

Control Number: 48375



Item Number: 1

Addendum StartPage: 0



T.B.P.E. #F-8632

505 East Huntland Drive
Suite 250
Austin, TX 78752

512.454.8716 PHONE
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www.TRCsolutions.com

48375

2018 MAY 17 AM 11:33

1001-PL-48375-1

May 16, 2018

Public Utility Commission of Texas
Central Records Division
1701 N. Congress Avenue
Austin, Texas 78711-3326

**RE: City of Elgin and Aqua Water Supply Corporation
Transfer of Certificated Water Service Area**

To whom it may concern:

On behalf of the City of Elgin, TRC Engineers, Inc. has prepared this petition to request transfer of 140 acres of certificated water service area from Aqua Water Supply Corporation to the City of Elgin under Rule §24.117; Contracts Valid and Enforceable.

The 140 acres of service area being transferred is owned by the Elgin Economic Development Corporation a subsidiary of the City of Elgin. There are currently no customers being served within this area currently. A Retail Water Certificate of Convenience and Necessity Service Area Transfer Agreement has been executed by both the City of Elgin and Aqua Water Supply Corporation. There will not be any transfer of assets and facilities between the public utilities.

In addition to this letter the following are attached:

1. Maps of the 140 acre transfer area in accordance with §24.119(a);
2. A copy of the executed agreement;
3. City of Elgin meeting agenda and minutes discussing the transfer;
4. Aqua Water Supply Corporation meeting agenda and minutes discussing the transfer.

Should any additional information be required, please do not hesitate to contact this office.

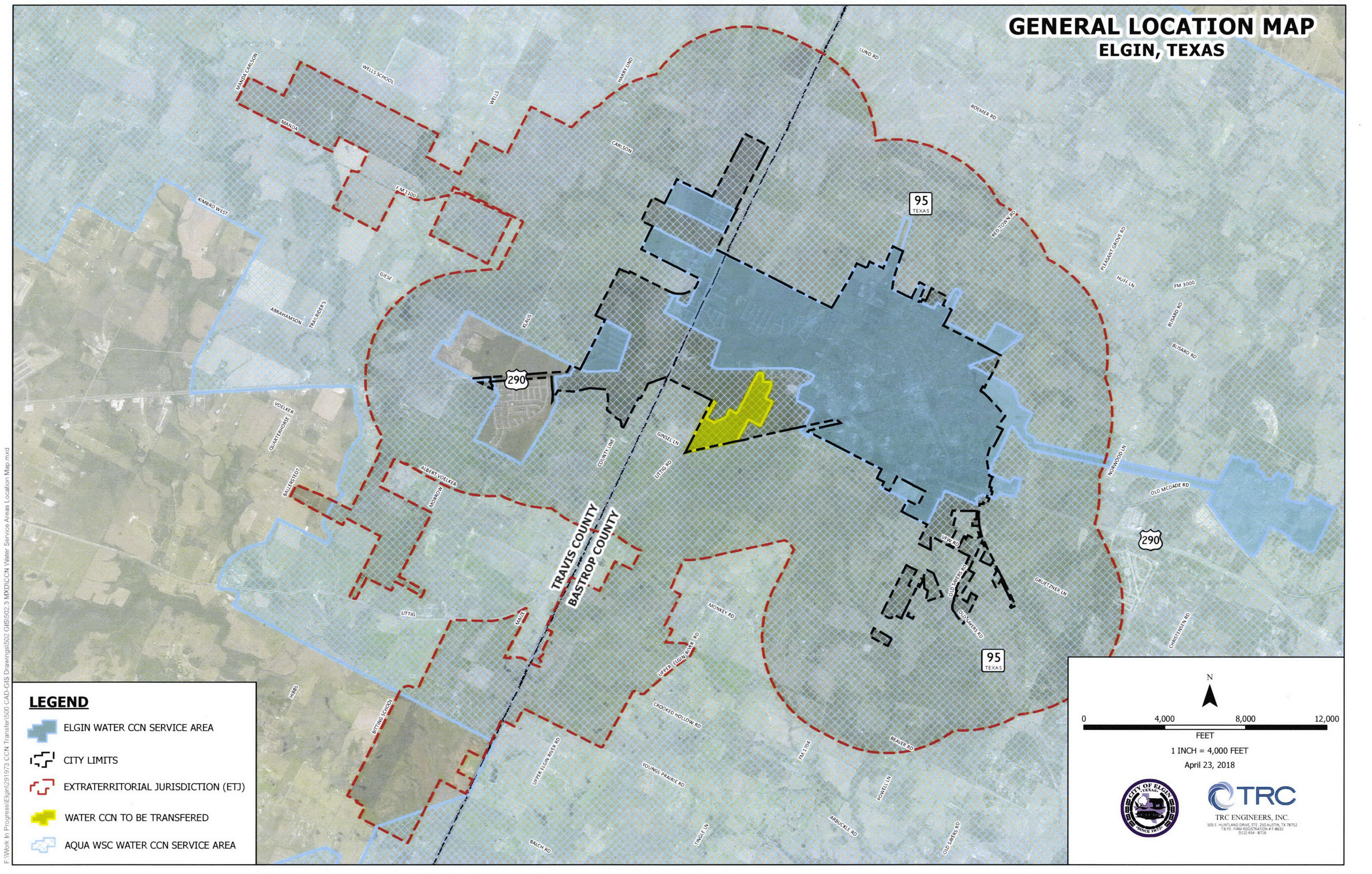
Regards,

Donald Heisch, P.E., CFM
Design Engineer

Attachment 1

Water Service Area Map & General Location Map

GENERAL LOCATION MAP
ELGIN, TEXAS



LEGEND

- ELGIN WATER CCN SERVICE AREA
- CITY LIMITS
- EXTRATERRITORIAL JURISDICTION (ETJ)
- WATER CCN TO BE TRANSFERED
- AQUA WSC WATER CCN SERVICE AREA



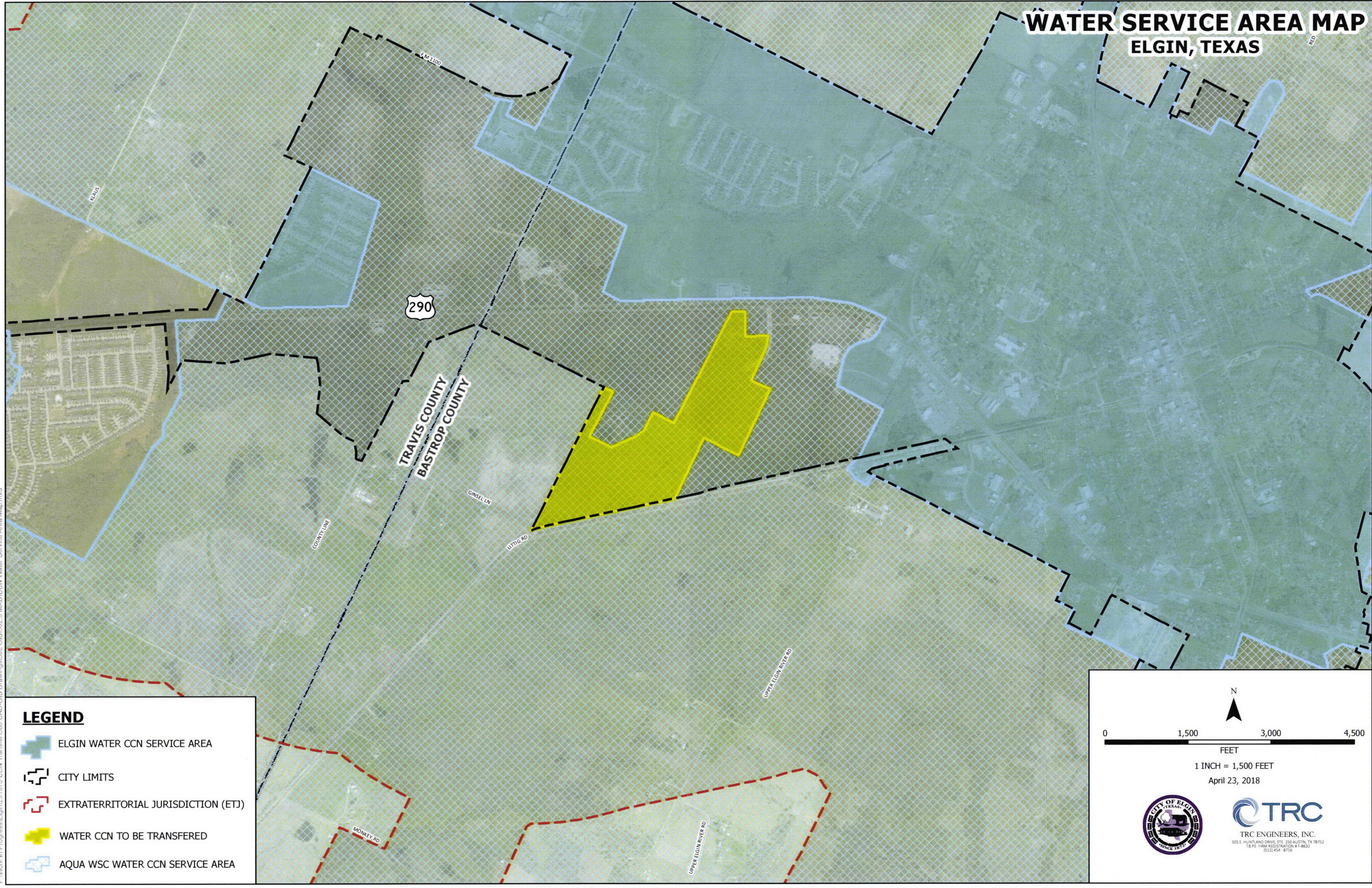
0 4,000 8,000 12,000
FEET
1 INCH = 4,000 FEET
April 23, 2018



TRC ENGINEERS, INC.
505 E. HUNTLAND DRIVE, STE. 250 AUSTIN, TX 78752
T.B. PE. FIRM REGISTRATION # F-8632
(512) 454-8716

WATER SERVICE AREA MAP

ELGIN, TEXAS



LEGEND

- ELGIN WATER CCN SERVICE AREA
- CITY LIMITS
- EXTRATERRITORIAL JURISDICTION (ETJ)
- WATER CCN TO BE TRANSFERRED
- AQUA WSC WATER CCN SERVICE AREA

N

0 1,500 3,000 4,500

FEET

1 INCH = 1,500 FEET

April 23, 2018

TRC ENGINEERS, INC.
505 E. HUNTLAND DRIVE, STE. 250 AUSTIN, TX 78752
T.B.P.E. FIRM REGISTRATION # F-8632
(512) 454-8726

F:\Work In Progress\Elgin\2019\73 CCN Transfer\500 CAD-GIS Drawings\502 GIS\502.3 MXD\CCN Water Service Area Map.mxd

Attachment 2

Copy of Executed Agreement

RESOLUTION NO. 2018-1-2-48

**A RESOLUTION OF THE CITY OF ELGIN, TEXAS
AUTHORIZING THE MAYOR TO EXECUTE AGREEMENT BY
AND BETWEEN THE CITY AND AQUA WATER SUPPLY
CORPORATION IN CONNECTION WITH THE BOUNDARY
LINES OF THEIR RESPECTIVE CERTIFICATES OF
CONVENIENCE AND NECESSITY FOR THE PROVISION OF
WATER SERVICES AND MAKING CERTAIN FINDINGS
RELATED THERETO**

WHEREAS, the City of Elgin ("City") is the holder of retail water Certificate of Convenience and Necessity Number 10311, authorizing Elgin to provide retail water service to certain areas in Travis and Bastrop County; and,

WHEREAS, Aqua Water Supply Corporation ("Aqua") is the holder of retail water CCN Number 10294, authorizing Aqua to provide retail water service to certain areas in most of Bastrop County and parts of Travis, Lee, Caldwell, Fayette, and Williamson Counties; and

WHEREAS, Elgin owns a one hundred and forty (140) acre tract located within the Aqua CCN (the "Elgin Property") that is designed for mixed-use development; and it is Aqua's expressed desire to support the development of said property; and,

WHEREAS, Elgin and Aqua are amenable to amending the boundaries of their respective CCNs to support the effective, appropriate, and mutually-agreeable development of said property.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS THAT:

Section 1. The Mayor is hereby authorized to execute on behalf of the City the TEXAS WATER CODE SECTION 13.248-RETAIL WATER CERTIFICATE OF CONVENIENCE AND NECESSITY SERVICE AREA TRANSFER AGREEMENT with the Aqua Water Supply Corporation, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

Section 2. The City Council 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.

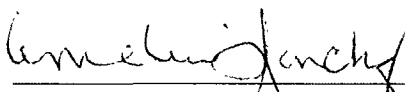
Section 3. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 2nd day of January 2018



CHRIS CANNON, Mayor
City of Egin, Texas

ATTEST:



AMELIA SANCHEZ, City Secretary

**TEXAS WATER CODE SECTION 13.248 – RETAIL WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY SERVICE AREA TRANSFER AGREEMENT**

This **TEXAS WATER CODE SECTION 13.248 – RETAIL WATER CERTIFICATE OF CONVENIENCE AND NECESSITY SERVICE AREA TRANSFER AGREEMENT** is entered into this 17th day of February, 20 18 (this "Agreement"), by and between **CITY OF ELGIN, TEXAS** ("Elgin"), a home rule municipality organized and existing under the laws of the State of Texas, and **AQUA WATER SUPPLY CORPORATION** ("Aqua"), a nonprofit rural water supply corporation organized under Texas Water Code, Chapter 67 for the purposes stated in Water Code § 67.002 (collectively, the "Parties"), in connection with the boundary lines of the Certificates of Convenience and Necessity ("CCNs") held by Elgin and Aqua for the provision of water services to users pursuant to the Texas Water Code.

RECITALS

WHEREAS, Elgin is the holder of retail water Certificate of Convenience and Necessity Number 10311 ("Elgin CCN"), authorizing Elgin to provide retail water service to certain areas in Travis and Bastrop County; and

WHEREAS, Aqua is the holder of retail water CCN Number 10294 ("Aqua CCN"), authorizing Aqua to provide retail water service to certain areas in most of Bastrop County and parts of Travis, Lee, Caldwell, Fayette, and Williamson Counties; and

WHEREAS, the boundaries of the Elgin CCN and the Aqua CCN are adjacent to one another; and

WHEREAS, Elgin owns an one hundred and forty (140) acre tract located within the Aqua CCN (the "Elgin Property") that Elgin wants to see developed and a map of the Elgin Property is attached hereto as Exhibit "A"; and

WHEREAS, Aqua wants to help in the efforts to develop the Elgin Property, which should in turn encourage the development of the surrounding property; and

WHEREAS, Aqua has built a water line with the capacity to serve and provide water service to the Elgin Property; and

WHEREAS, the Saratoga Farms Subdivision has a majority of its property located in the Aqua CCN but the Saratoga Farms Subdivision does have specific property, such as a portion of Section 6. ("Saratoga Farms Property") that is located within the Elgin CCN and a map of the Saratoga Farms Property is attached hereto as Exhibit "B"; and

WHEREAS, Elgin and Aqua agree that it would be best to have all of the Saratoga Farms Subdivision located exclusively within the CCN service area of one retail water utility, the Aqua CCN; and

WHEREAS, Elgin and Aqua are amenable to amending the boundaries of their respective CCNs by transferring certain property contained within the boundaries of the Elgin CCN to Aqua and transferring certain property contained within the boundaries of the Aqua CCN to Elgin.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

AGREEMENTS

Recitals – The recitals hereinabove set forth are incorporated herein for all purposes and are found to be true and correct.

Exclusive Agreement - This Agreement is an exclusive, one-time Agreement between Aqua, and Elgin to address a situation in which Elgin owns the property at issue.

Transfer of Elgin Property - In accordance with Section 13.248 of the Texas Water Code, but at all times subject to the approval of the Public Utility Commission of Texas (the “PUC”) and the United States Department of Agriculture (the “USDA”), Aqua hereby agrees to the modification of the boundaries of the Aqua CCN to exclude the Elgin Property, such area to be transferred from the Aqua CCN to the area to be encompassed within the Elgin CCN. In accordance with Section 13.248 of the Texas Water Code, but at all times subject to the approval of the PUC, Elgin hereby agrees to the expansion and modification of the boundaries of the Elgin CCN to include the Elgin Property, such area to be transferred from the Aqua CCN to the area to be encompassed within the Elgin CCN.

Aqua is currently indebted to the USDA-Rural Development and CoBank on promissory notes used to finance improvements to Aqua’s water utility system pursuant to 7 U.S.C. § 1926. USDA-Rural Development and CoBank hold security interests in the Aqua CCN pursuant to real estate deeds of trust executed in connection with the aforementioned promissory notes. Final consummation of this CCN service area transfer is contingent on approval of the release of the Elgin Property from the Aqua CCN which is held as a security interest by USDA-Rural Development and/or CoBank.

Within 10 business days after the Effective Date of this Agreement, Aqua shall file appropriate documentation with the USDA and/or CoBank requesting release of their security interests in Aqua’s water utility CCN for the area to be transferred to Elgin. Upon receipt by Aqua of written confirmation from USDA and/or CoBank of such releases, Aqua will inform Elgin of such receipt.

As soon as practicable upon receipt of confirmation of the releases from USDA and/or CoBank, Elgin shall be responsible for preparing and filing the appropriate application to obtain the PUC’s approval of the Elgin Property transfer from the Aqua CCN to the Elgin CCN. Elgin shall also be responsible for the preparation of the hard copy maps with supporting electronic metadata for the Elgin Property that satisfies the PUC rules.

Upon PUC approval of the transfer of the Elgin Property to the Elgin CCN, Elgin shall provide all infrastructure and operations and maintenance needed to provide retail water service to the Elgin Property.

System Development Fees for Elgin Property – Elgin and Aqua anticipate commercial development on the Elgin Property, so Aqua calculates that the water use on the Elgin Property will equate to one half (0.5) Living Unit Equivalents (“LUEs”) per acre so that seventy (70) LUEs will be associated with the Elgin Property. The cost of System Development Fees for

Elgin under this Agreement shall be Two Thousand Three Hundred and Six Dollars (\$2,306.00) per LUE. Elgin agrees to pay Aqua the System Development Fees owed to Aqua. Elgin will be charged and agrees to pay Aqua One Hundred Sixty One Thousand Four Hundred and Twenty Dollars (\$161,420.00) in System Development Fees.

Payments for Loss of Water Service Revenues –Elgin agrees to pay Aqua on a monthly basis the amount of retail water service revenues generated from the provision of retail water service associated with the Elgin Property for a term of forty (40) years. The forty year term during which Elgin shall make monthly payments to Aqua shall commence as of the date of the first water service connection located on the Elgin Property to Elgin's water service infrastructure. The payments by Elgin to Aqua shall be calculated based on the water service rates established in Aqua's Tariff, as amended from time to time, that are in existence at the time of the payment for retail water service with the exception of the monthly base rate. All other rates and fees are applicable to the payments owed by Elgin to Aqua under this section.

Saratoga Farms Property - In accordance with Section 13.248 of the Texas Water Code, but at all times subject to the approval of the Public Utility Commission of Texas (the "PUC"), Elgin hereby agrees to the modification of the boundaries of the Elgin CCN to exclude the Saratoga Farms Property, such area to be transferred from the Elgin CCN to the area to be encompassed within the Aqua CCN.

In accordance with Section 13.248 of the Texas Water Code, but at all times subject to the approval of the PUC, Aqua hereby agrees to the expansion and modification of the boundaries of the Aqua CCN to include the area that covers the Saratoga Farms Property, such area to be transferred from the Elgin CCN to the area to be encompassed within the Aqua CCN.

Aqua shall be responsible for preparing and filing the application to obtain the PUC's approval of the Saratoga Farms Property transfer from the Elgin CCN to the Aqua CCN. Aqua shall also be responsible for the preparation of the hard copy maps with supporting electronic metadata for the Saratoga Farms Property that satisfies the PUC rules. Aqua shall coordinate with Elgin to file appropriate application with the PUC for the Saratoga Farms Property at a time in close proximity with the application Elgin shall file with the PUC related to the Elgin Property.

Upon PUC approval of the transfer of the Saratoga Farms Property to the Aqua CCN, Aqua shall provide all infrastructure and operations and maintenance needed to provide retail water service to the Saratoga Farms Property.

Aqua anticipates that it will ultimately provide water service to approximately forty seven LUEs associated with the Saratoga Farms Property

No Continuing Obligation to Serve - Elgin and Aqua both agree that, upon approval of the revisions to their CCN boundaries by the PUC, neither Party shall have any further obligation to provide retail water service to the properties respectively transferred out of their own CCN, and that each Party shall be solely responsible for the provision of retail water service to the owners and occupants of the properties contained in their own amended CCNs under such terms and condition as are allowed under the CCN and any applicable governmental statutes and regulations.

NOTICES

Notice. Any notice to be given hereunder by any party to the other parties shall be in writing and may be effected by certified mail, return-receipt requested.

Notice to Aqua shall be addressed to: Aqua Water Supply Corporation, P.O. Drawer P, Bastrop, Texas 78602.

Notice to Elgin shall be addressed to:

Each party may change the address for notice to it by giving notice of such change at the last address designated in accordance with this paragraph.

GENERAL PROVISIONS

Governing Law. This agreement shall be governed, construed, and interpreted in accordance with the laws of the state of Texas. All acts required or permitted to be performed hereunder are performable in Bastrop County, Texas, and it is agreed that any civil action brought to enforce or construe the terms or provisions hereof or to enjoin or require the performance of any act in connection herewith, shall be brought in a court of competent jurisdiction sitting in Bastrop County, Texas. It is agreed that any administrative law action brought to enforce or construe the terms or provisions hereof or to enjoin or require the performance of any act in connection herewith, shall be brought at the PUC or its successor agency.

Severability. In the event one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

Unintended Omission. If any punctuation, word, clause, sentence, or provision necessary to give meaning, validity or effect to any other word, clause, sentence, or provision appearing in this Agreement shall be omitted here from, then it is hereby declared that such omission was unintentional and that the omitted punctuation, word, clause, sentence, or provision shall be supplied by inference.

Amendment. This Agreement shall not be amended or terminated except by an instrument signed by all parties to this Agreement.

Entire Agreement. This Agreement reflects the entire agreement among the parties hereto pertaining to the subject matter hereof and supersedes all prior and contemporaneous agreements and understandings of the parties in connection herewith.

Multiple Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all of which together shall be construed as one and the same instrument.

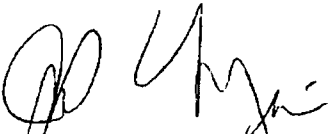
Assignment. This Agreement may not be assigned by any party, except by the prior written consent of the other entities.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first above written.

CITY OF ELGIN, TEXAS.
a Texas home rule municipality

By: _____
Chris Cannon, Mayor

AQUA WATER SUPPLY CORPORATION.
a Texas nonprofit rural water supply corporation

By: _____
D. Mican, Board Member

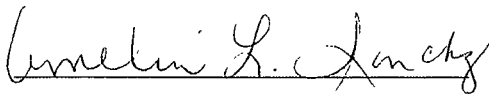
ACKNOWLEDGMENTS

STATE OF TEXAS §

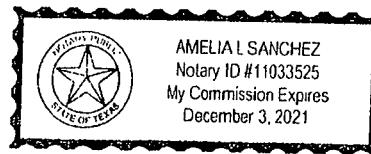
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COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 17th day of February ²⁰¹⁸~~2017~~, by Chris Cannon, Mayor of the City of Elgin, a home rule municipality, on behalf of said municipality.



Notary Public, State of Texas

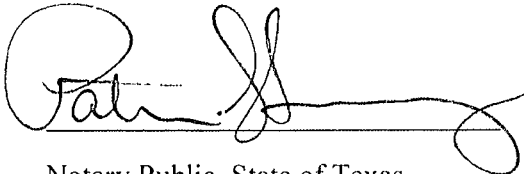


STATE OF TEXAS §

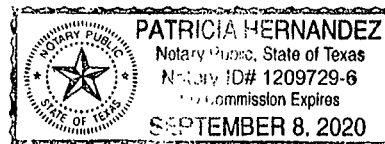
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COUNTY OF BASTROP §

This instrument was acknowledged before me on this 4th day of December, 2017, by J.D. Mican, Member of the Board of Directors of Aqua Water Supply Corporation, a Texas nonprofit corporation, on behalf of said corporation.

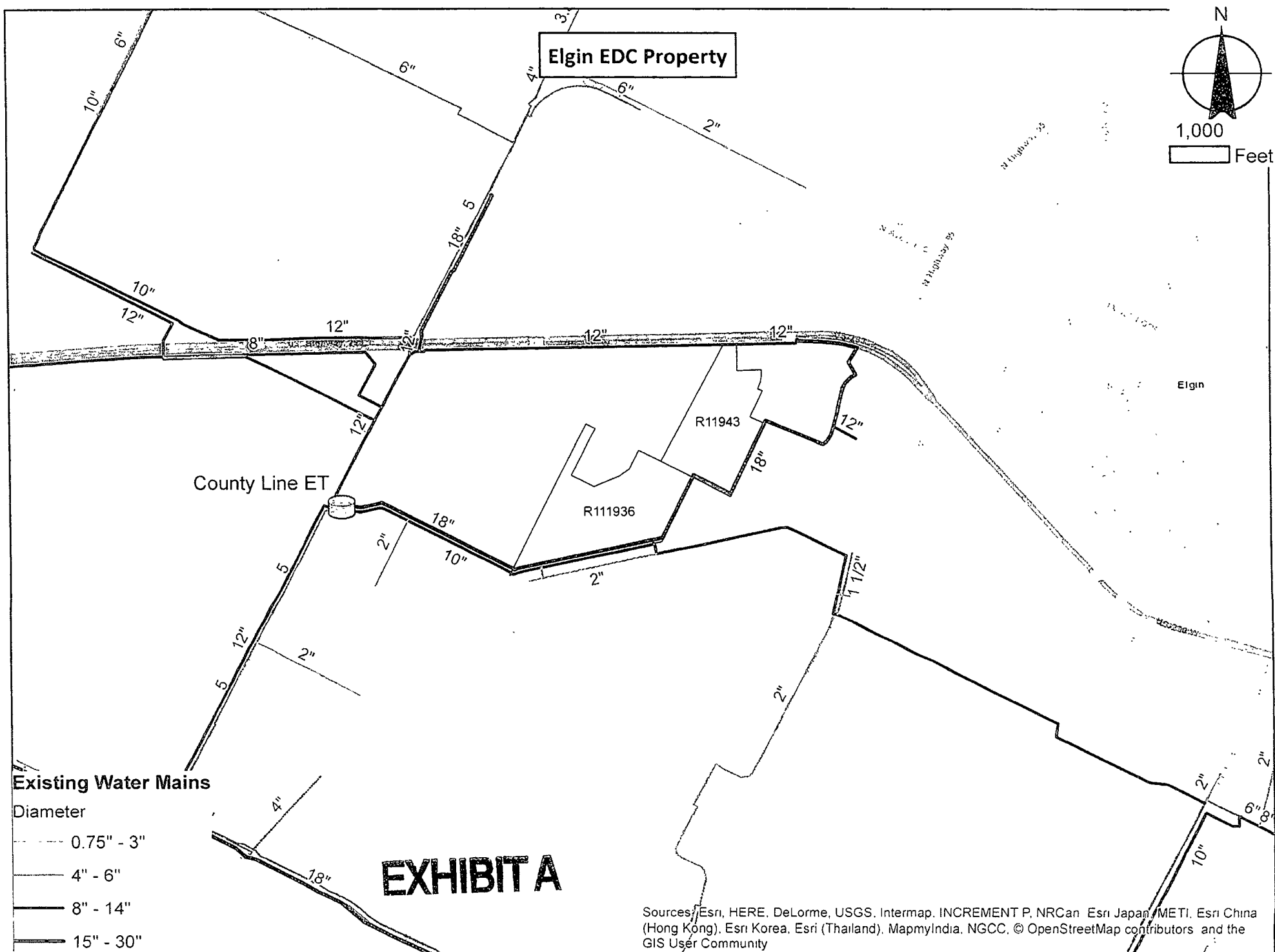


Notary Public, State of Texas



EXHIBITS

- Exhibit A - Map of City of Elgin Property to be transferred to City of Elgin Retail Water CCN Service Area
- Exhibit B - Map of Saratoga Farms Property to be transferred to Aqua Water Supply Corporation Retail Water CCN Service Area



SITE

SANTA CLAY COUNTY
SANTA CLAY COUNTY

U.S. HWY 250

U.S. HWY 30

Austin & the Palmdale

**LOCATION MAP
(N.T.S.)**

SCALE: 1" = 100'

○	CAPPED 1/2 IRON ROD SET
●	IRON ROD FOUND
1	LOT NUMBER
(A)	BLOCK LETTER
B.L.	BUILDING SETBACK LINE
P.U.E.	PUBLIC UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
W.W.E.	WASTEWATER EASEMENT

TOTAL	3.691
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PATH-J:\4942\SURVEY\PLAT-SARATOGA 6

Attachment 3

City of Elgin Meeting Agenda and Minutes



**AGENDA
ELGIN CITY COUNCIL
REGULAR MEETING
TUESDAY, JANUARY 2, 2018
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET
7:00 PM**

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. PUBLIC COMMENT

Individuals may request to speak on items on the agenda, and items not on the agenda, by requesting to speak during the meeting and under "PUBLIC COMMENT" and will be required to fill out a "PUBLIC COMMENT FORM" and present it, along with any material, handouts or information for Council, to the City Secretary prior to commencement of the Council meeting. Speaker comments are limited to three (3) minutes.

No formal action can be taken by the City Council on items not posted on the agenda. Items requiring a Public Hearing will allow a member of the public an opportunity to speak during the Public Hearing and does not require submission of a "PUBLIC COMMENT FORM". Speakers must address their comments to the Mayor or Presiding Officer rather than to an individual Council Member or member of Staff. All speakers must limit their comments to the specific subject matter noted on the "PUBLIC COMMENT FORM" and refrain from personal attacks or derogatory comments directed at any Council Member, member of Staff, other individual or group.

VI. PRESENTATIONS

1. A Proclamation declaring January 15, 2018 as Dr. Martin Luther King, Jr. and Coretta Scott King Day in the City of Elgin
2. Introduction of new employee - Kyle Police Department, AC Phil Taylor
 - Jacklen Taylor, Telecommunications

VII. CITY MANAGER'S REPORT

1. Monthly Departmental Activity Reports - November
2. General Activity Report and Project Update

VIII. CONSENT AGENDA

All of the items on the consent agenda are considered to be self-explanatory by the Council and will be enacted with one motion, one second, and one vote. There will be no separate discussion of these items unless a council member removes an item from the Consent Agenda and places it on the New Business section for Discussion and action.

1. Consider waiver of the City's Open Container Ordinance for the Friends of Elgin Parks Spring Music Series
2. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, TO CERTIFY LOCAL FUNDING AND SUPPORT OF THE COUNTY LINE ROAD ENGINEERING PROJECT TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION FOR FUNDING IN THE 2019-2022 PROJECT CALL.
3. City Council Regular Meeting Minutes - December 5, 2017
4. City Council Special Meeting Minutes - December 12, 2017
5. Consider waiver of the City's Open Container Ordinance on Main Street from Lexington Road to Brenham Street; and on Second Street, First Street, Depot Street, Central Avenue, Austin Street, Brenham Street from Main Street to Avenue C; and on Avenue C from Brenham Street to 2nd Street on 2nd Thursdays January 11, February 8, March 8, April 12, May 10, June 14, July 12, August 9, September 13, October 11, November 8, December 13 from 5pm to 8pm in support of 'Sip Shop and Stroll' events.

IX. UNFINISHED BUSINESS

None

X. NEW BUSINESS

1. A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BY AND BETWEEN THE CITY AND AQUA WATER SUPPLY CORPORATION IN CONNECTION WITH THE BOUNDARY LINES OF THEIR RESPECTIVE CERTIFICATES OF CONVENIENCE AND NECESSITY FOR THE PROVISION OF WATER SERVICES AND MAKING CERTAIN FINDINGS RELATED THERETO
2. Consideration, discussion and possible action to award an engineering services contract to TRC Engineering for the preparation of the City of Elgin's 2018 TxCDBG Texas Capital Fund (TCF) Application and subsequent contract implementation if application is funded.
3. Consideration, discussion and possible action to award the grant administration services contract to Langford Community Management for the preparation of the City of Elgin's 2018 TxCDBG Texas Capital Fund (TCF) Application and subsequent contract implementation if application is funded.
4. Consider a request from Brohn Homes to waive or reduce fees for Operation Finally Home project.
5. A RESOLUTION OF THE CITY OF ELGIN, TEXAS ADOPTING A WRITTEN INVESTMENT POLICY AND INVESTMENT STRATEGY REGARDING THE INVESTMENTS OF CITY FUNDS
6. Re-Appointment of Council Member Jessica Bega to the Clean Air Coalition as Committee Member representing the City of Elgin.

XI. EXECUTIVE SESSION

The City Council may announce that it will adjourn the public meeting at any time during the meeting and convene in Executive Session pursuant to Chapter 551 of the Texas Government Code to discuss any matter as specifically listed on the agenda and/or as permitted by Chapter 551 of the Texas Government Code.

Recess the Regular Council meeting and call to order Executive Session in a closed session.

None

Adjourn Executive Session and call public back in to Reconvene Regular Council meeting.

RECONVENE

XII. The City Council will return to open session for possible discussion and action as a result of the Executive Session.

XIII. ANNOUNCEMENTS

XIV. ADJOURNMENT

NOTICE

Notice of Assistance at Public Meetings, the City of Elgin is committed to compliance with the Americans with Disabilities Act. Elgin City Hall and Council Chambers are wheelchair accessible and special marked parking is available. Persons with Disabilities who plan to attend this meeting and who may need assistance are requested to contact the City Secretary's Office at (512) 281-5724. Please provide forty-eight hours notice when feasible.

I, Amelia Sanchez, City Secretary for the City of Elgin, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on or before December 29, 2017 in accordance with Chapter 551 of the Texas Government Code.

Amelia Sanchez
Amelia Sanchez, City Secretary

**MINUTES
ELGIN CITY COUNCIL
REGULAR MEETING
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET
TUESDAY, JANUARY 2, 2018**

CALL TO ORDER

ROLL CALL

Present: Chris Cannon, Mayor
Juan Gonzalez, Mayor Pro Tem
Mary Penson, Council Member
Susie Arreaga, Council Member
Jessica Bega, Council Member
Daniel Lopez, Council Member
Phillip Thomas, Council Member
Sue Brashar, Council Member
Neil Beyer, Council Member

Mayor Chris Cannon certified there was a quorum and called the meeting to order at 7:00 p.m.

Staff: Thomas L. Mattis, City Manager
Charles Cunningham, Director of Finance
Patrick South, Police Chief
Owen Rock, Director Economic Development
Michael Gonzalez, Director Parks and Rec.
Doug Prinz, Utilities Director

INVOCATION

Council Member Penson gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Chris Cannon led the Pledge of Allegiance to the United States and Texas Flag

CITY COUNCIL MEETING MINUTES

January 2, 2018 – Page 2

City Annex Council Chambers

PUBLIC COMMENT

Mayor Cannon opened Public Comments.

With no one wishing to speak, Mayor Cannon closed the Public Comment period.

PRESENTATIONS

1. A Proclamation declaring January 15, 2018 as Dr. Martin Luther King, Jr. and Coretta Scott King Day in the City of Elgin.

Mayor Cannon read the Proclamation declaring January 15, 2018 as Dr. Martin Luther King, Jr. and Coretta Scott King Day in the City of Elgin and presented it to Mr. Byron Mitchell who was in attendance. Mr. Mitchell invited everyone to come to Smithville for the march and program at the Smithville Recreation Center.

2. Introduction of new employee - Elgin Police Department, AC Phil Taylor
 - Jacklen Taylor. Telecommunication.

Assistant Chief Phil Taylor introduced Jacklen Taylor, a new employee for the Elgin Police Department.

Owen Rock, Director of Economic Development, introduced Sandra Barrier, a former employee, newly hired as the Executive Administrative Assistant.

CITY MANAGER'S REPORT

1. Monthly Departmental Activity Reports – November

City Manager Thomas Mattis stated that the monthly reports were attached.

2. General Activity Report and Project Report

Mr. Mattis stated that he had asked the Finance Director, Charles Cunningham to give the Council a report on the recreation center and where it stands financially. Mr. Cunningham stated this would be the type of report they will do on a more consistent basis, and that they were on time and on budget with sufficient funds for furniture and fixtures.

Mr. Cunningham also provided a financial summary detailing revenue and expenses to date on the recreation center, and showing the remaining balance for furniture, IT equipment and other shelter furniture.

CITY COUNCIL MEETING MINUTES

January 2, 2018 – Page 3

City Annex Council Chambers

City Manager Thomas Mattis introduced the new Chief of Police, Patrick South.

CONSENT AGENDA

1. Consider waiver of the City's Open Container Ordinance for the Friends of Elgin Parks Spring Music Series

2. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, TO CERTIFY LOCAL FUNDING AND SUPPORT OF THE COUNTY LINE ROAD ENGINEERING PROJECT TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION FOR FUNDING IN THE 2019-2022 PROJECT CALL.

3. City Council Regular Meeting Minutes - December 5, 2017

4. City Council Special Meeting Minutes - December 12, 2017

5. Consider waiver of the City's Open Container Ordinance on Main Street from Lexington Road to Brenham Street; and on Second Street, First Street, Depot Street, Central Avenue, Austin Street, Brenham Street from Main Street to Avenue C; and on Avenue C from Brenham Street to 2nd Street on 2nd Thursdays January 11, February 8, March 8, April 12, May 10, June 14, July 12, August 9, September 13, October 11, November 8, December 13 from 5pm to 8pm in support of 'Sip Shop and Stroll' events.

Council Member Brashar moved to approve the five items on the consent agenda. Council Member Penson seconds the motion. Motion carried unanimously 9-0.

NEW BUSINESS

1. A RESOLUTION OF THE CITY OF ELGIN, TEXAS AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BY AND BETWEEN THE CITY AND AQUA WATER SUPPLY CORPORATION IN CONNECTION WITH THE BOUNDARY LINES OF THEIR RESPECTIVE CERTIFICATES OF CONVENIENCE AND NECESSITY FOR THE PROVISION OF WATER SERVICES AND MAKING CERTAIN FINDINGS RELATED THERETO.

Council Member Penson moved to approve the Resolution as presented. Council Member Brashar seconds the motion. Motion carried unanimously 9-0.

2. Consideration, discussion and possible action to award an engineering services contract to TRC Engineering for the preparation of the City of Elgin's 2018 TxCDBG Texas Capital Fund (TCF) Application and subsequent contract implementation if application is funded.

CITY COUNCIL MEETING MINUTES

January 2, 2018 – Page 4

City Annex Council Chambers

Council Member Thomas moved to award the engineering contract to TRC for engineering services. Council Member Lopez seconds the motion. Motion carried 9-0.

3. Consideration, discussion and possible action to award the grant administration services contract to Langford Community Management for the preparation of the City of Elgin's 2018 TxCDBG Texas Capital Fund (TCF) Application and subsequent contract implementation if application is funded.

Council Member Brashar moved to approve the item as presented. Council Member Penson seconds the motion. Motion carried 9-0.

4. Consider a request from Brohn Homes to waive or reduce fees for Operation Finally Home project.

Council Member Penson moved to waive all fees associated with the Operation Finally Home project. Council Member Arreaga seconds the motion. Motion carried 9-0.

5. A RESOLUTION OF THE CITY OF ELGIN, TEXAS ADOPTING A WRITTEN INVESTMENT POLICY AND INVESTMENT STRATEGY REGARDING THE INVESTMENTS OF CITY FUNDS.

Council Member Beyer moved to adopt a written investment policy and investment strategy regarding investments. Council Member Thomas seconds the motion. Motion carried 9-0.

6. Re-Appointment of Council Member Jessica Bega to the Clean Air Coalition as Committee Member representing the City of Elgin

Council Member Penson moved to re-appoint Council Member Bega to the Clean Air Coalition as Committee Member representing the City of Elgin. Council Member Lopez seconds the motion. Motion carried 9-0.

ANNOUNCEMENTS

Council Member Penson announced a blood drive on January 24th at the Fleming Center from noon to 6 p.m.

ADJOURNMENT

Mayor Cannon adjourned the City Council meeting at 7:45 p.m.

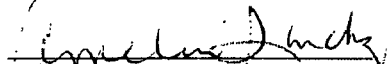
CITY COUNCIL MEETING MINUTES
January 2, 2018 – Page 5
City Annex Council Chambers

APPROVED



Chris Cannon, Mayor

ATTEST:


Amelia Sanchez, City Secretary

Attachment 4

Aqua Water Supply Corporation Meeting Agenda and Minutes

NOTICE OF MEETING

Notice is hereby given that the Aqua Water Supply Corporation Board of Directors will meet for purposes of conducting a regular monthly board meeting in the Corporation Office at 415 Old Austin Highway, Bastrop, Texas at 1:00 P.M. on Monday, December 4, 2017. The Board reserves the right to act on any information items. Items to be presented are as follows:

AGENDA

- 1) Call to Order
- 2) Pledge of Allegiance and Invocation
- 3) The next regular Board of Directors meeting will be held on Monday, January 8, 2018
- 4) Approval of the minutes of the November 6, 2017 board meeting
- 5) Approval of bills paid
- 6) Review of the financial statement
- 7) Board member comments
- 8) Communication from Aqua members, new service applicants, or any individual impacted by Aqua's activities – limit to 3 minutes each
- 9) Discuss and take action on recognizing the feasibility of providing water service to Replat Lot 7, Sendero Estates, Section III. Resolution No. 17.12.01
- 10) Discuss and take action on approving large volume service to The Villas at Synergy Park. Resolution No. 17.12.02
- 11) Discuss and take action on recognizing the feasibility of providing water service to El Dorado Subdivision, Phase 3. Resolution No. 17.12.03
- 12) Discuss and take action on recognizing the feasibility of providing water service to Saratoga Farms Subdivision Section 6. Resolution No. 17.12.04
- 13) Discuss and take action on approving the FY 2018 Operating Budget
- 14) Discuss and take action on Water Service Area Transfer Agreement with the City of Elgin

FILED
NOV 29 2017

Rose Pietsch
Bastrop County Clerk

1:15
pm

15) Staff Reports

- a. General Manager's Report**
- b. Subdivision Development Report**
- c. Engineering Report-Construction Progress**
- d. Government Relations**

16) General Counsel's Report

17) Executive Session under Texas Government Code, Section 551.071, for purposes of legal advice and consultations with Aqua's general counsel on pending and threatened litigation and matters pending at the State Office of Administrative Hearings and the Texas Commission on Environmental Quality and any other matter where the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas require a private consultation with an attorney including, but not limited to:

- a. Water Service Area Transfer Agreement and related issues with City of Elgin**
- b. Permit applications filed by third parties at Lost Pines Groundwater Conservation District to obtain or modify permits to drill one or more wells and/or produce groundwater**
- c. Retail water certificate of convenience and necessity issues associated with the City of Bastrop and Bastrop County and any related matters**
- d. Permitting matters associated with the Plum Creek Conservation District and Gonzales County Underground Water Conservation District**
- e. Any other matter discussed on the agenda**

18) Discuss and take action on any matter discussed in Executive Session under Agenda Item No. 17, including but not limited to requesting a contested case hearing, the above-referenced litigation, and any terms and conditions regarding any agreements related to any of the above matters

19) Executive Session under Texas Government Code, Section 551.072, for purposes of deliberating real property

20) Discuss and take action on any matter discussed in Executive Session under Agenda Item No. 19

21) Executive Session under Texas Government Code, Section 551.074, for purposes of discussing personnel matters

22) Discuss and take action on any matter discussed in Executive Session under Agenda Item No. 21

23) Any other business that may properly come before the board for action

24) Adjourn

Posted

Aqua Water Supply Corporation
Board of Directors Meeting
Monday, December 4, 2017

Present: Mark McArthur, David Glass, J.D. Mican, Bill Tomsu, and Duke Ducharme

Absent: Cliff Kessler, Earl Steinbach, and Craig Williams

Staff: Dave McMurry, Heather Tucker, Christie Nutt, David Fleming, Frank Pacheco, Steve Dunn and James D'Souza

Consultants: Ty Embrey of Lloyd, Gosselink; Joe Morris

Guests: N/A

Secretary/Treasurer Bill Tomsu called the meeting to order at 1:00 p.m.

Mr. Tomsu invited all in attendance to stand and recite the Pledge of Allegiance to the national and the state flags.

Mr. Tomsu delivered the Invocation.

Mr. Tomsu announced the next regularly scheduled board meeting would be held on Monday, January 8, 2018 at 1:00 p.m.

J.D. Mican made a motion to approve the minutes of the November 6, 2017 board meeting. David Glass seconded the motion, and the motion carried.

Duke Ducharme made a motion to appoint J.D. Mican designee to sign documents from today's meeting due to Mr. Kessler and Mr. Steinbach both being absent. Mark McArthur seconded the motion, and the motion carried.

The board reviewed the bills as paid. Staff responded to questions asked by J.D. Mican. J.D. Mican made a motion to approve the bills as paid. Mark McArthur seconded the motion, and the motion carried.

The board reviewed the financial statement; staff responded to questions by the board.

The board members thanked Aqua's staff for the Rtic cups monogrammed with Aqua's logo.

There was no member communication. Mr. Tomsu did want to let the board know that he had been in contact with Sabrina Jennings from Corridor Interfaith Alliance to update her on progress with the Stony Point Wastewater project. While there are still no definitive answers, things are being done to try to remedy the issue but it may take some time.

David Fleming provided a briefing and discussion on recognizing the feasibility of providing water service to Replat Lot 7, Sendero Estates, Section III. Resolution No. 17.12.01. Duke Ducharme made a motion to pass a resolution recognizing the feasibility of providing water service to Replat Lot 7, Sendero Estates, Section III. Resolution No. 17.12.01. David Glass seconded the motion, and the motion carried.

David Fleming provided a briefing and discussion on approving large volume service to The Villas at Synergy Park. Resolution No. 17.12.02. Duke Ducharme made a motion to pass a resolution approving large volume service to The Villas at Synergy Park. Resolution No. 17.12.02. Mark McArthur seconded the motion, and the motion carried.

David Fleming provided a briefing and discussion on recognizing the feasibility of providing water service to El Dorado Subdivision, Phase 3. Resolution No. 17.12.03. J.D. Mican made a motion to pass a resolution recognizing the feasibility of providing water service to El Dorado Subdivision, Phase 3. Resolution No. 17.12.03. David Glass seconded the motion, and the motion carried.

David Fleming provided a briefing and discussion on recognizing the feasibility of providing water service to Saratoga Farms Subdivision Section 6. Resolution No. 17.12.04. David Glass made a motion to pass a resolution recognizing the feasibility of providing water service to Saratoga Farms Subdivision Section 6. Resolution No. 17.12.04. Mark McArthur seconded the motion, and the motion carried.

J.D. Mican made a motion to approve the FY 2018 Operating Budget as it had been presented at the previous board meeting and discussed during the board workshop on November 15th. Mr. Mican stated that all his questions had been answered to his satisfaction by Dave and Christie at the budget workshop. Mark McArthur seconded the motion, and the motion carried. Mr. Tomsu reported to the board that he had talked to Earl Steinbach and Cliff Kessler, and they were both in favor of approving the budget as presented as well.

Dave McMurry provided a briefing and discussion on approving Water Service Area Transfer Agreement with the City of Elgin. Mr. McMurry answered questions from the board. It was stated that Mr. Mattis, Elgin's City Manager, is in agreement but doesn't plan to present the agreement to the Elgin City Council until next year, and therefore may have minor changes. Ty Embrey, Aqua's Legal Counsel, pointed out to the board that this agreement is unique in that the City of Elgin owns this land and not a developer. This alleviates the pressure of setting precedent with this agreement. J.D. Mican made a motion to approve Water Service Area Transfer Agreement with the City of Elgin in substantially the same form as presented to the board. David Glass seconded the motion, and the motion carried.

Dave McMurry reviewed the General Manager's Report. Under the financial overview, revenues for the month were above budget, and net revenue is still considerably above for the year. Under the management overview, Mr. McMurry stated that Aqua is still working with the City of Bastrop on a Wholesale Water agreement. Lynda Humble, City of Bastrop City Manager, says they are still wanting to move forward with this agreement. Christie Nutt has begun working on the 2017 audit. Performance metrics are all doing really well still. Mr. McMurry then stood for questions from the board.

David Glass recognized that Aqua has now reached 20,000 connections. He congratulated the staff on this accomplishment.

David Fleming gave a briefing on his Subdivision Development report. Fleming then stood for questions from the board.

David Fleming gave a briefing on his Engineering and Construction Report and then stood for questions from the board.

Mr. Tomsu adjourned Regular Session at 2:07 p.m. for a short break. Mr. Tomsu reconvened Regular Session at 2:22 p.m.

Joe Morris gave his Government Relations overview. He met with staff of Representative John Cyrier to provide them an update on Stony Point and staff of Senator Kirk Watson to provide background on Stony Point. Mr. Morris has been in communication with Lara Zent of Texas Rural Water Association and staff of Chairman Larson regarding the House Natural Resources Committee charge on SB 573. Mr. Morris has offered TRWA Aqua's full cooperation to address the charge.

Ty Embrey reported no new developments under the General Counsel's report; however, he wanted to remind the board of the board candidacy timeline and procedures.

There was not an Executive Session under Texas Government Code, Section 551.071, for purposes of legal advice and consultations with Aqua's general counsel on pending and threatened litigation and matters pending at the state Office of Administrative Hearing and the TCEQ.


There was not an Executive Session under Texas Government Code, Section 551.072, for purposes of deliberating real property.


Mr. Tomsu adjourned Regular Session at 2:35 p.m. and immediately convened an Executive Session under Texas Government Code, Section 551.074, for purposes of discussing personnel matters.

Mr. Tomsu adjourned Executive Session at 2:48 p.m. He reconvened Regular Session at 2:48 p.m. He stated no action was taken and no decisions had been made while in Executive Session.

There being no further business, David Glass made a motion to adjourn the meeting. Mark McArthur seconded the motion, and the motion carried. The meeting adjourned at 2:48 p.m.

Approved: January 8, 2018


William F. Tomsu, Secretary Treasure


Earl Steinbach, Vice-President

