



WATER PAYMENT APPEAL FORM

Name on Account: Tushar Shah and Julie Shah

Service Address: 4824 Rollingwood Drive

Account Number: [Redacted]

Amount Due: _____

Telephone Number: 512-791-9282

Email Address: [Redacted]

Reason for Appeal to the Rollingwood Utility Commission: 1) Please identify the months that you are contesting. 2) Please provide the reason for dispute. 3) Please provide 12 months of history. 4) Provide any other information to support appeal.

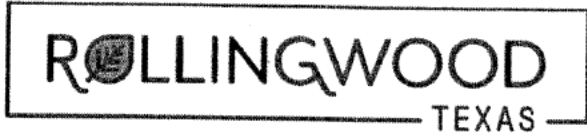
See attached:
Letter
5/9/2022 Email
Water bill history
Eco Irrigation history
Conserva Irrigation history
Water Softener history
Pool assessment independent expert report

Signature: [Handwritten Signature]

Date: 8/26/2022



By signing this form, you are promising to appear before the next Utility Commission meeting.



Rollingwood Utility Department

Leak Adjustment Request Form

Name on Account: Tushar and Julie Shah

Service Address: 4824 Rollingwood Drive

Account Number: [REDACTED]

Phone Number: 512-791-9282

Email Address: [REDACTED]

Total Contested Amount: \$13,634.33

Description: see email

Consumption Months for which an adjustment is being requested: August 2021 - November 2022

Seeking adjustment to Winter Average? (Months of November through March)

Date of Repair:

Explanation of Repair:

Proof of repair attached see email

Note: if there is no proof of leak and subsequent repair, an Appeal for a bill adjustment will have to be made to the Utility Commission.

| Date | Description | Amount |
|------------|-------------|-------------|
| 9/9/2021 | Bill | \$370.17 |
| 10/6/2021 | Bill | \$385.17 |
| 11/9/2021 | Bill | \$355.17 |
| 12/9/2021 | Bill | \$775.17 |
| 1/13/2022 | Bill | \$607.17 |
| 2/11/2022 | Bill | \$775.17 |
| 3/9/2022 | Bill | \$775.17 |
| 4/4/2022 | Bill | \$565.17 |
| 5/6/2022 | Bill | \$993.33 |
| 6/6/2022 | Bill | \$1,056.33 |
| 6/30/2022 | Bill | \$1,280.33 |
| 8/2/2022 | Bill | \$783.33 |
| 9/7/2022 | Bill | \$1,112.33 |
| 10/4/2022 | Bill | \$1,336.33 |
| 11/1/2022 | Bill | \$1,336.33 |
| 12/1/2022 | Bill | \$696.33 |
| 12/30/2022 | Bill | \$431.33 |
| | | \$13,634.33 |

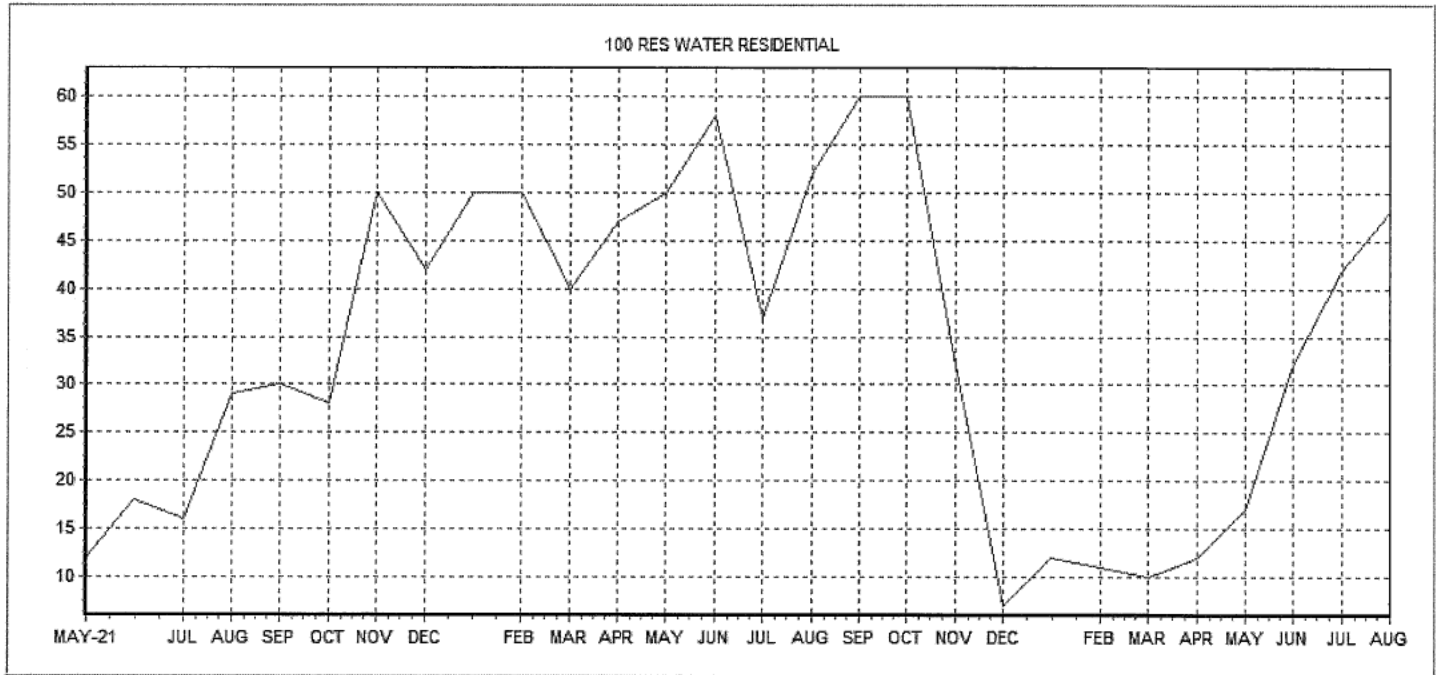
Consumption History

Account Name

[REDACTED]
TUSHAR SHAH

Service Address

4824 ROLLINGWOOD DR



| YEAR MONTH | READ DATE | PREVIOUS READ | CURRENT READ | TOTAL CONSUMPTION | DEMAND READ | DEMAND CONSUMPTION | READING FLAG | READING SOURCE | OCCUPANT |
|------------|--------------|---------------|--------------|-------------------|-------------|--------------------|--------------|---------------------|----------|
| 2023 | Aug 8/23/23 | 1205 | 1253 | 48 | | | Regular | Meter Reading Input | 01 |
| | Jul 7/23/23 | 1163 | 1205 | 42 | | | Regular | Meter Reading Input | 01 |
| | Jun 6/23/23 | 1131 | 1163 | 32 | | | Regular | Meter Reading Input | 01 |
| | May 5/23/23 | 1114 | 1131 | 17 | | | Regular | Meter Reading Input | 01 |
| | Apr 4/23/23 | 1102 | 1114 | 12 | | | Regular | Meter Reading Input | 01 |
| | Mar 3/23/23 | 1092 | 1102 | 10 | | | Regular | Meter Reading Input | 01 |
| | Feb 2/23/23 | 1081 | 1092 | 11 | | | Regular | Meter Reading Input | 01 |
| | Jan 1/23/23 | 1069 | 1081 | 12 | | | Regular | Meter Reading Input | 01 |
| 2022 | Dec 12/23/22 | 1062 | 1069 | 7 | | | Regular | Meter Reading Input | 01 |
| | Nov 11/23/22 | 1030 | 1062 | 32 | | | Regular | Meter Reading Input | 01 |
| | Oct 10/23/22 | 970 | 1030 | 60 | | | Regular | Meter Reading Input | 01 |
| | Sep 9/23/22 | 910 | 970 | 60 | | | Regular | Meter Reading Input | 01 |
| | Aug 8/23/22 | 858 | 910 | 52 | | | Regular | Meter Reading Input | 01 |
| | Jul 7/23/22 | 821 | 858 | 37 | | | Regular | Meter Reading Input | 01 |
| | Jun 6/23/22 | 763 | 821 | 58 | | | Regular | Meter Reading Input | 01 |
| | May 5/23/22 | 713 | 763 | 50 | | | Regular | Meter Reading Input | 01 |
| | Apr 4/23/22 | 666 | 713 | 47 | | | Regular | Manual Read | 01 |
| | Mar 3/23/22 | 626 | 666 | 40 | | | Regular | Manual Read | 01 |
| | Feb 2/23/22 | 576 | 626 | 50 | | | Regular | Manual Read | 01 |
| | Jan 1/23/22 | 526 | 576 | 50 | | | Regular | Manual Read | 01 |
| 2021 | Dec 12/23/21 | 484 | 526 | 42 | | | Regular | Manual Read | 01 |
| | Nov 11/23/21 | 434 | 484 | 50 | | | Regular | Manual Read | 01 |
| | Oct 10/23/21 | 406 | 434 | 28 | | | Regular | Manual Read | 01 |
| | Sep 9/23/21 | 376 | 406 | 30 | | | Regular | Manual Read | 01 |
| | Aug 8/23/21 | 347 | 376 | 29 | | | Regular | Manual Read | 01 |
| | Jul 7/23/21 | 331 | 347 | 16 | | | Regular | Manual Read | 01 |
| | Jun 6/23/21 | 313 | 331 | 18 | | | Regular | Manual Read | 01 |
| | May 5/23/21 | 301 | 313 | 12 | | | Regular | Manual Read | 01 |

City of Rollingwood
Water Payment Appeal Form
Tushar and Julie Shah
Account [REDACTED]

First, please know that when we designed our house our goal was to embrace technology and systems to make it efficient and use fewer resources to run it. We invested in every available option to improve insulation, have efficient air conditioners, solar panels, and rainwater harvesting. Each of these involved added cost and ~~complication~~ ^{complication} with the architect and builder.

We are doing our best to address each of 3 frustrating issues which we believe are contributing to our overconsumption of water, especially since September 2021.

Irrigation System

We tried to do the right thing by investing in rainwater harvesting. We even installed a second rainwater collection tank. We consulted professionals about the optimal way to integrate the rainwater collection with the irrigation system. Unfortunately this has been a frustrating process that we are still trying to get working correctly, 2+ years later. The irrigation system has been confusing to several contractors we hired to come check where we might be losing water. We have had multiple contractors out and each time they have identified another leak.

Water Softener Leak

We ended up removing the water softener as it was causing so many problems.

Pool

Our pool has started to crack and we are losing water very slowly. The pool builder has agreed that mistakes were made during the construction process. We have filed claims against our home builder, the pool builder, and the concrete company used by the pool builder. They commissioned an engineer study which confirmed there were mistakes made during construction. To avoid additional damage we are keeping the pool full because apparently emptying a pool can cause even more cracking. We are waiting for the insurance company to reply as to what the next steps are. They are supposed to reply to our claim by September 5, 2022.

Enclosed please find some supporting documents.

Best regards,


Julie Shah



Julie Shah <julieshah100@gmail.com>

4824 Rollingwood water bills

1 message

Julie Shah [REDACTED]

Mon, May 9, 2022 at 11:24 AM

To: ccaylor@rollingwoodtx.gov, Tushar & Julie & Ajay & Aric & Krina Shah [REDACTED]

Carrie,

We wanted to communicate with you and the City about our water bills. They have been so high. We know there are several things going on at the house and we are doing our best to address each of them.

First, we worked with Eco Irrigation who identified and fixed a leak at the relief valve on the drip line. This is the photo they sent of the problem they uncovered. This should have been repaired as of May 1.



Second, the water softener is leaking in the garage. We filed a warranty claim with our builder and just found out last week they are denying the warranty claim due to fine print. Now we are trying to find a plumber who can help us. Supposedly someone is able to come this Wednesday.

And finally, the biggest problem - we have cracks in our pool that are causing leaks. Our pool builder Stag Pools has admitted fault - that they used a concrete company that used a bad formula of concrete and the pool walls are cracking. We are in the process of negotiating with Stag's insurance company and trying to find a new contractor to remove the current pool and build a new pool. We have been advised not to drain the pool because it could cause permanent damage so in the meantime we are trying to keep just enough water in the pool to keep the pump from burning out.

All this to say we are sorry we are being the neighbors who are using more than our share of water. We are exasperated with all these problems and are doing our best to get them solved. As you know it's particularly difficult to get contractors right now.

Let me know if we need to do anything.

Best regards,

Julie and Tushar Shah

--

Julie Shah
[REDACTED]

282516.jpeg
930K

ECO Irrigation and Landscaping, Inc.

1000 S West Rd
 Leander, TX 78641
 Phone: 512-778-9919

Statement

| |
|-------------|
| Date |
| 6/3/2022 |

Julie Shah
 4824 Rollingwood Drive
 Austin, TX 78746

| | | Amount Due | Amount Enclosed |
|------------|--|--------------|-----------------|
| | | \$0.00 | |
| Date | Transaction | Amount | Balance |
| 1/1/2021 | Balance Forward | \$0.00 | \$0.00 |
| 6/17/2021 | Payment | (\$2,567.52) | (\$2,567.52) |
| | Payment on invoice #35288 - Amount = 2567.52 | | |
| 7/30/2021 | Invoice #35288 -- Paid | \$5,310.03 | \$2,742.51 |
| | 7/30/2021 Rain Harvesting, 1.00 @ 3885.03 = 3885.03 | | |
| | 7/30/2021 Hourly Labor Rate, 1.00 @ 0.00 = 0.00 | | |
| | 7/30/2021 Hourly Labor Rate, 1.00 @ 0.00 = 0.00 | | |
| | 7/30/2021 Hourly Labor Rate, 1.00 @ 0.00 = 0.00 | | |
| | 7/30/2021 Hourly Labor Rate, 1.00 @ 0.00 = 0.00 | | |
| | 7/30/2021 Hourly Labor Rate, 1.00 @ 0.00 = 0.00 | | |
| | 7/30/2021 Hourly Labor Rate, 1.00 @ 0.00 = 0.00 | | |
| | 7/30/2021 Hourly Labor Rate, 1.00 @ 0.00 = 0.00 | | |
| | 7/30/2021 Rain Harvesting - Clean the gutters and install the gutter guards correctly., 1.00 @ 1250.00 = 1250.00 | | |
| | 7/30/2021 Add a water site tube and hose spigot., 1.00 @ 175.00 = 175.00 | | |
| 8/3/2021 | Invoice #35317 -- Paid | \$0.00 | \$2,742.51 |
| | 8/3/2021 Irrigation Service Rate, 1.00 @ 0.00 = 0.00 | | |
| 8/6/2021 | Invoice #35359 -- Paid | \$0.00 | \$2,742.51 |
| | 8/6/2021 Irrigation Service, 1.00 @ 140.00 = 140.00 | | |
| | 8/6/2021 Warranty for Marcos, 1.00 @ -140.00 = -140.00 | | |
| 8/20/2021 | Invoice #35510 -- Paid | \$0.00 | \$2,742.51 |
| | 8/20/2021 Follow-Up Work for services not completed on previous appointment., 1.00 @ 0.00 = 0.00 | | |
| 8/20/2021 | Payment | (\$2,742.51) | \$0.00 |
| | Payment on invoice #35288 - Amount = 2742.51 | | |
| 11/10/2021 | Invoice #36293 -- Paid | \$215.00 | \$215.00 |
| | 11/10/2021 Tank service - installed gauge., 1.00 @ 75.00 = 75.00 | | |
| | 11/10/2021 Hourly Labor Rate, 1.00 @ 140.00 = 140.00 | | |
| 11/10/2021 | Payment - Ref. #Via Client Portal | (\$215.00) | \$0.00 |
| | Payment on invoice #36293 - Amount = 215.00 | | |
| 12/3/2021 | Invoice #36536 -- Paid | \$875.00 | \$875.00 |
| | 12/3/2021 Drainage Services, 1.00 @ 875.00 = 875.00 | | |
| 12/7/2021 | Payment | (\$875.00) | \$0.00 |

R E C E I P T

Thank you for your payment!

Conserva Irrigation of West Austin - LI0026736
 5501 Balcones Dr
 Suite A-220
 Austin, TX 78731
 (512) 887-1891



<https://www.conservairrigation.com/west-austin/>

Billing/Service Address

Julie Shah
 4824 rolling wood dr
 West Lake Hills, 78746
 (512) 791-9282

| | |
|-------------|---------------|
| Invoice # | I2066267 |
| Date | June 03, 2022 |
| Balance Due | \$0.00 |

| Item | Description | Quantity | Unit Price | Amount |
|--------------------------------------|--------------------------|----------|------------|-----------|
| Service Call | Service call/repair work | 1 | 0.00 | \$0.00 |
| Service Call Charge | Service Call Charge | 1 | 100.00 | \$100.00 |
| Drip Line Leak | Drip Line Leak | 3 | 35.00 | \$105.00 |
| Discount | \$50 Off Mailer Discount | 1 | -50.00 | (\$50.00) |
| Subtotal | | | | \$155.00 |
| Tax | | | | \$12.79 |
| Total | | | | \$167.79 |
| Credit Card Pmt 6/3/2022 on 6/3/2022 | | | | \$167.79 |

R E C E I P T

Thank you for your payment!

Conserva Irrigation of West Austin - LI0026736
5501 Balcones Dr
Suite A-220
Austin, TX 78731
(512) 887-1891



<https://www.conservairrigation.com/west-austin/>

Billing/Service Address

Julie Shah
4824 rolling wood dr
West Lake Hills, 78746
(512) 791-9282

| | |
|-------------|---------------|
| Invoice # | I2066313 |
| Date | July 08, 2022 |
| Balance Due | \$0.00 |

| Item | Description | Quantity | Unit Price | Amount |
|---------------------------------------|--------------------------|----------|------------|----------|
| Service Call | Service call/repair work | 1 | 0.00 | \$0.00 |
| Service Call Charge | Service Call Charge | 1 | 100.00 | \$100.00 |
| Spray Nozzle Installed | Spray Nozzle Installed | 3 | 20.00 | \$60.00 |
| Raise/Straighten Head | Raise/Straighten Head | 3 | 40.00 | \$120.00 |
| Subtotal | | | | \$280.00 |
| Tax | | | | \$23.10 |
| Total | | | | \$303.10 |
| Card on File Pmt 7/8/2022 on 7/8/2022 | | | | \$303.10 |



Julie Shah [REDACTED]

Plumbing leak and cracks

1 message

Tushar Shah [REDACTED]

Mon, May 2, 2022 at 6:09 PM

To: [REDACTED], Julie Shah [REDACTED]

Hello,

We have founded a leak at the plumbing connections at the water softener in the garage. We have also noticed cracks in the garage pavement where this leak has occurred.

Pictures are attached.

Please let us know the warranty coverage so we can get this problem addressed asap.

Thank you.

Tushar and Julie Shah





Julie Shah [REDACTED]

Warranty

1 message

Steve Osborne [REDACTED], Wade Gilbreath [REDACTED] Fri, May 6, 2022 at 6:08 PM
To: [REDACTED]

Hey Julie,
I saw your warranty request, the water softener leak would not be covered under warranty. It's only a 1 year warranty. Also the cracks in the garage is a normal thing. The cracks would have to be 1/4 or more to be considered an issue. Let me know if you have any questions.
Thanks
Steve

Sent via the Samsung Galaxy S21 5G, an AT&T 5G smartphone
Get [Outlook for Android](#)

| Date | Packet | Type | Receipt # | Reference | Debits |
|------------|--------|------------|-----------|---------------------|----------|
| 08/02/2022 | 000493 | Bill | | 6/23- 7/23 08/23 | 783.33 |
| 06/30/2022 | 000440 | Bill | | 5/23- 6/23 07/23 | 1,280.33 |
| 06/06/2022 | 000387 | Bill | | 4/19- 5/23 06/23 | 1,056.33 |
| 06/02/2022 | 000380 | Payment | 9768 | 939 | |
| 05/06/2022 | 000335 | Bill | | 3/23- 4/19 05/23 | 993.33 |
| 04/26/2022 | 000324 | Payment | 9239 | 934 | |
| 04/04/2022 | 000300 | Bill | | 2/23- 3/23 04/25 | 565.17 |
| 03/18/2022 | 000278 | Payment | 8583 | 1037 | |
| 03/09/2022 | 000263 | Bill | | 1/23- 2/23 03/23 | 775.17 |
| 02/11/2022 | 000221 | Bill | | 12/23- 1/23 02/23 | 775.17 |
| 02/10/2022 | 000216 | Payment | 8035 | 1036 | |
| 01/13/2022 | 000186 | Bill | | 11/23-12/23 01/27 | 607.17 |
| 12/09/2021 | 000156 | Bill | | 10/23-11/23 12/27 | 775.17 |
| 11/17/2021 | 000143 | Payment | 7058 | 1008 | |
| 11/09/2021 | 000138 | Bill | | 9/23-10/23 11/23 | 355.17 |
| 10/06/2021 | 000116 | Bill | | 8/23- 9/23 10/23 | 385.17 |
| 09/09/2021 | 000096 | Bill | | 7/23- 8/23 09/23 | 370.17 |
| 08/06/2021 | 000074 | Bill | | 6/23- 7/23 08/23 | 220.17 |
| 07/19/2021 | 000052 | Payment | 5444 | 3251 | |
| 07/07/2021 | 000042 | Bill | | 5/23- 6/23 07/23 | 240.17 |
| 06/30/2021 | 000034 | Payment | 5009 | 746 | |
| 06/07/2021 | 000025 | Bill | | 4/23- 5/23 06/23 | 183.17 |
| 05/03/2021 | 000001 | Adjustment | | LOAD AWR BAL 5-3-21 | 230.17 |



Julie Shah [REDACTED]

Re: Rain Harvesting

1 message

Nicole Chisolm [REDACTED]

Thu, May 5, 2022 at 10:49 AM

To: Julie Shah [REDACTED]

Cc: Adam Benefield [REDACTED]

Julie,

the service call was for a spring start-up and Alex fixed a leak at your relief valve on the drip line. Please see the picture below.



On Thu, May 5, 2022 at 9:46 AM Julie Shah [REDACTED] wrote:

Touching base about the service we had done last week. Could you let me know what changes were made to the sprinklers?

Julie Shah
(512)791-9282

On Jun 17, 2021, at 1:09 PM, Nicole Chisolm [REDACTED] wrote:

Most definitely, thank you.

On Thu, Jun 17, 2021 at 1:07 PM Adam Benefield [REDACTED] wrote:

Thanks Nicole.

NB LAW OFFICE OF
NICHOLAS BRESSI

1803 West Ave. | Austin, Texas 78701 | 512.416.8999 | [REDACTED]

July 22, 2022

Cass Brewer
Legacy DCS, LLC
205 Wild Basin Road South, Bldg. One
Austin, Texas 78746

via email and regular and certified mail

John Staigerwald
Stag Pools
9301 US-290 Suite100
Austin, Texas 78736

via email and regular and certified mail

Re: Tusher and Julie Shah / 4824 Rollingwood Drive, Austin, Tx 78746

DEMAND FOR WARRANTY REPAIRS AND RCLA NOTICE LETTER

Gentlemen:

I have been retained by Tushar and Julie Shah to assist with the present dispute which has arisen regarding the pool which was constructed by Stag Pools as a subcontractor of Legacy DCS, LLC ("Legacy") at the Shah's residence. Mr. and Mrs. Shah have patiently tried to work with Stag Pools and its insurance representative directly for the past several months to resolve the construction defects which exist relating to their pool yet to date no resolution has been proposed or realized in connection with this dispute. Also, since June, you both have been in possession of an engineering report which clearly established and documented the defects at issue, the cause of the defects and contained a plan of repair. Accordingly, this letter is being sent to place you both on notice of these pool related construction defects pursuant to the terms of Texas Property Code, Chapter 27, the Texas Residential Construction Liability Act ("RCLA") and pursuant to Legacy's warranty. Demand is hereby made that each of you as stated below to ascertain the cause of the defects and repair the construction defects noted herein. Demand is also hereby made upon Stag Pools for the property damages caused to the Shah's residence as a direct and proximate result of Stag's negligence.

RCLA / Warranty demand

Legacy as the general contractor is responsible for repair of the construction defects noted herein both under the construction contract and under Texas common law. Stag Pools, as the pool subcontractor, is also responsible for the construction defects based on the implied warranties which exist under Texas law. Both of you also had a duty to complete this work in a good and workman like manner and failed to do so. Demand is hereby made that each of you respectively pay for the cost to remove and replace the pool in accordance with the plan of repair recommended by your investigative engineer or alternatively you tender payment to my clients in the amount of \$297,689.00 per the enclosed bid from Trinity Pools and Scapes so that my clients and complete the necessary work to the pool.

On March 5th Mr. Shah notified John Staigerwald of Stag Pools that he noticed several cracks in the pool and asked for him to take a look. John conducted a visual inspection on March 10th. During his visit, Mr. Shah told John that he believed the pool was losing water. Through his inspection, John noticed additional cracks in the pool and he also went under the decking which the pool is up against, and he said that he noticed that areas of the concrete there were also wet. He also noticed wet areas on the backside of the pool. John told Mr. Shah that his opinion is that there was a bad formulation on the concrete and that a complete removal and replacement of the pool and all pool equipment, underground lines, landscaping etc. would be needed to fix the problem. John came to this conclusion as he said he has had 20+ pools over the last 12-18 months with the exact same issue.

Upon extensive inspection and diligence of those pools, including analysis of concrete core samples, John further stated it was determined that the concrete was not properly formulated which resulted in the cracks and the pools leaking water. John told Mr. Shah that the concrete company used for the Shah's pool was the same concrete that Stag had used for the other pools Stag built which were also failing and cracking. Obviously, these defects are not my client's fault but rather Legacy and Stag are the parties who need to deal with this issue and replace the pool. Since June, you both have been in possession of an engineering report which supports Johns' suspicions and confirms that inferior concrete appears to be the cause of the defects. Your investigative engineering report clearly established and documented the defects at issue, the cause of the defects and your liability for the damages at issue.

Mr. and Mrs. Shah will agree to assign any and all subrogation rights and/or claims they have against any other parties, to you both, in exchange for resolution of this matter. Time is of the essence therefore your prompt response is appreciated.

Reimbursement for Fees and Expenses

Under RCLA my client is also entitled to be reimbursed for all consultant's fees and legal fees incurred in connection with this matter. The reasonable and necessary attorney's fees incurred to date total \$500.00 and demand for payment of such fees is also hereby demanded as well as any additional consulting and/or legal fees incurred through final resolution of this claim.

Response Requested

Under RCLA you have 45 days from the date of your receipt of this demand and notice letter to respond. If your repair offer is not furnished within 45 days from the date of your receipt of this RCLA demand letter as required by law, then please be advised that a lawsuit may be filed immediately thereafter without further notice seeking recovery of all damages listed herein as well as additional investigative expenses, consultant's fees, additional living expenses, diminution in value, statutory fines and penalties, as well as additional reasonable and necessary attorney's fees, interest, and court costs.

My clients prefer that this matter be handled amicably and in an expeditious manner. Time is of the essence due to the fact that the damages are continuing to occur and my clients desire to repair the pool so they can enjoy it this summer. I look forward to receiving your response. In the meantime, should you have any questions, please feel free to contact me.

Sincerely,

Nicholas S. Bressi

Encls.

cc: Tushar & Julie Shah

Veronica Hernandez

From: Julie Shah [REDACTED]
Sent: Tuesday, September 5, 2023 4:50 PM
To: Veronica Hernandez
Subject: Re: FW: 4824 Rollingwood water
Attachments: image001.png

What time is the meeting?

On Tue, Sep 5, 2023 at 4:09 PM Veronica Hernandez <vhernandez@rollingwoodtx.gov> wrote:

Hello Mrs. Shah,

The next Utility Commission meeting will be on September 18, 2023; will you be able to attend this meeting? If you can please let me know as soon as possible, so we can add you to the agenda packet.

Thank you,

Veronica Hernandez

Utility Billing Manager

City of Rollingwood

(512) 327-1838

www.rollingwoodtx.gov



From: Veronica Hernandez
Sent: Friday, August 25, 2023 7:59 AM
To: 'Julie Shah' [REDACTED]
Subject: RE: 4824 Rollingwood water

Good morning Mrs. Shah,

You are disputing high water bills from 2021 and 2022.

Per our policy, appeals should be filed as soon as possible, but no later than six months after the issuance of the first contested utility bill. Unfortunately, your request for a leak adjustment has exceeded the six month time frame and cannot be considered by the city.

You do have the option of presenting your case in front of the Utility Commission If you'd like to contest your high water bill. If you choose to do that, you will need to submit a Utility Appeal Form, proof, and provide any other information to support your appeal, which we already have. Additionally, an adjustment is not guaranteed and is at the discretion of the Utility Commission.

Thank you,

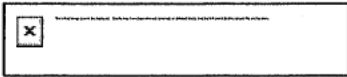
Veronica Hernandez

Utility Billing Manager

City of Rollingwood

(512) 327-1838

www.rollingwoodtx.gov



From: Julie Shah [REDACTED]
Sent: Thursday, August 24, 2023 10:20 PM
To: Veronica Hernandez <vhernandez@rollingwoodtx.gov>
Subject: Re: 4824 Rollingwood water

No, we are still waiting for a permit to replace the leaking pool.

Julie Shah

(512)791-9282

On Aug 24, 2023, at 3:11 PM, Veronica Hernandez <vhernandez@rollingwoodtx.gov> wrote:

Yes, an email was sent to the Utility Commission to see who will be available for the Utility Commission meeting. We are hoping to have a quorum for the meeting on September 5, 2023 at 5:30 pm.

I do have a question for you though; have all your leaks been repaired?

Thank you,

Veronica Hernandez

Utility Billing Manager

City of Rollingwood

(512) 327-1838

www.rollingwoodtx.gov

<image001.png>

From: Julie Shah [REDACTED]
Sent: Thursday, August 24, 2023 2:46 PM
To: Makayla Rodriguez <mrodriguez@rollingwoodtx.gov>
Cc: Veronica Hernandez <vhernandez@rollingwoodtx.gov>
Subject: Re: 4824 Rollingwood water

Veronica,

Should we schedule a call for next week? I am not clear where the process stands right now.

Julie Shah

(512)791-9282

On Aug 18, 2023, at 10:48 AM, Makayla Rodriguez <mrodriguez@rollingwoodtx.gov> wrote:

Julie,

Veronica is out of the office today and will reach out to you once she returns.

Best,

Makayla Rodriguez

Assistant to the City Administrator

City of Rollingwood

(512) 327-1838

www.rollingwoodtx.gov

From: Julie Shah [REDACTED]
Sent: Friday, August 18, 2023 10:43 AM
To: Veronica Hernandez <vhernandez@rollingwoodtx.gov>; Makayla Rodriguez <mrodriguez@rollingwoodtx.gov>
Subject: Re: 4824 Rollingwood water

Veronica and Makayla,

Following up on our requests below re: our water bills.

Julie

On Thu, Aug 3, 2023 at 6:42 PM Julie Shah [REDACTED] wrote:

Any news on this?

Julie Shah

(512)791-9282

Begin forwarded message:

From: Julie Shah [REDACTED]
Date: July 18, 2023 at 1:34:09 PM CDT
Subject: Re:

Sounds good, thank you. I'll wait to hear from you.

I really appreciate your help with this. We are trying so hard to be good neighbors and not use too much water. We installed two giant rainwater collection tanks with that goal, but unfortunately we had these issues.

Best regards,

Julie

On Tue, Jul 18, 2023 at 1:31 PM Veronica Hernandez
<vhernandez@rollingwoodtx.gov> wrote:

I have attached a copy of the Rollingwood Utility Customer Appeals and Process Summary.

I will review you documents and will respond as soon as I can.

Thank you,

Veronica Hernandez

Utility Billing Manager

City of Rollingwood

(512) 327-1838

www.rollingwoodtx.gov

<image001.png>

From: Julie Shah [REDACTED]
Sent: Tuesday, July 18, 2023 1:27 PM
To: Veronica Hernandez <vhernandez@rollingwoodtx.gov>
Subject: Re: Usage History

Is this right?

On Tue, Jul 18, 2023 at 8:06 AM Veronica Hernandez
<vhernandez@rollingwoodtx.gov> wrote:

Good morning Mrs. Shah,

You can add up the months you are disputing.

Thank you,

Veronica Hernandez

Utility Billing Manager

City of Rollingwood

(512) 327-1838

www.rollingwoodtx.gov

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From: Julie Shah [REDACTED]
Sent: Monday, July 17, 2023 10:06 PM

To: Veronica Hernandez <vhernandez@rollingwoodtx.gov>
Subject: Re: Usage History

So I should do this? What do I put for contested amount?

On Mon, Jul 17, 2023 at 9:37 AM Veronica Hernandez
<vhernandez@rollingwoodtx.gov> wrote:

Mrs. Shah, did you ever submit a leak adjustment form, instead of
a water payment appeal form?

Thank you,

Veronica Hernandez

Utility Billing Manager

City of Rollingwood

(512) 327-1838

www.rollingwoodtx.gov

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From: Julie Shah [REDACTED]
Sent: Sunday, July 16, 2023 7:37 PM
To: Veronica Hernandez <vhernandez@rollingwoodtx.gov>
Subject: Re: Usage History

Veronica,

Thank you for sending the usage report.

We have been struggling with several water issues on our
property, including:

1. sprinkler system underground leaks,
2. plumbing for our rainwater collection tanks,
3. a leaking water softener, and
4. cracks in our pool.

We would like to apply for a wholesale credit. I had been waiting to get all 4 of the above issues fixed before making a lump sum claim for credit. However, we still have not received the permit to redo our pool and we do not want to wait any longer for the application for credit.

You can see by the spikes in our water usage that around mid-2021 these issues started occurring. We have been working in good faith to address them.

Issues that we HAVE successfully addressed:

1. June 2021 We started working with Eco Irrigation to address the sprinkler system and plumbing for our rainwater collection tanks (see attached Eco Irrigation Account History).
2. May 2022 We contacted our builder about the leak from the water softener and then had to hire a plumber to remove the failing unit.
3. June 2022 We hired Conserva Irrigation to review the sprinkler system and they found yet another leak.
4. June 2022 We emailed the City of Rollingwood about these issues
5. August 2022 I drafted a Water Payment Appeal Form but decided not to file it until the pool issue (see below) was addressed...

Issues that we have NOT YET successfully addressed:

1. March 2022 We noticed our pool cracking and contacted the pool builder. July 2022 we hired an attorney to file a claim against the pool builder. We received a settlement and hired a new pool builder who has filed for a permit with the City of Rollingwood. As the new pool builder plans to add landscaping, the permit is still under review and we have not been able to demo the existing pool and build a new one.

Please call me at 512-791-9282 or reply by email when you are available to discuss.

Thank you and best regards,

Julie Shah

On Fri, Jul 14, 2023 at 12:06 PM Veronica Hernandez
<vhernandez@rollingwoodtx.gov> wrote:

Hello Mrs. Shah,

I have attached a copy of your consumption history, per your request.

I would like to also suggest, you can visit our website where you registered for auto – pay and you can also view your consumption history, transaction history and account detail, but please if you need anything do not hesitate to reach out to me.

I hope this helps. Take care.

Thank you,

Veronica Hernandez

Utility Billing Manager

City of Rollingwood

(512) 327-1838

www.rollingwoodtx.gov

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From: Julie Shah [REDACTED]
Sent: Friday, July 14, 2023 11:48 AM

To: Veronica Hernandez <vhernandez@rollingwoodtx.gov>
Subject: Fwd: Usage History

Hello Veronica - could you please send me a report showing our water usage here at 4824 Rollingwood? We have struggled with sprinkler system leaks and pool leaks and want to see if we are making progress.

Thank you -

Julie

----- Forwarded message -----

From: Makayla Rodriguez <mrodriguez@rollingwoodtx.gov>
Date: Fri, Jul 14, 2023 at 11:38 AM
Subject: RE: Usage History
To: Julie Shah [REDACTED]

Hi Julie,

Please reach out to our Utility Billing Manager, Veronica Hernandez. She can be reached at vhernandez@rollingwoodtx.gov.

Best,

Makayla Rodriguez

Assistant to the City Administrator

City of Rollingwood

(512) 327-1838

www.rollingwoodtx.gov

From: Julie Shah [REDACTED]
Sent: Friday, July 14, 2023 11:36 AM
To: Makayla Rodriguez <mrodriguez@rollingwoodtx.gov>
Subject: Re: Usage History

10 months later.

Hi Makayla

Could you please send me an updated version of this report?

Thank you -

Julie

On Wed, Sep 14, 2022 at 11:54 AM Makayla Rodriguez
<mrodriguez@rollingwoodtx.gov> wrote:

Julie,

I have a pdf of you user history attached.

Please let me know if there is anything I can do to help,

Makayla Rodriguez

Assistant to the City Administrator

City of Rollingwood

(512) 327-1838

www.rollingwoodtx.gov

<image001.png>

CARRASQUILLO ASSOCIATES

**MATERIALS, CONSTRUCTION, AND
STRUCTURAL CONSULTANTS**

TBPE Reg. F-3467

5508 W US HWY 290 SERVICE RD, STE. 202
AUSTIN, TX 78735

Residential Swimming Pool Assessment

**4824 Rollingwood Drive
West Lake Hills, TX 78746**

Independent Expert Report

June 8, 2022

**Prepared For:
Cincinnati Insurance**

**By:
Carrasquillo Associates, LTD**

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4824 Rollingwood Drive Swimming Pool Assessment

1.0 INTRODUCTION

The following is a summary report of Carrasquillo Associates' (CA) investigation conducted to date into the observed distress in the swimming pool of the residential pool (Project) located at 4824 Rollingwood Drive, West Lake Hills, TX 78746. Cracking distress in the pool shell was initially observed in the benches, tanning beach, and spa sections. The distress was reported to the pool contractor, Stag Pools, LLC (Stag) and subsequently, CA was retained by Stag's insurance carrier, Cincinnati Insurance (Cincinnati), on behalf of Stag. CA was tasked to determine the cause(s) of the observed distress and provide repair recommendations. Presented herein is the most relevant information regarding the findings and conclusions from CA's investigation into determining the cause(s) of the distress in the pool.

CA reserves the right to modify the findings, conclusions, and recommendations contained herein as new information becomes available for review.

2.0 BACKGROUND

The residence located at 4824 Rollingwood Drive is a custom-built home that includes a custom designed swimming pool. The pool, as shown in Figure 1, consists of a 12-inch-thick shotcrete shell with #4 steel reinforcement spaced at 10 inches on-center each way. The pool also contains several aesthetic features including steps, a spa, and a crawl space underneath the pool deck. The features described are identified in Figure 1.



Figure 1: 4824 Rollingwood Drive swimming pool

The shotcrete for the pool shell was supplied and placed by EasyMix Concrete Services, LLC (EasyMix), a subcontractor to Stag, June 22, 2019. CA understands, as per communications with Stag's representatives, that the specified design compressive strength of the shotcrete was 4,500 psi and the mix design consisted of a straight cement mix without the use of fly ash or any other supplementary cementitious materials. The aggregates for the concrete mix, namely, sand and pea gravel, were supplied by Travis

Materials directly to EasyMix for use in their concrete and shotcrete products. A copy of the mix design supplied by EasyMix to Stag in 2019 is included in Appendix A.

CA understands that the homeowner contacted Stag and notified them of the cracking distress and efflorescence observed at various locations in the pool shell and the perimeter wall. The cracking distress in the pool shell was not isolated to specific locations but was systemic as it was observed at the spa, steps, walls, and crawl space of the pool. Typical examples of this distress are shown in Figures 2 to 4.



Figure 2: Cracking distress in bench along pool perimeter



Figure 3: Cracking distress and efflorescence in crawl space underneath the pool deck



Figure 4: Cracking distress and efflorescence of exterior spa wall

3.0 INVESTIGATION AND FINDINGS

CA understands that after the distress was reported to Stag by the homeowner, a claim was filed with Cincinnati and subsequently CA was retained to perform the investigation reported herein. CA's investigation to date has focused on determining the cause(s) of the cracking distress in the pool shell and surrounding elements. The following tasks, among others, were performed as part of CA's investigation:

- Review of shotcrete mix design proportions supplied by EasyMix,
- Site visit performed on May 10, 2022,
- Photographic documentation,
- Material sampling,
- Petrographic examination of shotcrete core samples, and
- Communications with residence representatives.

4.0 FINDINGS

CA's investigation included a site visit on May 10, 2022 to observe and document the condition of the pool and surrounding elements, perform non-destructive testing, and conduct material sampling. A petrographic examination of the shotcrete material extracted from the pool was performed by Wiss, Janey, Elstner Associates, Inc. (WJE).

4.1 Site Observations – May 10, 2022

CA performed a site visit on May 10, 2022, to perform a photographic documentation of the Project and extract two (2) shotcrete core samples from the swimming pool shell. During this site visit, the spa was drained to extract the samples and to document the

distress of the spa. The cracking distress shown in Figures 5 and 6 was systemic throughout the pool shell.



Figure 5: General overview of spa and location of the cores



Figure 6: Cracking distress and efflorescence along bench of spa

4.2 Material Sampling and Testing

In total, CA coordinated the removal of two (2) shotcrete samples from inside the pool shell on May 10, 2021. A sample taken from the pool spa bench was subjected to a petrographic examination by WJE. A summary of the results is presented in Section 4.2.1 of this report and the full petrographic report by WJE is included in Appendix B.

4.2.1 Petrographic Examination

An initial petrographic examination of one (1) core extracted from the pool spa bench was performed by Wiss, Janey, Elstner Associates, Inc. (WJE) following ASTM C856, *Standard Practice for Petrographic Examination of Hardened Concrete*. WJE identified the presence of an alkali-silica reaction (ASR).

It should be noted that fly ash which is typically used in concrete mixtures to mitigate and/or prevent this type of ASR mechanism was not identified in the core sample.

5.0 DISCUSSION

It is CA's opinion that the primary cause of the distress in the pool is the presence of an internal expansion mechanism resulting from an alkali-silica reaction (ASR), as identified through petrographic examination.

Based on the findings from the investigation conducted to date, it is CA's opinion that the distress observed in the pool shell and the external pool elements is an internal expansion within the shotcrete caused by the ASR mechanism resulting in the observed cracking and deterioration of the shotcrete. Further, as the shotcrete deteriorates, it creates additional

internal cracking and passageways for moisture to penetrate the shotcrete promoting the progression of the ASR damaging mechanism.

In general, the internal expansion damaging mechanism associated with the ASR within the shotcrete is the result of a reaction between certain well-known alkali reactive mineralogical components within the aggregates and alkali compounds from the portland cement in the presence of moisture. It must be noted that for the shotcrete to experience enough internal expansion and cracking to the extent of affecting its performance for its intended use, all three factors involved in the ASR mechanism must be readily available in enough amounts. As a result, if an in-place shotcrete is to be subjected to damage as a result of ASR depends on the selection by the concrete supplier of the aggregate materials and their mineralogical composition as well as the selection of the portland cement and its chemical composition, the mixture proportions, the incorporation of any measures in the mixture design to mitigate the potential for damage due to ASR, and the exposure conditions of the shotcrete in service. The standard of the industry regarding the production of concrete including, among others, the American Concrete Industry (ACI) and the American Society for Testing and Materials (ASTM), contains numerous readily available and generally acceptable guidelines for the selection of materials and their proportions as well as mitigating measures for the prevention of ASR related damage in concrete.

Regarding the aggregate, American Concrete Institute (ACI) 506.2-13 *Specification for Shotcrete* states the following:

“2.1.3 Aggregate – Unless otherwise specified, aggregates shall comply with ASTM C33/C33M for normalweight aggregates.”¹

ASTM C33-16, *Standard Specification for Concrete Aggregates*, the standard applicable at the time of aggregate purchase and construction of the pool, states the following,

“4.1 The direct purchaser of aggregates shall include the information in 4.2 in the purchase order as applicable.

4.2.4 When the order is for fine aggregate:

4.2.4.1 Whether the restriction on reactive materials in 7.3 applies”²

Section 7.3 of ASTM C33-16 states the following regarding the requirements for the use of fine aggregate:

“7.3 Fine aggregate for use in concrete that will be subject to wetting, extended exposure to humid atmosphere, or contact with moist ground shall not contain any materials that deleteriously reactive with the alkalis in the cement in an amount sufficient to cause excessive expansion of mortar or concrete, except that if such materials are present in injurious amounts, use of fine aggregate is not prohibited when used with a cement containing less than 0.60%

¹ *Specification for Shotcrete*, American Concrete Institute (ACI) 506.2-13

² *ASTM C33-16 Standard Specification for Concrete Aggregates*

alkalies calculated as sodium oxide equivalent ($Na_2O + 0.685K_2O$), if there is satisfactory service record evaluation, or with the addition of a material that has been shown to prevent harmful expansion due to the alkali-aggregate reaction.”³

It should be noted that ASTM C33 states the same requirements for coarse aggregate as it does for the fine aggregate.

Based on the information stated in the ACI *Specification for Shotcrete* and ASTM C33-16 *Standard Specification for Concrete Aggregates*, it is CA’s opinion that the purchaser of the aggregate, EasyMix, should have specified in their purchase order that the aggregate would be subject to “*wetting, extended exposure to humid atmosphere, or contact with moist ground*”⁴, as it was known to the EasyMix that the shotcrete would be used for a swimming pool and request that the aggregate be evaluated with respect to its potential for ASR as per ASTM C33, Section 7.3. If this information was stated in the purchase order, as required per ASTM C33, the aggregate supplier would have been required to perform the appropriate testing to determine if the aggregate contained materials that were deleteriously reactive. If the aggregate was deemed to be reactive, EasyMix could have taken the appropriate measures to prevent ASR related damage to the shotcrete in the swimming pools as previously discussed.

Thus, it is CA’s opinion that the ASR mechanism could have been prevented if certain measures were taken by EasyMix. These measures include any one or a combination of

³ Ibid.

⁴ ASTM C33-16 *Standard Specification for Concrete Aggregates*

the following, including the addition of fly ash or supplementary cementitious materials to the concrete mixture, selection of materials with lesser potential for ASR reaction, adjusting the materials proportions, and/or having the aggregate supplier test the material purchased to determine its potential for ASR.

It is CA's opinion that all the shotcrete is susceptible to ASR degradation, as supported by the systemic manifestation of the distress observed by CA. In service, the shotcrete will be continuously exposed to moisture because the pool is a water retaining structure, the plaster coating is not intended to create an impermeable layer preventing moisture from reaching the shotcrete, and the shotcrete is cast against earth. Thus, it is CA's opinion that the only remediation for the ASR distressed structure is to remove the shotcrete and rebuild the pool since the ASR mechanism cannot be stopped due the characteristics of the materials and the continuous exposure to moisture.


6.0 CONCLUSIONS

1. The cause of the cracking distress in the residential pool at 4824 Rollingwood is an internal expansion mechanism as a result of ASR as identified through petrographic examination of shotcrete samples.
2. The petrographic examination clearly identified the presence of chert in the aggregates which is a well-known ASR reactive component in the aggregates.
3. The purchaser of the reactive aggregate, EasyMix, did not follow ACI or ASTM standards to ensure that the shotcrete mixture would be adequate for a swimming

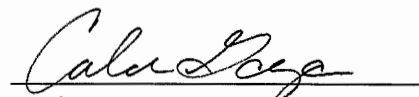
pool application including mitigating the potential for damage as a result of ASR in the shotcrete.

4. The shotcrete mixture did not contain fly ash or any other measures which could have mitigated the damage due to the ASR mechanism.
5. In this application, the ASR distress mechanism cannot be stopped given that the shotcrete contains the ASR reactive aggregate, and the shotcrete is not protected against the exposure and/or penetration of moisture.
6. It is CA's opinion that the only remediation alternative to restore the performance of the residential swimming pool at 4824 Rollingwood is the removal and replacement of the shotcrete and the reconstruction of the swimming pool.

Submitted by:



Ramón L. Carrasquillo, Ph.D., P.E.
President, Carrasquillo Associates



Carlos Garza, M.S., P.E.
Project Manager



Dulce Maria Trejo, B.S., E.I.T.
Graduate Engineer

List of Appendices

Appendix A: Shotcrete Mix Design, EasyMix Concrete Services, LLC, December 29, 2019

Appendix B: *4824 Rollingwood Drive Petrographic Investigation Pool Spa Bench Shotcrete* prepared by Wiss, Janney, Elstner Associates, Inc., June 3, 2022

Appendix C: ASTM C33-16, *Standard Specification for Concrete Aggregates*

→ we are happy to provide these as well.