

Amberwood Neighborhood Meeting Minutes

November 17, 2010 (Wednesday)
Chapa Middle School, 6:30 PM – 8:00 PM

Minutes of the Meeting

Attendees: Amberwood Residents (about 30)

Amberwood HOA Board Members-(Tom Witt, Ray Bryant and Diane Hervol)

Guest Speakers: James Earp (Interim City Manager of Kyle), James Havis (Monarch's Blue Ribbon Committee)

Introduction:

President Ray Bryant called the meeting to order just shortly after 6:30PM.

- **Refreshment Committee**

- We have switched to a “light snack” format. Chipotle donate chicken and steak wraps.
- If you would like to assist with the snacks please contact Scotty Montgomery at smontgomery@chipolte.com or (512) 698-7604 or Ray Bryant at rbryant13@austin.rr.com (512) 484-8983.

- **217 Bridge Update**

- James Earp- The north side of the bridge turn-around lane has been built. After Thanksgiving but before Christmas through traffic will move and the old bridge will be torn down and replaced. Then the south-side turnaround will be finalized by this time next year. The access roads will probably be opened up with temporary striping before they put down the final topping of asphalt. Once they finish that project, the plan is for them to go to the south side of 1626/Kyle Parkway and rebuild the access road to come up on the correct side of CVS. They will also be working on the FM150 extension. Currently Center street dead-ends at Dairy Queen. That road will continue past DQ and connect with the other FM150. When that is done the access roads will be one way from here to San Marcos. All this work, with the exception of Yarrington, will be re-built.
- James Earp- Dacy Lane has an 18-month time-frame. There will be a new bridge . The sharp turns will be removed. The survey stakes are currently in place. That project is 30% under estimates. Suggestion is made we

should petition Commissioner's Court to get the 30% back to use on something else.

- Traffic lights are planned. TXDot needs to verify the volume of traffic is sufficient before they will put in traffic lights. They will typically put up stop signs first.

- **Questions from the Audience:**
 - Question: about how far north will construction go on Dacy lane?
Answer: The 1st phase will stop by Bebee road. 2nd phase from Bebee to Windy Hill. The intent is to eventually connect up with the truck bypass.
 - Question : Will there be a connection to get to 967.
Answer: Unknown at this time. Presumed no.
 - Question: Will the access road near CVS go beyond center street?
Answer: Yes.
 - Question: Is the Old Highway 80 road on the corner of 4 –way stop and CVS going to be rebuilt?
Answer: It used to be the Austin-San Antonio Highway is a historic stretch of road. Some citizens may be offended if this road is rebuilt.
 - Question: Will the road where Kyle Parkway dead-ends into Dacy Lane be extended?
Answer: Due to the private property owned by private owners, there will be an interchange but it will not go through.

- James Earp: Monarch Water. The discoloration of the water could be a pH level which could cause red (iron lines) or black (calcite deposits) color. The city can control how much Monarch charges to a certain extent. We can appeal their rates. They can take it to Texas Commission of Environmental Quality (TCEQ). The issue is that all the options are very minimum. Either we buy them out and invest money to improve, we get them to spend money to improve the system or the city takes over the system and has to buy out their future revenue rights. Either way, requires large sums of money. For example the rate case from 2 years ago; they had to provide us a good-faith cost estimate. The number given for the value of Monarch in our area was \$16 million. That is a large sum of money for a small area like Kyle. We need strong political support and a way to pay for it. Even if we take over the system we will have to pay for it. Another suggestion was that we partner with GoForth Water Company and split up the parts and do a inter-connect with city water, most of the problems of water quality should go away. The trick is getting the 3 entities to agree on that.
 - Concern: the rate increases could drastically impact our neighborhood and Indian paintbrush. Most of us do not have an extra hundred dollars to give to the water company. We could potentially turn this into a ghost town because nobody can afford

the water. People will just give up and walk away. Every 2 years we could potentially get an increase.

- Suggestion: we get a bigger group to go down to Austin and let them know our concerns.
- Question: if we knew 2 years ago it would cost 16 million, what have we been doing for 2 years?
Answer: It's a political decision. There really hasn't been much activity on that front because of the cost. The Mayor, Rep Rose, TCEQ, Ray Bryant and James Havis and James Earp met at the capitol to discuss it just this past Monday (11/15/10). TCEQ came very open to conversations and told them what options they had. We could request CCN decertified and have system condemned. But at this point we are currently waiting for the City Council to make a decision on what they will do.
- Comment: not just the neighborhood's effect. It's the whole economics of the area. We are losing revenue from the property near Home Depot because Monarch can't provide water. So our economic development is stalled because Monarch can't provide fire-protection or water quality at a reasonable cost. We have already lost one major employer and several other ideas
- Question: What is Russ Huebner (our City Councilman who represents our district) doing.
Answer: uncertain.
- Question: our current agreement with the last rate case expires in January 2011. So the City council is going to do what in January? So the rates will probably go up.
Answer: This is currently being discussed with the City Council and City Attorneys. Also when a date for discussion at City Council is determined, as many Amberwood residents as possible need to show up and express their dissatisfaction about Monarch.
- Question: Do you foresee in the talk with Rose, is there still a pending bill that's also going to address private water concerns?
Answer from Earp: We have a very high-quality water attorney reviewing all options.
- Question: Why does our 217 exit say "Buda" instead of "Kyle"?
Answer from Earp: There's actually a historical reason. The governor did it when Buda got Cabella's. 967 would say Buda. We have tried to get that sign changed. Maybe now we can get it changed.
- Question to James Earp: Now that Kyle has chosen a City Manager (Lanny Lambert) will you remain with the City? (James also was a candidate for City Manager).
Answer from Earp: The new City Manager called me and asked that I remain with the City so that is my plan right now.

- Ray Bryant: We are asking those again that can help with refreshments. Any thing you can bring (chips, drinks, side dishes, entrees, etc.). We need them just once a month on the third Wednesday of each month. Please check with Ray or Scotty to see what's needed. We also need help with new members for the refreshment committee.
- There are a lot of new people in Amberwood so we need some people for the Welcoming Committee (one person volunteered after the meeting).
- Committees update. We might have a new recruit to lead the Social Committee.
- TSD & the recycling program. Need everybody at the council meeting on the night they discuss the recycling program going city-wide. Ray will email you the date when it is confirmed.
- Bella Paloma- Ray talked with Jeff Lindsey (representative in charge of project). Planned upscale apartments. They will be starting construction next month, December 2010 if approved through City Council. 70-80% of apartments are expected to be one bedroom apartments.
 - Question: landscaping easement will overlap with ours so that needs to be discussed.
 - Most people want to talk to Bella Paloma. Email your potential questions to Ray. Concerns about the entrance to Bella Paloma and the bus routes. The final plating may not have gone before the city. Are the apartments single or multiple bedrooms? The clubhouse will be available for Amberwood?
- James Havis:
 - Last Friday was the blue-ribbon panel meeting. Actually had discussions about legislation. Southwest Water vehicles will have GPS installed. This is important because one of their employees had been not reading the meters correctly and had been fabricating the numbers.
 - RFID on every meter. The meter will send a signal to the truck so the number should be accurate. But if the system flags higher/low numbers, they will be physically re-read. This will start in December 2010. These have automatic leak detection.
 - New software in January 2011 will be totally update by August, which will streamline their business practices.
 - Water quality is still bad. It does no good to call and complain to Monarch. We need to contact TCEQ. Write, call, e-mail. The more we complain, the more evidence we will have on record. It will be difficult for the city to de-certify Monarch because we have no registered official complaints. Everything from billing issues, bad water, rude people on the phone anything. We will update this information on the website. We will be getting a copy of the format James uses with the emails.
 - Legislation updates. Legislations that would cause the utility Monarch to submit for the next 3 years cost estimates. Then during the next 9 months we could go to TCEQ & the PUC and complain.

TCEQ doesn't care about rates. Then they would be audited on quarterly basis to justify the rate increase. They would have to prove that they really needed it. TAMER (Texans Against Monopolies Excessive Rates) are suing Monarch. And we might want to be involved with them. We also want the compliance schedule adjusted. They are currently being given short time to remedy issues that are actually not that important to us.

- Our rate case ends Dec 31st. They can file a new Rate case January 1st. We have a gentleman's' agreement to discuss it on January 28th. In a certain county in Texas the utility rates are going up by 300% stretched out over 5 years because there's only 120 houses there. Most of the improvements Monarch has done are in the northern part of the state so we shouldn't have to pay for them.
 - What about the fire hydrants? They are painted black because of liability issues. But the pressure to push the water comes from the fire trucks so this shouldn't be an issue. The blue is a reflective strip.
 - In the last election Patrick Rose lost. Our new State Representative is Jason Issac. He is not aware of our Monarch issues. We just need to bring him up to speed. We will invite him to our HOA meeting.
 - Question: explain the time line from when they file a rate increase and we get to respond?
Answer: We get 60 days plus another 21 days that the city can appeal. Less than 90 days. Send TCEQ a letter saying you oppose the rate increase.
- There will be a special scheduled meeting specifically JUST to discuss Monarch soon.
 - Next Amberwood Neighborhood Meeting is scheduled for January 19' 2011 at 6:30pm at Chapa Middle School.
 - The Amberwood Prize drawing was won by Francis Witt . Chinese dinner for two at Koy's Chinese Restaurant.