

THE RANCH  
at  
CYPRESS CREEK  
Municipal Utility District #1

March 19, 2020

VIA FEDERAL EXPRESS

Texas Commission on Environmental Quality  
Stormwater Team Leader (MC-148)  
P.O. Box 13087  
Austin, Texas 78711-3087

Re: Phase II MS4 Annual Report Transmittal for the Ranch at Cypress Creek Municipal  
Utility District No. 1TPDES Authorization: TXR040365

Dear Team Leader:

This letter serves to transmit the required annual report for the Texas Pollutant Discharge Elimination System Small Municipal Separate Storm Sewer System General Permit, Authorization Number TXR040365 for the Ranch at Cypress Creek Municipal Utility District No. 1.

The annual report is for Year 1 (2019), the reporting period beginning January 1, 2019 and ending December 31, 2019.

A separate Notice of Change has not been submitted based on the fact that changes have not been proposed for the next permit year.

As required by the general permit, a copy of the report has been mailed to the TCEQ's regional office for Region 11 in Austin, Texas.

Sincerely,

Suzanne McCalla  
Paralegal

CSM/csm  
Enclosures

Cc: David Van Soest Region 11 Regional Director  
MC R11  
PO Box 13087  
Austin, TX 78711-3087

**Phase II (Small) MS4 Annual Report**  
**Phase II (Small) MS4 Annual Report Form**

**TPDES General Permit Number TXR040000**

**A. General Information**

Authorization Number: TXR040365

Reporting Year (year will be either 1, 2, 3, 4, or 5): 1

Annual Reporting Year Option Selected by MS4:

Calendar Year: X

Permit Year: \_\_\_\_\_

Fiscal Year: \_\_\_\_\_ Last day of fiscal year: (\_\_\_\_\_)

Reporting period beginning date: (month/date/year) 01/01/2019

Reporting period end date: (month/date/year) 12/31/2019

MS4 Operator Level: Level 2 Phase II Name of MS4: Ranch at Cypress Creek MUD 1

Contact Name: Suzanne McCalla Telephone Number: 512-495-6139

Mailing Address: 600 Congress Ave., Ste., 2100, Austin, Texas 78701

E-mail Address: smccalla@mcginnislaw.com

A copy of the annual report was submitted to the TCEQ Region: YES X NO \_\_\_\_\_

Region the annual report was submitted to: TCEQ Region 11

**B. Status of Compliance with the MS4 GP and SWMP**

1. Provide information on the status of complying with permit conditions:  
(TXR040000 Part IV.B.2)

	Yes	No	Explain
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Permittee is currently in compliance with the SWMP as submitted to and approved by the TCEQ.	X		
Permittee is currently in compliance with recordkeeping and reporting requirements.	X		
Permittee meets the eligibility requirements of the permit (e.g., TMDL requirements, Edwards Aquifer limitations, compliance history, etc.).	X		
Permittee conducted an annual review of its SWMP in conjunction with preparation of the annual report	X		

2. Provide a general assessment of the appropriateness of the selected BMPs. You may use the table below to meet this requirement (**see Example 1 in instructions**):

MCM(s)	BMP	BMP is appropriate for reducing the discharge of pollutants in stormwater (Answer Yes or No and explain)
1	Conduct Stormwater Committee (" <b>SC</b> ") meetings in accordance with the identified schedule and request public participation	Yes. The SC met via conference call and addressed any stormwater concerns and issues that arose throughout the year via electronic mail or in discussion in regular Board meetings where stormwater management was included as a standing item on the agenda. The District reviewed the Year 1 outstanding items at a SC meeting. A notice was posted on the stormwater page of the District's website inviting residents of the District to participate and/or become members of the SC. Holding these meetings ensures that stormwater pollution prevention topics are discussed and followed up on in the District. A copy of the SC agenda ( <b>Exhibit "A"</b> ) and minutes of the meeting ( <b>Exhibit "B"</b> ) are attached.

1	Public Education and Outreach	Yes. The SC reviewed existing brochures to determine if additional subjects should be included. The SC conducted a presentation to all Board members and Consultants, including members of the public regarding the requirement of the stormwater program, including defining stormwater runoff and identifying pollutants. <b>See Exhibit “C.”</b> Educational brochures were offered to all persons in attendance. Providing educational presentations and brochures contributes to public education and outreach efforts to reduce stormwater pollution.
1	Website	Yes. The SC reviewed the stormwater quality information included on the District’s website to determine if updates were needed. The approved SWMP was posted on website, as required. The District’s stormwater page on the website was updated with new brochures and lists opportunities for the public to participate in stormwater activities. Providing updates to stormwater information on the District’s website ensures that the public continues to be made aware of new methods to reduce stormwater pollution.
1	Outreach Program – Factsheet	Yes. A stormwater fact sheet has been prepared ensuring that members of the public always have access to updated stormwater pollution information.
1	Community Clean up	Yes, Hazardous waste collection events have been included on the District’s website. This ensures that residents have adequate information to allow for proper disposal of hazard wastes materials that may otherwise end up as stormwater pollution.
1	Stormwater Drain Labeling	Yes. All stormwater drain inlets were identified and inspected (and replaced or repaired as needed). Maintenance of the drain markers ensures that this public education tool is consistently utilized to prevent dumping of illicit materials into the stormwater system. Opportunities to participate were provided to members of the public. Reports on the progress of stormwater labels replacements were provided during regular District meetings. <b>See Exhibit “D.”</b>
2	Program to detect and eliminate illicit discharges	Yes. The District has implemented a system on the District’s website to publicize and facilitate public reporting of illicit discharges or water quality impacts associated with the District’s MS4 System. This ensures that any illicit discharges are able to be directly reported to the District, thus allowing the Board to quickly respond to any issues.
2	Storm Sewer Map	Yes. The SC has reviewed and updated the map of the MS4 system to ensure compliance with the District’s SWMP and MS4 Permit. Keeping the map up-to-date and in compliance ensures that the District is able to comply with all aspects of its SWMP.

2	Outfall Screening	Yes. The District's landscaping contractor visually inspects the outfalls within the District on each visit, and 100% of the outfalls were screened during the year to ensure that pollutants were not introduced to the stormwater system. <b>See Exhibit "E."</b> The SC also inspects the outfalls and submits outfall screening reports, including location, dimension, presence of silt, soil or trash in and around the outfall as well as dry weather flow. <b>See Exhibit "F."</b>
3	Public Information	Yes. The SC reviewed the topics in its educational materials to determine if additional information was needed regarding construction projects within the District. This ensures that the public is kept up-to-date on what constitutes construction site stormwater runoff. <b>See Exhibit "B."</b>
3	Construction Site Runoff	Yes, The SC reviewed the requirements for contractors to ensure that they meet TCEQ TPDES Construction General Permit requirements. <b>See Exhibit "B."</b>
4	Evaluate current non-structural BMPs and current BMP inspection program	Yes. The Stormwater Committee reviewed the current non-structural BMPs and current BMP inspection program to determine if changes were needed. The Committee determined that the District's stormwater facilities would be inspected twice yearly and a report provided to documents the presence of any hazardous materials.
5	Work to adopt legislation to allow the District to maintain roads within its boundaries at a higher level.	Yes. The District was able to pass legislation providing the District with the ability to maintain roads within the boundaries of the District. The District plans to maintain the roads to a higher level in order to reduce chip rock aggregate from entering the District's stormwater system. <b>See Exhibit "G."</b>
5	Develop written procedures for inspecting and maintaining structural controls.	Yes. Written procedures for inspecting and maintaining structural controls have been drafted. <b>See Exhibit "H."</b>
5	Identify persons responsible for implementation of the program	Yes. The SC is the entity within the District responsible for implementing the SWMP.
5	Identify potential hazardous materials, including develop and maintain inventory of stormwater facilities	Yes. The SC has met and identified potential hazardous materials. No new stormwater facilities or controls have been added, and the existing facilities are performing appropriately.

5	Identify existing and implement new methods to reduce stormwater pollution. Evaluate existing and introduce new pollution controls	Yes. The SC met and discussed the District's current stormwater pollution methods and controls. The SC determined that the current methods in place were working effectively and that no new controls needed to be implemented at this time. The SC agreed to continue to monitor this BMP and to update as necessary.
5	Utilize organic pesticides and herbicides to the fullest extent possible	Yes. The District's prioritizes the use of organic, natural, and organic based fertilizers and pest control where reasonably applicable pursuant to its landscaping contract to minimize discharge of pesticides into the stormwater system. <b>See Exhibit "E."</b>
5	Contract with street sweepers to remove residual road materials such as chip rock, including oils, from the District's roadways.	Yes. The District contracted with street sweepers during the past year to remove residual road materials such as chip rock, including oils, from the District's roadways to prevent the aggregate from entering the District's stormwater system.

3. Describe progress towards achieving the goal of reducing the discharge of pollutants to the MEP. If no progress was made or the BMP did not result in a reduction in pollutants, provide an explanation. Use the table below to meet this requirement (**see Example 2 in instructions**):

MCM	BMP	Information Used	Quantity	Units	Does the BMP Demonstrate a Direct Reduction in Pollutants? (Answer Yes or No and explain)
1	Conduct SC meetings in accordance with the identified schedule and request public participation	Committee Meetings	2 (plus numerous outside communications by email and discussions and presentations at Board meetings)	Meetings Held	No. but holding meetings and continuing an ongoing dialogue about stormwater issues in the District through email correspondence and discussions and presentations at Board meetings ensures that any items of concern regarding pollution prevention can be readily addressed.

1	Public Education and Outreach	Brochures  Stormwater Presentation	50 Brochures made available at Board meeting  Stormwater PowerPoint Presentation provided	Brochures  Presentation	No. However educating the public on how stormwater pollution, including its causes, effects, and ways persons contribute to stormwater pollution will help reduce stormwater pollution.
1	Website	Reviewed and updated stormwater information on website.	Reviewed monthly and updated as needed	Reviews	No. The District completely revamped its stormwater website page to make the information more “user friendly.” Providing this information helps to educate people about stormwater issues, thus reducing the likelihood that they will contribute to stormwater pollution. Updates on the website include the ability to directly report illicit discharges or any other stormwater system issues to members of the SC, thus allowing the District to address issues faster and more effectively.
1	Outreach Program	Factsheet	1	Factsheet	No. However, a stormwater fact sheet ensures that members of the public always have access to updated stormwater pollution information.
1	Community Clean up	Hazardous Waste Cleanup Events	Offered by the City of Cedar Park one time a year	Link to this event on the District's website	Yes, Hazardous waste collection events have been included on the District's website. This ensures that residents have adequate information to allow for proper disposal of hazard wastes materials that may otherwise end up as stormwater pollution.

1	Stormwater Drain Labeling	Annual Report	27 missing stormwater labels were replaced	Replaced stormwater labels	No. But replacing these labels ensures that a consistent message regarding pollution prevention continues to be conveyed to residents.
2	Program to detect and eliminate illicit discharges	Website Contact	N/A	Link to SC to directly report illicit discharges	No. The District has implemented a system on the District's website to publicize and facilitate public reporting of illicit discharges or water quality impacts associated with the District's MS4 System. This ensures that any illicit discharges are able to be directly reported to the District, thus allowing the Board to quickly respond to any issues.
2	Storm Sewer Map	Map showing the location of all the District's facilities	1	Map	No. However, keeping the map up-to-date and in compliance ensures that the District is able to comply with all aspects of its SWMP.
2	Outfall Screening	Annual Report	100%	Percentage of outfalls screened	Yes. The District's landscaping contractor visually inspects the outfalls within the District on each visit, and 100% of the outfalls were screened during the year to ensure that pollutants were not introduced to the stormwater system. See <b>Exhibit "E."</b> The Stormwater Committee also inspects the outfalls and submits an outfall screening report, including location, dimension, presence of silt, soil or trash in and around the outfall as well as dry weather flow. See <b>Exhibit "F."</b> This reduces the amount of pollutants that will enter the system.



3	Review and Assess topics in educational materials to determine if additional information is needed	Review brochures and information located on website to determine if construction information needed	All brochures and website items reviewed	Reviews	No. But continual oversight by the SC ensures that the public is kept up-to-date on what constitutes construction site stormwater runoff.
3	Construction Site Runoff	Review requirements for contractors	Requirements are reviewed during all SC meetings	Reviews	No. The SC reviewed the requirements for contractors to ensure that they meet TCEQ TPDES Construction General Permit requirements.
4	4.B.2 Evaluate current non-structural BMPs and current BMP inspection program	Non-structural and structural facilities are inspected .	2	Inspections	Yes. The District's non-structural and structural BMPs are reviewed during the SC meetings and the appropriate facilities are inspected at least twice yearly to detect the presence of any hazardous materials. By inspecting and removing any pollutants found, the District reduces the amount of pollutants entering the stormwater system.
5	Adopt legislation to allow the District to maintain roads within its boundaries at a higher level.	House Bill 4671 (86 <sup>th</sup> Texas Legislative Session)	1	Law	Yes. The District was able to pass legislation providing the District with the ability to maintain roads within the boundaries of the District. Maintaining the roads to a higher level will reduce chip rock aggregate, including oils, from entering the District's stormwater system. See <b>Exhibit "F."</b>

5	Develop written procedures for inspecting and maintaining structural controls.	Written procedures drafted	1	Reviews	No. But drafting procedures for inspecting and maintaining structural controls allows the District to more effectively monitor its facilities to determine where changes should be made. See <b>Exhibit “H.”</b>
5	Identify persons responsible for implementation of the program	Identified Persons	2	Persons	No. However determining the persons responsible for implementing the goals of the SWMP ensures that stormwater pollution issues will be more effectively addressed.
5	Identify potential hazardous materials used in operation, including develop and maintain inventory of stormwater facilities	Evaluation of hazardous materials, including review of inventory of stormwater facilities.	1	Evaluation performed	No. However identifying potential hazardous materials ensures that the District can plan appropriately to handle the materials if detected.
5	Identify existing and implement new methods to reduce stormwater pollution. Evaluate existing and introduce new pollution controls	Evaluation of existing methods to reduce stormwater pollution and consider new pollution controls.	1	Evaluation	No. The SC met and discussed the District’s current stormwater pollution methods and controls. The SC determined that the current methods in place were working effectively and that no new controls needed to be implemented at this time. Continuing to monitor this BMP and to update as necessary ensures that new stormwater pollution issues will be addressed effectively.

5	Utilize organic pesticides and herbicides to the fullest extent possible	Evaluation of pesticides and herbicides	1`	Evaluation performed	Yes. The District's prioritized the use of organic, natural, and organic based fertilizers and pest control where reasonably applicable, pursuant to its landscaping contract, minimizes discharge of pesticides into the stormwater system. <b>See Exhibit "E."</b>
5	Contract with street sweepers to remove residual road materials such as chip rock, including oils, from the District's roadways.	Evaluate need to sweep roads within the District	1`	Evaluation	Yes. The District contracted with street sweepers during the past year. This allowed the District to remove residual road materials such as chip rock, including oils, from the District's roadways thus preventing the aggregate from entering the District's stormwater system.

4. Provide the measurable goals for each of the MCMs, and an evaluation of the success of the implementation of the measurable goals (**see Example 3 in instructions**):

MCM(s)	Measurable Goal(s)	<p><b>Explain progress toward goal or how goal was achieved.</b></p> <p><b>If goal was not accomplished, please explain.</b></p>
1	Conduct SC meetings in accordance with the identified schedule and request public participation	Goal met. The SC met via conference call and addressed any stormwater concerns and issues that arose throughout the year via electronic mail or in discussion in regular Board meetings where stormwater management was included as a standing item on the agenda.
1	Public Education and Outreach	Goal met. The SC reviewed existing brochures to determine if additional subjects should be included as well as conducted presentation to all Board members and Consultants, including members of the public regarding the requirement of the stormwater program, including defining stormwater runoff and identifying pollutants.

1	Website	Goal Met. The SC reviewed the stormwater quality information included on the District's website to determine if updates were needed. The approved SWMP was posted on website, as required. The website was updated with new brochures, and listed opportunities for the public to participate in stormwater activities.
1	Outreach Program	Goal Met. A stormwater fact sheet has been prepared.
1	Community Clean up	Goal Met. Hazardous waste collection events have been included on the District's website.
1	Stormwater Drain Labeling	Goal met. All stormwater drain inlets were identified and inspected and repaired or replaced as needed.
2	Program to detect and eliminate illicit discharges	Goal Met. The District has implemented a system on the District's website to publicize and facilitate public reporting of illicit discharges or water quality impacts associated with the District's MS4 System.
2	Storm Sewer Map	Goal Met. The SC has reviewed and updated the map of the MS4 system to ensure compliance with the District's SWMP and MS4 Permit.
2	Outfall Screening	Exceeded Goal. The District's landscaping contractor and SC visually inspected the outfalls within the District, and 100% of the outfalls were screened during the year to ensure that pollutants were not introduced to the stormwater system.
3	Public Information	Goal met. The SC reviewed the topics in its educational materials to determine if additional information was needed. This ensures that the public is kept up-to-date on what constitutes construction site stormwater runoff.
3	Construction Site Runoff	Goal met. The SC reviewed the requirements for contractors to ensure that they meet TCEQ TPDES Construction General Permit requirements.
4	Evaluate current non-structural BMPs and current BMP inspection program	Goal met. The SC reviewed the current non-structural BMPs and current BMP inspection program to determine if changes were needed. It was determined that no changes were needed at this time.
5	Work to adopt legislation to allow the District to maintain roads within its boundaries at a higher level.	Goal met. The District was able to pass legislation providing the District with the ability to maintain roads within the boundaries of the District.

5	Develop written procedures for inspecting and maintaining structural controls.	Goal met. Written procedures for inspecting and maintaining structural controls have been drafted.
5	Identify persons responsible for implementation of the program	Goal met. The Board of Directors of the District determined that the SC is the entity within the District responsible for implementing the SWMP.
5	Identify potential hazardous materials, including develop and maintain inventory of stormwater facilities	Goal met The SC has met and identified potential hazardous materials. No new stormwater facilities or controls were added, and the existing facilities are performing appropriately.
5	Identify existing and implement new methods to reduce stormwater pollution. Evaluate existing and introduce new pollution controls	Goal met. The SC met and discussed the District's current stormwater pollution methods and controls. The Committee determined that the current methods in place were working effectively and that no new controls needed to be implemented at this time. The SC agreed to continue to monitor this BMP and to update as necessary.
5	Utilize organic pesticides and herbicides to the fullest extent possible	Goal met. The District's currently uses organic, natural, and organic based fertilizers and pest control where reasonably applicable pursuant to its landscaping contract to minimize discharge of pesticides into the stormwater system.
5	Contract with street sweepers to remove residual road materials such as chip rock, including oils, from the District's roadways.	Goal met. The District contracted for street sweepers to sweep the District's streets two times during the reporting year.

## C. Stormwater Data Summary

Provide a summary of all information used, including any lab results (if sampling was conducted) to assess the success of the SWMP at reducing the discharge of pollutants to the MEP. For example, did the MS4 conduct visual inspections, clean the inlets, look for illicit discharge, clean streets, look for flow during dry weather, etc.?

The District's landscaping consultants and Stormwater Committee conducted visual observations of all outfalls within the District during routine inspections. No illicit discharges were discovered during these screenings as the outfalls and drainage system of the District are wet-weather facilities. No notable flows during dry weather were observed in the outfalls, and the inlets are routinely screened for removal of litter and any other potential stormwater pollutants.

The District cleaned the streets located within the boundaries of the District and removed significant amounts of aggregate materials, including oils, which otherwise could have gone into the District's stormwater system.

## D. Impaired Waterbodies

1. Identify whether an impaired water within the permitted area was added to the latest EPA-approved 303(d) list or the Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d). List any newly-identified impaired waters below by including the name of the water body and the cause of impairment.

Not Applicable

2. If applicable, explain below any activities taken to address the discharge to impaired waterbodies, including any sampling results and a summary of the small MS4's BMPs used to address the pollutant of concern.

Not Applicable

3. Describe the implementation of targeted controls if the small MS4 discharges to an impaired water body with an approved TMDL.

Not Applicable

4. Report the benchmark identified by the MS4 and assessment activities:

<b>Benchmark Parameter</b>  <i>(Ex: Total Suspended Solids)</i>	<b>Benchmark Value</b>	<b>Description of additional sampling or other assessment activities</b>	<b>Year(s) conducted</b>

N/A	N/A	N/A	N/A
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5. Provide an analysis of how the selected BMPs will be effective in contributing to achieving the benchmark:

Benchmark Parameter	Selected BMP	Contribution to achieving Benchmark
N/A	N/A	N/A

6. If applicable, report on focused BMPs to address impairment for bacteria:

Description of bacteria-focused BMP	Comments/Discussion
N/A	N/A

7. Assess the progress to determine BMP's effectiveness in achieving the benchmark.

For example, the MS4 may use the following benchmark indicators:

- number of sources identified or eliminated;
- number of illegal dumpings;
- increase in illegal dumping reported;
- number of educational opportunities conducted;
- reductions in sanitary sewer flows (SSOs); /or
- increase in illegal discharge detection through dry screening.

Benchmark Indicator	Description/Comments
N/A	N/A

## E. Stormwater Activities

Describe activities planned for the next reporting year:

<b>MCM(s)</b>	<b>BMP</b>	<b>Stormwater Activity</b>	<b>Description/Comments</b>
1	Implement Mail out process either through delivery of brochures to the City of Cedar Park for mail out with utility bills or through direct mail out	Mail out brochures	The District anticipates mailing out stormwater brochures to all residents of the District.
2	Illicit Discharge Regulations/Order	Develop, adopt, and implement Rules and Regulations	The District plans to adopt rules and regulations regarding its SWMP
2	Complete screening of 100% of the stormwater outfalls that discharge to the MS4 in accordance with the identified schedule	Continue screening of all outfalls	The District anticipates conducting additional screening of outfalls, including visual inspection.

## **F. SWMP Modifications**

1. The SWMP and MCM implementation procedures are reviewed each year.

☒ Yes ☐ No

2. Changes have been made or are proposed to the SWMP since the NOI or the last annual report, including changes in response to TCEQ's review.

☐ Yes ☒ No

If "Yes," report on changes made to measurable goals and BMPs:



MCM(s)	Measurable Goal(s) or BMP(s)	Implemented or Proposed Changes (Submit NOC as needed)

**Note:** If changes include additions or substitutions of BMPs, include a written analysis explaining why the original BMP is ineffective or not feasible, and why the replacement BMP is expected to achieve the goals of the original BMP.

3. Explain additional changes or proposed changes not previously mentioned (i.e. dates, contacts, procedures, annexation of land, etc.).

## G. Additional BMPs for TMDLs and I-Plans

Provide a description and schedule for implementation of additional BMPs that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementation plans.

BMP	Description	Implementation Schedule (start date, etc.)	Status/Completion Date (completed, in progress, not started)
N/A	N/A	N/A	N/A

## H. Additional Information

1. Is the permittee relying on another entity to satisfy any permit obligations?

\_\_\_ Yes  X  No

If "Yes," provide the name(s) of other entities and an explanation of their responsibilities (add more spaces or pages if needed).

- 2.a. Is the permittee part of a group sharing a SWMP with other entities?

\_\_\_ Yes  X  No

- 2.b. If "yes," is this a system-wide annual report including information for all permittees?

\_\_\_ Yes \_\_\_ No

If "Yes," list all associated authorization numbers, permittee names, and SWMP responsibilities of each member (add additional spaces or pages if needed):

Authorization Number: \_\_\_\_\_ Permittee: \_\_\_\_\_

Authorization Number: \_\_\_\_\_ Permittee: \_\_\_\_\_

Authorization Number: \_\_\_\_\_ Permittee: \_\_\_\_\_

Authorization Number: \_\_\_\_\_ Permittee: \_\_\_\_\_

## I. Construction Activities

1. The number of construction activities that occurred in the jurisdictional area of the MS4 (Large and Small Site Notices submitted by construction site operators):

\_\_\_\_\_ Zero \_\_\_\_\_

- 2a. Does the permittee utilize the optional seventh MCM related to construction?

\_\_\_ Yes X No

- 2b. If "yes," then provide the following information for this permit year:

The number of municipal construction activities authorized under this general permit	
The total number of acres disturbed for municipal construction projects	

**Note:** Though the seventh MCM is optional, implementation must be requested on the NOI or on a NOC and approved by the TCEQ.

## J. Certification

If this is this a system-wide annual report including information for all permittees, each permittee shall sign and certify the annual report in accordance with 30 TAC §305.128 (relating to Signatories to Reports).

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

Name (printed): Troy Fielding Title: Board President

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name of MS4: The Ranch at Cypress Creek Municipal Utility District No. 1

**If you have questions on how to fill out this form or about the Stormwater Permitting program, please contact us at 512-239-4671.**

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512-239-3282.

## EXHIBIT LISTING

- Exhibit A: 10/28/19 Stormwater Committee Agenda
- Exhibit B: 10/28/20 Stormwater Committee Minutes
- Exhibit C: Stormwater Presentation
- Exhibit D: 11/21/19 Minutes of Board meeting, including  
spreadsheet showing missing or replaced labels
- Exhibit E: Contract for Landscaping Services
- Exhibit F: Outfall Screening Report
- Exhibit G: House Bill 4671
- Exhibit H: Written Procedures for inspecting and maintaining  
structural controls

## **Exhibit A**

### **THE RANCH AT CYPRESS CREEK MUD NO. 1 STORM WATER COMMITTEE AGENDA**

**October 28, 2019**

**10:00 A.M.**

- I. Convene meeting
- II. Discuss Year 1 Annual Report;
  - Due within 90 days of the end of each reporting year. The District's reporting year ends on December 31, therefore the Annual Report must be filed with the TCEQ by March 31 of each year.
- III. Discuss Year 1 implementation goals pending, including:
  - Posting requirements
    - Post SWMP and all annual reports on website
  - Review of stormwater website page(s) to educate the public on stormwater issues, including illicit discharges and evaluating BMPs included in stormwater plan
    - Invite and/or appoint members of public to be a part of stormwater committee
    - Brochures made available to public and Board at regular meetings
    - Publicize collection events on website; promote participation in hazardous waste collection
    - Update educational information on website
    - Develop/update stormwater factsheet to be made available upon request
  - Operation and Maintenance of Stormwater Program
    - Identify persons responsible for implementation of the stormwater program(s)
    - Develop written procedures for inspecting and maintaining structural controls
    - Identify potential hazardous materials
    - Develop/update inventory of stormwater facilities
    - Identify new methods and review existing methods to reduce stormwater pollution, including new pollution controls
    - Develop procedures to respond to complaints
  - Status of legislation to allow District to maintain roads within the District at a higher level to reduce chip rock aggregate from entering the District's stormwater system
  - Development and/or review of storm water educational brochure(s);
    - Review and assess topics in educational materials to determine construction information needed for inclusion on stormwater webpage and in brochures

- Storm Sewer System Map – map must include the location of conveyances, location of all major outfalls and the names and locations of all waters of the U.S. that receive discharge from the outfalls
- Training
  - Schedule/plan presentation to Board members, consultants, general public regarding the District's SWMP, include reports on status of storm drains labeled
  - Publicize and facilitate public reporting of illicit discharges
- Outfall screening report, including location, dimension, presence of silt, soil or trash in or around the outfall, presence of dry weather flow (20% to be screened in Year 1)
- Report on any illicit discharge, including dry weather inspection report
- Construction Site Runoff Control
  - Review requirements for contractors and rewrite, if necessary
- Storm Drain Labeling
  - Review and assess the storm labeling program
  - Identify groups that may be willing to participate in the storm drain labeling program
  - Develop schedule to assess and identify stormwater drains needing repair or replacement
  - Maintain adequate records of stormwater labeling and volunteer participation
  - Report on number of storm drains labeled, as well as the repair or replacement of any existing storm drain labels

#### IV. Discuss Year 2 implementation goals, including:

- Development and adoption of Rules and Regulations
- Additional stormwater brochures;
  - Must address stormwater impacts from construction sites
- Implement mail out process either through delivery of relevant brochures to the City of Cedar Park for mail out with utility bills, or through director mail out to District residents
- Develop a training program to describe how to reduce stormwater pollution
- Develop plan to detect and address non stormwater discharges and illegal dumping
- Develop procedures to document and maintain records of enforcement actions
- Develop a training program that describes the implementation of illicit discharge practices and procedures, regarding the observation of an illicit discharge or illicit connection to the MS4 – Must be offered to all Board members and Consultants on an annual basis
- Develop/review construction site runoff BMPs
- Conduct inspections of pollution prevention measures and maintain inspection log

- Review procedures by which to receive and consider information from the public and include information in any construction educational materials and on the District's website

V. Discuss action items for and/or schedule next stormwater committee meeting;

VI. Additional Committee comments.

**Exhibit B**  
**STORMWATER COMMITTEE MEETING MINUTES**  
**RANCH AT CYPRESS CREEK MUNICIPAL UTILITY DISTRICT NO. 1**

**October 28, 2019**

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THE STATE OF TEXAS  
WILLIAMSON COUNTY

The Stormwater Committee (the “**Committee**”) of Ranch at Cypress Creek Municipal Utility District No. 1 (the “**District**”) met via conference call on October 28, 2019 at 10:00 a.m. In attendance were the following members of the Committee: Troy Fielding and Leo Ramirez, Directors on the Board of Directors of the District; and Zachariah T. Evans and Suzanne McCalla of McGinnis Lochridge (“**McGinnis**”), the District’s Attorney.

The Committee first reviewed the deadline for submitting the District’s Annual Report.

- Ms. McCalla confirmed that the report would be submitted by March 31, 2020, as required.

The Committee next reviewed the following items and/or requirements for compliance with the District’s Stormwater Management Program (“**SWMP**”):

- Ensure approved SWMP and all submitted annual reports are posted on the District’s website. Ms. McCalla stated she would provide the website committee the documents required.
- Update the District’s stormwater webpage.
  - The Committee reviewed items included on the website, including stormwater brochures
  - The Committee discussed including information regarding construction site storm water runoff controls. It was determined that no additional information was required at this time.
  - Ms. McCalla reported that she would work with the District’s Website Committee regarding items approved by the Stormwater Committee to be included on the District’s stormwater webpage by December 31, 2019.
- Items to be included on the webpage:
  - Link to the City of Cedar Park’s hazardous waste collection events.
  - The Committee reviewed the educational brochures and information educating residents on the effects of illicit discharges to the District’s stormwater system currently on the District’s website. The Committee discussed the various brochures and determined that certain links on the webpage should be updated. Ms. McCalla stated she would provide the information to the Website Committee.
  - Link and/or contact allowing a member of the public to contact the Stormwater Committee via the District’s website regarding any complaint or illicit discharge to the District’s storm sewer system



- Confirmed that Stormwater factsheet was available upon request and also available on the District's website
- Operation and Maintenance of Stormwater Program
  - The Committee identified the Stormwater Committee as the persons responsible for implementation of the stormwater program. The Board requested that all references on the District's stormwater webpage providing contact information should be a direct link to the Stormwater Committee's email.
  - The Committee reviewed the District's current stormwater facilities listing and Director Fielding agreed to update the District's inventory of stormwater facilities and provide the list for inclusion in the District records
  - The Committee reviewed the requirements for contractors working within the District and determined that no changes were needed.
  - The Committee reviewed the District's current methods to reduce stormwater pollution included in the SWMP and determined that no additional changes were needed at this time.
  - The Committee determined that complaints should be submitted to the District's Stormwater Committee via a link on the District's webpage. Upon receipt of a complaint, the Committee will review the complaint and determine the best way to address the issue on a case-by-case basis. All complaints will be documented and records maintained.
- The Committee reviewed the Storm Sewer System Map.
  - Director Fielding confirmed that the map would be updated to include all the required information. Ms. McCalla noted that it would need to include the location of conveyances, location of all major outfalls and the names and locations of all waters of the U.S. that receive discharge from the outfalls.

The Committee next discussed the development and presentation of a training program to be offered to District Consultants, Board members, and members of the public. Director Ramirez volunteered to prepare a presentation for the District's December Board of Directors meeting. The Committee agreed that the presentation should be scheduled to occur during the District's regular December Board meeting. Director Fielding stated that he would notify District Consultants of the presentation. The Committee pointed out that a specific item would be included on the District's December agenda notifying members of the public of the meeting. Ms. McCalla noted that the presentation should describe the implementation of illicit discharge practices and procedures regarding the observation of an illicit discharge.

Next, the Committee reviewed the District's current structural and non-structural best management practices. The Committee reviewed the written procedures for inspecting and maintaining structural controls listed within the SWMP and determined no changes were needed at this time. Director Fielding reported he would inspect the District's stormwater facilities twice a year and provide an updated written report to the District's Attorney and Committee on the status of the facilities, including the presence of any hazardous materials. Director Ramirez agreed to inspect the District's stormwater inlets signage and submit a written report on the status of signage. Ms. McCalla emphasized that records of all the stormwater drain labels installed and/or replaced should be maintained and kept up-to-date,

as well as include a record of any volunteer participation during stormwater inlet labeling events.

The next item before the Committee was legislation to allow the District to maintain the roads within the District at a higher level to reduce chip rock aggregate from entering the District's stormwater system. The Committee noted that the legislation was approved and that the District was budgeting for future road maintenance. Director Fielding noted that the Board had authorized the District's streets to be swept on November 14 and 15, 2019, to remove the chip rock aggregate leftover from when Williamson County last resurfaced the District's roads.

The Committee then adjourned the meeting.

#### ACTION ITEM LIST:

##### Director Fielding:

- Work with District's Engineer to update the District's inventory of stormwater facilities; include information on Storm Sewer System Map
- Draft/update written procedures for inspecting and maintaining the District's structural and non-structural controls
- Draft/update written requirements for contractors as included in the SWMP
- Update the District's Storm Sewer System Map
- Submit twice yearly outfall screening reports, including location, dimension, presence of silt, soil or trash in or around the outfall, presence of dry weather flow (20% to be screened in Year 1)
  - Provide report on any illicit discharge, including dry weather inspection report
- Contact the City of Cedar Park regarding possible inclusion of stormwater education information on the District's utility billing

##### Director Ramirez:

- Prepare training presentation for December 19, 2019, Board of Directors meeting for Board members, consultants, and general public regarding the District's SWMP, include reports on status of storm drains labeled and reporting of illicit discharges
- Develop storm sewer labeling program to ensure 100% labeling over the five year permit period
- Contact groups and/or members of the public regarding participation in the District's storm drain labeling program

##### Mr. Evans:

- Draft Rules and Regulations, to include all written procedures developed in compliance of the SWMP

Ms. McCalla:

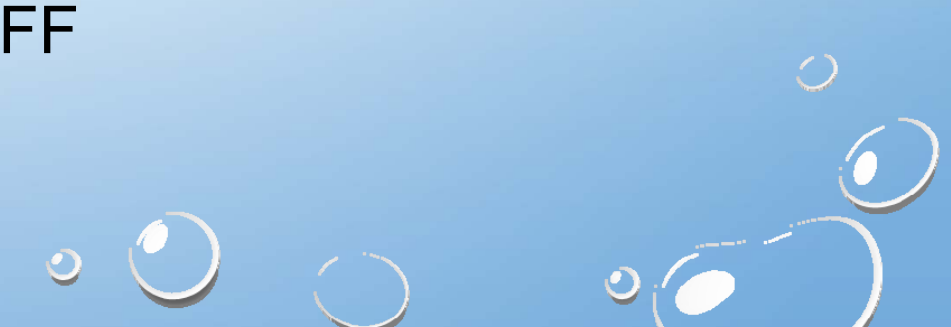
- Draft minutes of the Committee meeting
- Coordinate with the District's Engineer and Website Committee on SWMP activities as necessary






•STORM WATER COMES FROM RAIN

•WHICH RUNS OFF VARIOUS SURFACES

- ROOF RUNOFF
  - STREET RUNOFF
  - YARD RUNOFF
- 



## WHERE DOES STORM WATER GO?

- IT IS CARRIED THROUGH MUNICIPAL SEPARATE STORM SEWER SYSTEMS
  - DISCHARGES INTO OUR RETENTION PONDS
- 

# WHAT IS A RETENTION POND

- PONDS DESIGNED TO STORE SURFACE RUNOFF
- CONSIST OF A PERMANENT AREA WITH BANKS & SURROUNDINGS
- USED TO PREVENT FLOODING & MANAGE RUNOFF
- TO PREVENT DOWNSTREAM EROSION
- TO IMPROVE WATER QUALITY

# STORM WATER PROBLEMS

- POLLUTANTS

- SEDIMENT
- NUTRIENTS
- BACTERIA
- OXYGEN DEMAND
- OIL & GREASE

TRACE METALS

TOXIC CHEMICALS

CHLORIDES

THERMAL IMPACTS





# NOW THAT WE KNOW ABOUT STORM WATER & ITS IMPACTS ON OUR COMMUNITY


- WHAT DO WE DO ABOUT KEEPING IT SAFE
- 

# STORM WATER PERMIT PROGRAM

- WE HAVE REGULATIONS THAT OUR MUD COMMUNITY ARE REQUIRED TO FOLLOW
- IT REQUIRES THAT WE IMPLEMENT A STORM WATER MGT PROGRAM
- REQUIRES THAT WE TRACK PROGRESS TOWARDS GOALS
- AND REQUIRES US TO REPORT ON OUR PROGRESS



## OUR STORM WATER MGT PROGRAM

- TO HAVE PUBLIC EDUCATION
  - EDUCATE PUBLIC ON PROBLEMS RELATED TO DUMPING IN STORM SEWERS
  - ILLICIT DISCHARGE PREVENTION
  - GOOD HOUSEKEEPING & POLLUTION PREVENTION
- 



## BENEFITS OF OUR STORM WATER PROGRAM

- ENHANCED OPPORTUNITIES FOR RECREATION
  - REDUCED FLOOD DAMAGE
  - BETTER DRINKING WATER
  - REDUCED ILLNESSES
  - ENHANCED AESTHETIC VALUE
- 

## FOR MORE INFORMATION

- GO TO THE MUD WEBSITE: [HTTP://WWW.RANCHATCC.ORG/](http://www.ranchatcc.org/)
- CLICK ON STORMWATER MENU;  
[HTTP://WWW.RANCHATCC.ORG/STORMWATER/](http://www.ranchatcc.org/stormwater/)
- **MUD BOARD COMMITTEE MEMBERS:**  
[TROY FIELDING](#)  
[LEO RAMIREZ](#)
- EDUCATIONAL VIDEO:  
[HTTPS://WWW.YOUTUBE.COM/WATCH?V=JJPFLHJBDC0](https://www.youtube.com/watch?v=JJPFLHJBDC0)

Exhibit D

**RANCH AT CYPRESS CREEK MUNICIPAL UTILITY DISTRICT NO. 1  
OF WILLIAMSON AND TRAVIS COUNTIES, TEXAS  
MINUTES OF MEETING OF THE BOARD OF DIRECTORS**

**November 21, 2019**

The Board of Directors (the "**Board**") of the Ranch at Cypress Creek Municipal Utility District No. 1 of Williamson and Travis Counties, Texas (the "**District**") met in regular session, open to the public at 6:30 p.m. on November 21, 2019, at the Austin Community College, Cypress Creek Campus, 1555 Cypress Creek Road, Room 1107, Cedar Park, Texas, an official meeting place outside the boundaries of the District, pursuant to notice duly given in accordance with the law. The roll was called of the following members of the Board to wit:

Troy Fielding	President
Chris Schneider	Vice President
Patrice Coles	Secretary
Leo Ramirez	Treasurer
Gary Riffle	Assistant Secretary

and all directors were present, thus constituting a quorum.

Also present were Matthew Whittington, a resident of the District; and Suzanne McCalla of McGinnis Lochridge ("**McGinnis**"), the District's Attorney.

Director Schneider called the meeting to order, and he noted a resident was present who wished to address the Board during Citizen Comments.

The Board considered the minutes of the October 17, 2019, regular Board of Directors meeting. After review, upon a motion duly made by Director Schneider and seconded by Director Riffle, the Board voted unanimously to approve the minutes of the of the October 17, 2019, regular Board of Directors meeting, as written.

Director Coles then reviewed recent changes to the District's website with those present. She noted that all changes requested by the District's Stormwater Committee to the District's stormwater webpage were implemented.

At this point Director Fielding entered the meeting.

The Board next considered amending the District's budget for the fiscal year ending September 30, 2020. Director Fielding explained that the budget needed to be amended to include additional amounts for maintenance of the District's stormwater facilities. After a brief discussion, upon a motion duly made by Director Schneider and seconded by Director Ramirez, the Board voted unanimously to approve the amended budget as discussed. A copy of the District's amended budget is attached hereto as an exhibit to these minutes.

The Board next reviewed the Cash Analysis Report as well as the Investment Report prepared by Debra Loggins of L&S District Services, LLC, the District's Bookkeeper. After consideration, upon a motion duly made by Director Schneider and seconded by Director Ramirez, the Board voted unanimously to: (1) approve the Cash Analysis Report and the Investment Report; and (2) authorize payment of the District's bills. Copies of the Cash

Analysis Report and Investment Report are included in the Board Packet, which packet is attached hereto as an exhibit to these minutes.

The Board next reviewed a letter from Statewide Patrol, Inc. ("**Statewide**"), the District's Security Services Provider, regarding changes to the rates charged to the District. A copy of the letter from Statewide is included in the Board Packet.

Director Fielding next presented the Road Committee report. He recalled that Sweep Across Texas ("**Sweep**") was hired by the District to sweep the District's roads to help remove the chip seal aggregate left over from Williamson County's last resurfacing of the roads within the District. He reported that the project was complete and that Sweep appeared to have done a good job.

Next, Director Riffle updated the Board on activities by the Street Lights Committee. He stated that during his patrol of the District, he noted three streetlights had burned out. He told the Board that he had notified Pedernales Electric Cooperative, Inc., regarding the outages.

The next item of business before the Board was the Stormwater Committee Report. Director Ramirez told the Board that he had completed his inspection of the District's stormwater inlets and determined that 31 inlets were either missing or damaged and required replacement. He continued that he had replaced 20 of the 31 inlet labels and planned to replace the final 11 by the end of the year.

Director Fielding next updated the Board on the status of the District's lawsuit styled *Ranch at Cypress Creek Municipal Utility District No. 1 v Alison and Matthew Whittington*. No action was taken on this matter.

The Board then took comments from District residents. Mr. Whittington reported that persons were removing portions of fence surrounding a detention pond in the District. He stated that the fence was being removed in sections to allow persons to cut through the District and enter the Austin Community College location. Mr. Whittington also noted that graffiti was present in the detention pond. The Board discussed possible resolutions and thanked Mr. Whittington for bringing the information to their attention.

The Board confirmed that the District's next regular meeting would be held on December 19, 2019, and the meeting was adjourned.



Secretary, Board of Directors  
Ranch at Cypress Creek  
Municipal Utility District No. 1





## LANDSCAPE MAINTENANCE AGREEMENT

This Landscape Maintenance Agreement (this "Contract") is entered into effective as of January 1, 2013, between BrightView Landscape Services, Inc, a Texas corporation ("Contractor") located at 12909 Dessau Rd. Austin, TX 78754, and Ranch at Cypress Creek Municipal Utility District No.1, a political subdivision of the State of Texas operating under Chapters 49 and 54 of the Texas Water Code (the "District"). In consideration of the mutual covenants set forth in this Contract and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

### ARTICLE

### I

#### SERVICES

A. Landscape Maintenance Services. The Contractor agrees to perform landscape maintenance services as described in this Agreement to:

1. Landscaped Entryways and Greenbelts. The Landscaped Entryways and Greenbelts subject to this Agreement are as shown in green on the attached Exhibit "A" Landscape Maintenance Map; and

2. Public Utility/Drainage Easements and Section One Park. The public utility and drainage easements and Section One Park subject to this Agreement are as shown in red on the attached Exhibit "A" Landscape Maintenance Map.

3. Appearance. The Entryways, Greenbelts, Trees, Shrubs, Plants, and Turf areas must have a neat, orderly, clean, healthy, and manicured appearance at all times in relation to the scheduled visits. Services are to be performed year-round, with appropriate tasks scheduled and performed during each site visit and each season.

B. Routine Services. The Contractor agrees to perform all of the services described in Section I of Exhibit "B" and as outlined in Exhibit "B-1" to the Entryways, Greenbelts, Shrubs, Trees, Plants and Turf areas per the scheduled visits. The Contractor will inspect these areas each visit and will mow and perform maintenance tasks as necessary to maintain a neat, orderly, clean, healthy, and manicured appearance.

C. Other Routine Services. The Contractor agrees to perform all of the services described in Section II of Exhibit "B" to the Easements and Section One Park per scheduled visits.

D. Coordination with Manager; Reports; Meeting Attendance. The Contractor will schedule periodic on-site inspections with the District's general manager in order to review the overall appearance of the areas covered by this Contract, and to plan for any additional work or changes to the maintenance schedule. The Contractor must send a representative to a regular meeting of the Board at least once every quarter, and to other Board meetings and subcommittee



meetings upon request. The Contractor must submit written maintenance reports, in the form attached as Exhibit "C" on a monthly basis. Reports must be submitted, in care of the District's attorney, at least seven days prior to the date of each regularly scheduled Board meeting. The contractor will send a routine email update of highlights to the Board members, District Attorney, and District Manager.

E. Annual Budget Forecast. On or before August 1st of each year, the Contractor must provide the District's Landscape Committee with a written budget for landscape maintenance for the following year. This budget will include recommendations for improvements or changes to the existing maintenance schedule.

F. Supervision. The Contractor must provide adequate supervision to assure that all work is done in accordance with this Contract and generally accepted good horticultural practice. The areas covered by this Contract must be inspected by supervisory personnel routinely.

G. Additional Services. All work outside the express terms of this Contract must have the prior written approval of the Board. Any proposals for additional work must be submitted to the District, in care of the District's attorney, at least seven days prior to the date of each regularly scheduled Board of Directors meeting. Charges for additional work must be approved by the Board prior to commencement of the work.

## **ARTICLE II COMPENSATION**

A. Fees for Services.

1. Contractor's services for maintenance of the Entryways (Entry) based on 42 visits per year for maintenance of the Easements, and Park based (Easements) on 14 visits per year, will be provided for a total fee of \$41,678.40 per year which is \$3,473.20 per month. Additional visits will be \$2,722.46 for Entry and \$750.73 for easements, invoiced separately on an as-requested basis.

2. The parties agree that the fees, performance and necessary services shall be reviewed annually and they shall be adjusted for service changes, if any, as well as for inflation or deflation according to justifiable changes that are agreed to by both parties. The maximum amount the base fee can be adjusted in any one year is three percent (3%).

B. Invoicing. All invoices for services must be submitted to the District by the 2nd Thursday of each month. The District will pay each monthly invoice within 10 days of the date of the regular monthly Board meeting at which the invoice is approved.

### **ARTICLE III INSURANCE**

The Contractor must carry adequate workmen's compensation, employee's liability and property damage insurance and furnish the District with certificates of insurance evidencing coverage prior to the effective date of this Contract. The Contractor must maintain this insurance in effect at all times during the term of this Contract, and the certificates of insurance must provide that the coverage may not be canceled without 30-days' prior written notice to the District. Insurance must be in at least the following amounts:

- |    |                                  |                          |
|----|----------------------------------|--------------------------|
| 1. | General liability per occurrence | \$ 300,000               |
| 2. | Property damage per occurrence   | \$ 300,000               |
| 3. | Umbrella liability               | \$1,000,000              |
| 4. | Workmen's compensation           | As required by state law |

### **ARTICLE IV MISCELLANEOUS**

A. Term. Subject to Section B, below, Contract will commence on July 1, 2018 and remain in effect until June 30, 2019. The Contractor may terminate this Contract by giving 90 days' prior written notice to the District. The District may terminate this Contract at any time by giving 90 days' notice of termination to the Contractor.

B. Annual Review. This Contract will be reviewed annually by the Contractor and the District. Any mutually acceptable changes to reflect changes in costs and/or services will be incorporated into this Contract by written amendment. If the parties are unable to agree on any changes, either party may terminate this Contract subject to the notice required above.

C. Assignment. This Contract may not be assigned by either party without the prior written consent of the other party.

D. Applicable Law. This Contract will be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Williamson and Travis Counties, Texas.

E. Binding Effect. This Contract will be binding upon and inure to the benefit of the parties and their respective heirs, executors, administrators, legal representatives, successors and assigns where permitted by this Contract.

F. Partial Invalidity. If any of the provisions of this Contract are for any reason held to be invalid, illegal, or unenforceable, that invalidity, illegality, or unenforceability will not

affect any other provision and this Contract will be construed as if the invalid, illegal, or unenforceable provision had never been contained herein.

G. Sole Agreement. This Contract constitutes the sole agreement of the parties and supersedes any prior understandings or written or oral agreements between the parties respecting the subject matter.

H. Notice. Any notice, communication, request, reply or advice (severally and collectively referred to as "Notice") in this Contract provided or permitted to be given, made or accepted by any party to the other must be in writing. Notice may, unless otherwise provided herein, be given or served: (i) by depositing the Notice in the United States Mail, postage paid, certified, and addressed to the party to be notified with return receipt requested; or (ii) by delivering the Notice to the party, or an agent of the party. Notice deposited in the mail in the manner specified will be effective three days after such deposit. Notice given in any other manner will be effective only if and when received by the party to be notified. For the purposes of notice, the addresses of the parties will, until changed as provided below, be as follows:

The parties may change their respective addresses for purposes of notice by giving at least five days written notice of the new address to the other party. If any date or any period provided in this Contract ends on a Saturday, Sunday or legal holiday, the applicable period will be extended to the next business day.

I. Default. If either party defaults in the performance of its obligations hereunder for any reason, the other party will be entitled to pursue all remedies available at law or in equity. In the event of any lawsuit based on this Contract, the prevailing party will be entitled to recover reasonable attorneys' fees and related costs.

J. Exhibits. The following exhibits are attached to this Contract, and are incorporated into and made a part of this Contract for all purposes:

<u>Exhibit "A":</u>	Depiction of areas to be maintained
<u>Exhibit "B":</u>	Description of required landscape maintenance services
<u>Exhibit "B-1":</u>	Greener Grounds Maintenance Program
<u>Exhibit "C":</u>	Monthly report form

(signature pages follow)

IN WITNESS WHEREOF, the parties have executed this Contract to be effective as of the date first written above.

corporation

BrightView Landscape Services, Inc. , a  
Texas



By: \_\_\_\_\_

Thomas Wood, ~~President~~ Vice President & GM

Address: Central Texas

**RANCH AT CYPRESS CREEK  
MUNICIPAL UTILITY DISTRICT NO. 1**

\_\_\_\_\_  
Troy Fielding, President

By: Board of Directors

Address: Phil Haag  
600 Congress Ave, Ste 2100  
Austin, Texas 78701

ATTEST:

\_\_\_\_\_  
Hugh Rankin, Secretary  
Board of Directors

[illegible]

**EXHIBIT "B"**  
**DESCRIPTION OF REQUIRED LANDSCAPE MAINTENANCE SERVICES**

**SECTION I**  
**ROUTINE SERVICES**

**A. GENERAL**

1. Application of Chemicals.
  - a. Application of chemicals may be made only under supervision of a Texas Structural Pest Control Board or Texas Department of Agriculture certified pesticide applicator or by a Structural Pest Control Board technician holding a current license in lawn, garden and weed control. The contractor's insurance coverage must meet current Structural Pest Control Board requirements. Chemicals are only to be used only when necessary and the least toxic chemicals that will do the job should be used. Restricted use pesticides must not be used under any circumstance.
  - b. The District's first choice is the use of organic, natural, and organic based fertilizers and pest control where reasonably applicable. All pesticides and fertilizers must be applied strictly in accordance with the manufacturer's written directions.
2. Replacement of Dead or Missing Plant Materials. The contractor must notify the Board of Directors of any dead or missing plant materials. The notice is to be accompanied by a written estimate of the cost of replacement. All dead plant materials must be immediately removed by the contractor.
3. Equipment. All equipment must be maintained in excellent operating condition at all time. All OSHA safety devices must be in place and in operating condition. Gas cans must be OSHA-approved safety cans. Trucks, tractors, mowers, trimmers, blowers and other equipment must not leak oil or fuel.
4. Other. Work around pedestrian areas must be performed with minimal interruption to people and with extreme care. Mowers used for maintenance of Public Utility and/or Drainage Easement areas may not be used for maintenance of the Entryways.
5. Greener Grounds Maintenance. The District desires to maintain the landscape according to the principles outlined in Exhibit "B-1" – Greener Grounds Maintenance Program.

**B. MATERIALS**

1. Water. A reliable source of water will be furnished by the District.
2. Fertilizer. The contractor will provide organic, natural, or organic based fertilizer or its equivalent as approved by the Board of Directors for turf and beds.

Additional fertilizer needs will be determined by routine visual inspection of plant health.

3. Mulch. The contractor will provide "Gardenville shredded hardwood" mulch or its equivalent as approved by the Board of Directors.
4. Plant Materials. All plant materials provided by the Contractor must be #1 quality in size, health and appearance as defined by the American Nurserymen's Standards. Plant material must be dense and uniform in appearance and free from insects and disease.

**C. PERFORMANCE**

1. Turf Areas.
  - a. Mow and edge as necessary to maintain a manicured look.
  - b. Not more than 1/3 of the above-ground grass leaf blade is to be removed. All mower blades must be kept sharp, balanced and level.
  - c. Apply specified fertilizer 3 times per year: spring, summer and fall, applying at the labeled rate of application. Water turf thoroughly after application to move fertilizer into the soil.
  - d. Manually and mechanically control weeds as necessary to maintain a manicured appearance. In cases of extraordinary weed problems, spot-treat weeds with appropriate herbicide.
  - e. Control common turf pests and disease including ants, caterpillars, chinch bugs and brown patch.
  - f. Fire ants must be controlled in all turf, landscaped and paved areas with applications of "Logic" or its equivalent in the spring and fall, or board may approve different application materials upon request. Additional spot treatment of fire ants will be made during routine visits in areas of pedestrian use.
  - g. Release Ladybugs in perennial planting each spring to control aphids and similar insect pests.

2. Shrubs and Ground Cover Beds.

- a. Manually remove weeds as necessary to maintain a manicured appearance. In cases of extraordinary weed problems, spot treat weeds with an appropriate herbicide.
- b. Apply specified fertilizer 2 times per year; spring, summer and fall, applying at the labeled rate of application. Water beds after application to move fertilizer into the root zone.
- c. Prune shrubs as necessary to maintain a uniform appearance. Keep ground cover within borders. Prune all flowering plants after blooming.
- d. Inspect routinely for pests and treat with insecticide and fungicide as necessary.
- e. Maintain mulch in all planting beds and tree rings by applying 1,425 – 2 cubic bags of shredded hardwood mulch once per year.
- f. Apply lite dormant oil, sun oil, or seaweed extract spray once per year in January or February to all crepe myrtles, mountain laurels, yaupon holly and other shrubs as required.

3. Trees.

- a. Prune 10" caliper and smaller trees annually during dormant periods to remove dead, diseased and broken limbs and sucker growth; improve visibility, maintain pedestrian safety and reduce traffic hazards.
- b. Oak trees must not be pruned during the months of March, April, May or June. All tree pruning must follow current arboreal and horticultural practices. Trees must not be top pruned under any circumstance.
- c. Maintain trees relatively free of vines, weeds, moss and parasitic plant material.
- d. Provide tree rings containing a 2" layer of mulch around trees 10" in caliper and smaller. Manually keep tree rings free of weeds.
- e. Any insect or disease infestations, as well as other damage such as that caused by lightning or vehicles, will be reported to the Board of Directors immediately. Dead limbs and dead trees resulting from ordinary causes will be removed by the contractor as part of its basic services and the removal reported to the Board. In the event of widespread dead limbs or dead trees due to extraordinary causes such as fire, severe wind storms, tornado or flood, the contractor will be entitled to additional compensation for the necessary tree limb and tree removal; however, that compensation



will be subject to prior approval by the Board before any work is performed.

4. Irrigation and Watering. (Entryways)

- a. Water as needed to promote healthy deep-rooted plant growth, without causing excessive runoff.
- b. Adjust the controller for major seasonal changes and site conditions. Turf must receive 1" of water per week and other landscape areas 2/3" of water per week.
- c. Monitor and adjust controller, valves, and heads routinely to ensure a proper watering irrigation system; keep valve boxes covered and in a safe condition. Perform a 2-minute irrigation check and report on the condition of equipment, including controllers, monthly.
- d. Repair immediately, at no additional cost to the District, any damage caused to the irrigation system by the contractor. Report any damage, deficiencies or problems caused by others to the District's general manager immediately and to the Board of Directors at the next Board meeting.
- e. Meet all applicable guidelines with respect to water rationing. The contractor will not be held responsible for plant loss due to water restrictions.
- f. The irrigation system shall be winterized and turned-off during freezing weather.

6. Trash and Litter Removal.

- a. Remove all trash and litter from all turf and landscaped areas during each maintenance visit, and remove it from the District.
- b. Immediately clean-up all debris resulting from any landscape maintenance work and remove it from the District.

7. Walks, Parking Lots and Trails. Manually control weeds at parking lot perimeters, sidewalks, curb and gutter joints and pavement cracks. In extreme periods of weed growth, use selective herbicide.

## **SECTION II MONTHLY SERVICES**

### **A. GENERAL**

1. Equipment. All equipment must be maintained in excellent operating condition at all time. All OSHA safety devices must be in place and in operating condition. Gas cans must be OSHA-approved safety cans. Trucks, tractors, mowers, trimmers, blowers and other equipment must not leak oil or fuel.
2. Other. Work around pedestrian areas must be performed with minimal interruption to people and with extreme care.

### **B. PERFORMANCE**

1. Turf Areas.
  - a. Mow all areas as necessary to maintain a manicured look.
  - b. Not more than 1/3 of the above-ground grass leaf blade is to be removed. All mower blades must be kept sharp, balanced and level.
  - c. Fire ants must be controlled in all turf, landscaped and paved areas with applications of "Logic" or its equivalent in the spring and fall. Additional spot treatment of fire ants will be made during routine visits in areas of pedestrian use.
2. Trash and Litter Removal.
  - a. Pick up all trash and litter from maintained areas during each maintenance visit, and remove it from the District.
  - b. Immediately clean-up all debris resulting from any landscape maintenance work and remove it from the District.
3. Walks, Parking Lots and Trails. Manually control weeds at parking lot perimeters, sidewalks, curb and gutter joints and pavement cracks.

# **EXHIBIT "B-1"** **GREENER GROUNDS MAINTENANCE PROGRAM**



## **Greener Grounds Maintenance Program Outline**

**EXHIBIT "B1" - April 16, 2018 Renewal**

**Property Address: Ranch@Cypress Creek MUD**

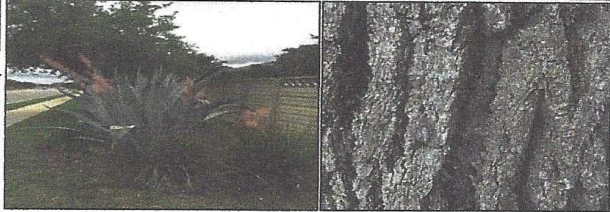


**Owner /Agent Name:**

Basic Maintenance Services	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Totals
Visits per Month	2	2	4	4	5	4	5	4	4	4	2	2	42
<b>TASKS</b>													
Site inspection & priority setting by management	2	2	4	4	5	4	5	4	4	4	2	2	42
Irrigated Turf mowing	2	2	4	4	5	4	5	4	4	4	2	2	42
Edging (curbs & sidewalks)	2	2	4	4	5	4	5	4	4	4	2	2	42
Line-trimming (tree wells & beds)	2	2	4	4	5	4	5	4	4	4	2	2	42
Weed control (curbs, sidewalks and beds)	2	2	4	4	5	4	5	4	4	4	2	2	42
Bed maintenance (pruning and weeding)	2	2	4	4	5	4	5	4	4	4	2	2	42
Trim and prune ground cover (as needed)	2	2	4	4	5	4	5	4	4	4	2	2	42
Litter removal (litter, limbs & leaves)	2	2	4	4	5	4	5	4	4	4	2	2	42
IPM - Pest, disease & horticulture inspection	2	2	4	4	5	4	5	4	4	4	2	2	42
Spring Ladybug release - beneficial insects			1	1									1
Organic based fertilization - beds			1	1		1			1				3
Organic based fertilization - trees			1										1
Organic based fertilization - turf				1		1		1					3
Turn mulch in beds and tree rings								1					1
Clearance landscape tree pruning to 8'	1	1	1	1	1	1	1	1	1	1	1	1	12
Basic landscape tree pruning <10" caliper trees	1							1					2
Pruning - shrubs & hedges (growing & winter cutbacks)	1	1	1	1	1	1	1	1	1	1	1	1	12
Texas Two Step Fire Ant Program (Award 2x/yr + mounds)					1			1					2
Final Site clean-up (grass and debris pick-up)	2	2	4	4	5	4	5	4	4	4	2	2	42
Irrigation system checks		1	1	1	1	1	1	1	1	1	1		10
Shredded Hardwood Mulch Installed (1425 2cf bags)			1										1
Easements and Parks Turf Mowing and Trimming	1		1	2	2	2	1	1	2	1	1		14
<b>Optional / Billable Services</b>													
Irrigation Repairs - \$65.00 per hour + parts													

## EXHIBIT "C" MONTHLY REPORT FORM



## EXHIBIT "C" MONTHLY REPORT FORM

<b>MONTHLY REPORT</b>		<i>Ranch at Cypress Creek M.U.D.</i>				
<b>Report Period:</b>		<b>03/01/2018 - 03/31/2018</b>				
<b>Maintenance</b>  The park areas, entrances, medians, and/or easements received regular maintenance (including weed control, litter control, mowing, string-trimming, tree trimming, and shrub pruning) on the following dates:						
3/2	3/9	3/16	3/23	3/29		
<b>Task/Observation/Area</b>	Highlights of services performed during regular maintenance					
Crews completed the standard maintenance tasks such as mowing & string-trimming of the District's irrigated turf areas, as well as having detailed the District's color beds and tree rings too. Crews also performed fertilization of these same areas throughout the District and picked up an excessive amount of Oak leaves from throughout the District's boundaries. Finally, crews performed our annual <i>Ladybug</i> release in these same areas located throughout the District's property.						
<b>Greenbelt &amp; Drainage Maintenance</b>	Greenbelt & Drainage maintenance occurred during the week(s) of:				N/A	
<b>Task/Observation/Area:</b>	Additional services/observations pertaining to the greenbelts & channels					
None						
						
<b>Irrigation System Maintenance</b>	3/2	3/9	3/16	3/23	3/29	
<b>Task/Observation/Area</b>	Additional services/observations pertaining to the irrigation system					
A Licensed Irrigator performed a comprehensive irrigation system analysis and he made any repairs totaling less than the pre-approved \$300 maximum while he was still on District property.						
						
<b>Notes / Miscellaneous</b>						
<b>Task/Observation/Area</b>	Additional items of note					

# Exhibit F

## Outfalls Report

There are several outfalls from the district:

1. Section 1 pond holding with piped controlled outfalls. Pipe is around 20 inches in diameter.
2. Section 3 out falls: Outlet is 70 feet wide.
3. Section 13 outfalls: pond has outlet at 2 feet wide.

The District's landscaping contract visually inspects the outfalls within the District on each visit, and 100% of the outfalls were screened during the year to ensure that pollutants were not introduced to the stormwater system.

The storm water committee member inspected the outfalls within the district on the following dates:

May 3<sup>rd</sup> 2019, a member of the storm water committee physically, inspected the entire storm water facilities while wet.

Report findings:

Monitored water flow patterns, no contaminates were observed.

On October 22 2019, a member of the storm water committee physically inspected the entire storm water facilities while dry.

Reported findings:

Minor sediment accumulation at section 3 out falls was noted and subsequently has been removed.

Excessive sediment buildup and chip rock in section 12 pond was noted and subsequently has been removed.

Graffiti was noted on section 12 pond concrete spillway and subsequently has been removed.

Section 13 detention pond was noted having excess chip rocks and excessive sediment in and around the trickle channel and subsequently has been removed.

Monitoring any sediment buildups.

End of report

# Inspections

The District's landscaping contract visually inspects the outfalls within the District on each visit, and 100% of the outfalls were screened during the year to ensure that pollutants were not introduced to the stormwater system.

The storm water committee member inspected the outfalls within the district on the following dates:

May 3<sup>rd</sup> 2019, a member of the storm water committee physically, inspected the entire storm water facilities while wet.

Reported findings: No hazardous materials noted.

On October 22 2019, a member of the storm water committee physically inspected the entire storm water facilities while dry.

Reported findings: No hazardous materials noted.

Exhibit G

H.B. No. 4671

AN ACT

relating to the powers and duties of the Ranch at Cypress Creek  
Municipal Utility District No. 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 21, Acts of the 71st Legislature, 6th  
Called Session, 1990, is amended by amending Section 5 and adding  
Sections 6B, 6C, and 6D to read as follows:

Sec. 5. FINDING OF BENEFIT. (a) All of the land and other  
property included within the boundaries of the district will be  
benefited by the works and projects that are to be accomplished by  
the district under powers conferred by Article XVI, Section 59, of  
the Texas Constitution. The district is created to serve a public  
use and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district and a water control and  
improvement district as provided by general law and Section 59,  
Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that  
relate to the construction, acquisition, improvement, operation, or  
maintenance of macadamized, graveled, or paved roads, or  
improvements, including storm drainage, in aid of those roads.

Sec. 6B. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 6C. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 6D. APPOINTMENT OF ARCHITECTURAL COMMITTEE. (a) In order to carry out the provisions of Section 54.237, Water Code, except as provided by Subsection (b), the district may appoint an architectural committee for a subdivision located wholly inside the district that does not have an architectural committee or an area of the district not located in a subdivision.



(b) The district may not appoint an architectural committee for a subdivision for which the governing provisions prohibit the appointment of an architectural committee by the district or otherwise.

SECTION 2. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 3. This Act takes effect September 1, 2019.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 4671 was passed by the House on May 2, 2019, by the following vote: Yeas 118, Nays 23, 1 present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 4671 was passed by the Senate on May 21, 2019, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

## Exhibit H

### Procedures for Inspecting and Maintaining Structural Controls.

1. The Storm water subcommittee member shall inspect the storm water facilities twice yearly
2. Report any erosion, trash, graffiti, sediment buildup, rocks, or other issues to the stormwater committee
3. The storm water committee shall review any said findings and determine appropriate actions if needed.
4. Storm water committee shall report to the board of directors of any said findings, if any, with recommendations on remedying said findings.
5. Board will vote on appropriate required remedies.