering services in association with the evaluation of Lavon's Wastewater System and planning and design for the expansion of the existing Bear Creek Wastewater Treatment Plant. As part of this effort, the Bear Creek Wastewater Treatment Plant will be expanded to a capacity of 0.50 MGD by the end of CY 2018.

NTMWD has been involved in this process and is preparing Lavon's application to amend the current Wastewater Treatment Plant permit. Please see the documents produced in response to BCSUD RFI 1-16, labeled COL-01450 and COL-01451-01452.

The City is considering the following financing options for the construction of future facilities:

- a. Certificates of Obligation;
- b. Tax Notes;
- c. Developer contributions pursuant to existing and potential agreements;
- d. Financing from the Texas Water Development Board;
- e. Grants (e.g. Clean Water State Revolving Fund, Drinking Water State Revolving Fund, etc.); and/or
- f. Various combinations of these methods.

Prepared/Sponsored by:

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City Administrator / City Secretary
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**CITY OF LAVON'S RESPONSES TO
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BCSUD RFI NO. 1-50:

Produce all documents identified in Lavon's answers to these Requests for Information that have not otherwise been produced in response to a specific request.

OBJECTION:

Lavon specifically objects that this request is unreasonable and unduly burdensome under the circumstances of this case, as contemplated by Tex. R. Civ. P. 192.4(a) & (b). This request is also overly broad and requests no specific evidence (or type of evidence) calculated to lead to the discovery of specific evidence relate to the issues in this case. Further, this request lacks sufficient specificity and therefore constitutes a "fishing expedition." *See Loftin v. Martin*, 776 S.W.2d 145, 148 (Tex. 1989).

RESPONSE:

Subject to any ruling on Lavon's pending objection to this Request, Lavon will review and supplement this response: there are no documents responsive to this request.

Prepared/Sponsored by:

Kim Dobbs
City Administrator / City Secretary
City of Lavon

**SOAH DOCKET NO. 473-17-4339.WS
PUC DOCKET NO. 46993
City of Lavon's Responses to Bear Creek SUD's First
Requests for Information
Bates Numbers COL-00001-3254**

**DT
RG**

**DAVIDSON
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ATTORNEYS AT LAW