

**NORTHTOWN MUNICIPAL UTILITY DISTRICT  
MINUTES OF BOARD OF DIRECTORS' MEETING**

February 13, 2013

THE STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS           §

A special meeting of the Board of Directors of Northtown Municipal Utility District was held on February 13, 2013, at the Wells Branch Tech Center, 1421 Wells Branch Parkway, Suite 106, Pflugerville, Texas. The meeting was open to the public and notice was given as required by the Texas Open Meetings Act. A copy of the Certificate of Posting of the notice is attached as **Exhibit "A"**.

The roll was called of the members of the Board:

Robin Campbell	-	President
Brenda Richter	-	Vice President
Scott M. Gray	-	Treasurer
Alex Martinez	-	Secretary
Felix T. Amaro, Jr.	-	Assistant Secretary

All of the Directors were present, thus constituting a quorum. Also present at the meeting were Mona Oliver, the District's on-site manager and covenant administrator; Lee Hill, a resident of the District; Scott Foster of 360 Professional Services, Inc.; Jim Nias, representing Village@Northtown, Ltd.; and Sue Brooks Littlefield of Armbrust & Brown, PLLC.

Director Campbell called the meeting to order at 5:45 p.m. and stated that the Board would first receive resident communications and Board member announcements. Mr. Hill thanked the Board for having a meeting to review the land use plan. Director Campbell then announced that Mr. Fadal had informed him that TexaScapes' website had been hacked into and also "blacklisted" by Google. He explained that Mr. Fadal had called him to ask if he knew of anyone who could assist him in addressing the issues, but that he knew of no one he could recommend for this task. Director Campbell inquired if the other Board members would have any concerns if he assisted Mr. Fadal in repairing the website, noting that he had discussed the matter with Ms. Littlefield who had advised him that, under certain parameters, this would not create a conflict, but that he intended to abstain from voting on matters related to TexaScapes if he did this work. The other Board members concurred that if Ms. Littlefield did not see a problem, they would not have a concern if Director Campbell assisted Mr. Fadal with the repair of his website while also abstaining from voting on TexaScapes-related matters.

Director Campbell then recognized Mr. Nias for purposes of discussing the proposed amendment to the Village@Northtown land plan. Mr. Nias distributed the land plan attached as **Exhibit "B"** and stated that the areas outlined in pink were the areas to which they proposed to move the 7.8 acres of relocated retail. He stated that it would increase the size of one retail corner from 3.3 acres to approximately 9.6 acres. He acknowledged the Board's concern about the retail site north of Wells Branch

Parkway due to multiple driveways, but stated that they were now proposing to just have one joint driveway with the multi-family site. He stated that the driveway was across from a median break on Wells Branch Parkway. Mr. Nias stated that there had also been discussion with the Subcommittee about providing for foot traffic from one park area to a future greenbelt area across the multifamily site. He proposed putting this pathway on the northern boundary of the property, which would allow the entire apartment tract to be enclosed by a fence. Director Gray expressed concern about foot traffic from the neighboring mobile home community into the park, noting that this was already a problem with the community at the front of the District. Mr. Hill agreed, noting that he lived in Settler's Meadow and didn't feel this second access was desirable. Director Campbell noted that this park was somewhat isolated and that it would be nice to be able to access it from the District's trail system. Director Gray asked why the retail couldn't be consolidated away from the neighborhood and park. The Board discussed the future park adjacent to Settler's Meadow and Mr. Hill pointed out that Lantern in Settler's Meadow had direct access to the future park. Director Gray asked how the retail would look if it was adjacent to the park. Mr. Nias pointed out that there were compatibility standards in the original covenants applicable to the Village@Northtown development. Director Gray and Mr. Hill suggested keeping the two park areas separate and providing trail access only. Director Richter suggested maintaining the option to require an easement. Director Gray suggested requiring ten joint use parking spaces adjacent to the greenbelt off John Henry Faulk in or behind the retail pad that allowed for parking by park patrons as well as access and parking for the landscape maintenance crews.

Director Campbell then recognized Mr. Foster who explained that, as he had raised at the last meeting, there was a capacity issue posed by this amendment based on the Tenth Amendment to the land use plan. Mr. Foster pointed out that this change would increase the LUES served by the East Lift Station and, although it was only 17 LUES, the committed flows into the lift station were already over the design capacity. He stated that some of the flow information was theoretical at this time. At this time, Director Amaro left the meeting. Mr. Nias pointed out that the Board's approval did not constitute a commitment of service under the terms of the District's standard resolution. Director Richter stated that it needed to be made clear that there was a potential constriction of service at the East Lift Station. Mr. Foster stated that the fact that John Henry Faulk could be extended with this project would be an advantage potentially outweighing the potential increase of 8 gallons per minute into the lift station. The Board then reraised the issue of the access at the rear boundary of the property. Director Martinez stated that he felt strongly that this should be required. Ms. Littlefield stated that any access would need to be wide enough to allow maintenance crews to access it. Director Martinez stated that the traffic on Wells Branch was a significant concern. Director Gray stated that he didn't think it was worth doing for a ten-foot easement. Director Richter stated that she agreed with the request from the perspective of connectivity. Director Campbell summarized that the Board appeared to be ready to support the change in the land plan if both a 20-foot access easement and the joint use parking previously discussed were provided. After discussion, Director Richter moved that the Board approve the Resolution Authorizing Change in Land Use Plan, Contingent Upon Consent of the City of Austin, attached as **Exhibit "C"**, contingent upon the developer providing ten joint-use parking spaces available for park patrons and for access and parking by the District's maintenance crews and an option

for the District to obtain a 20-foot easement adjacent to the property boundary to provide access and maintenance access to the park as previously discussed. Upon second by Director Martinez, the motion was adopted with Directors Campbell, Richter, Gray and Martinez voting “aye” and Director Amaro absent and not voting. The Board agreed that the ten parking spaces should be documented through a restrictive covenant.

There being no further business to come before the Board, the meeting was adjourned at 7:08 p.m.

Date: \_\_\_\_\_.

(SEAL)

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Alex Martinez, Secretary  
Board of Directors