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August 21, 2001
Date

Scott Gilmore, Secretary
Board of Directors
Wells Branch Municipal Utility District

1 **FINANCE:**

2 Directors Howe (chair); Smith; Walters (alt.)

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4 **INTERGOVERNMENTAL RELATIONS:**

5 Directors Howe (chair); Smith; O'Donnell (alt.)

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7 **PUBLIC SAFETY:**

8 Directors Gilmore (chair); O'Donnell; Smith (alt.)

9
10 **RECREATION:**

11 Directors Smith (chair); Walters; Gilmore (alt.)

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13 Director O'Donnell offered to serve as the Homestead's liaison to the Scouting program, and
14 *the Board concurred.*

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16 Director Walters then announced that the Board would discuss a request by the Hampton
17 Apartments for a water well included in a letter from Tom Arnold Drilling, a copy of which is
18 attached as Exhibit "W" Mr. Swick discussed the history of the drilling and noted that Mr.
19 Arnold had been cooperative in working with the District. He suggested that the Board waive
20 any penalties and require \$2,500 for the permit. **Director Howe moved, seconded by**
21 **Director Smith, that the Board authorize the permit subject to the payment of fees. The**
22 **motion passed unanimously.**

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24 At 8: 59 p.m., Director Walters announced that the Board would convene in executive session
25 for purposes permitted by Sections 551.074, Texas Government Code, in order to discuss
26 personnel matters, including the evaluation of the District manager. At 9:12 p.m., Mr.
27 Williams was invited into the executive session. At 9:32 p.m., the meeting was reconvened in
28 open session, and Director Walters announced that no action had been taken during executive
29 session.

30 Director Walters then stated that the Board had determined that Mr. Williams's performance
31 over the previous year had been outstanding and that he had been ranked as "excellent" in
32 every category. He stated that Mr. Williams had the support of the Board, which appreciated
33 all of his efforts on the District's behalf. Mr. Williams stated that he appreciated the Board's
34 support. Director Smith commended Mr. Williams for his openness to mediation on personnel
35 issues. Director Howe stated that she appreciated his coordination with the Board and keeping
36 the Board informed. After further discussion, **Director Howe moved that the Board**
37 **approve a 10 percent increase in Mr. Williams's salary. Upon second by Director Smith,**
38 **the motion was unanimously adopted.** Mr. Williams thanked the Board for its confidence
39 in him and stated that he was very pleased with his raise and review. Director Walters stated
40 that the Board wanted to be sure that he knew he had the Board's support and encouraged him
41 to keep up the good work.

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43 There being no further business to come before the Board, the meeting was adjourned at 9:47
44 p.m.

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47 Respectfully submitted,

1 Director Walters directed, with Board approval, that Mr. McCasland be included in the
2 Facilities Committee's deliberations and that the Committee report to the Board.

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4 Director Walters then announced that the Board would receive reports from Committees:

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6 **CONSERVATION COMMITTEE:** The Committee recommendation to install a
7 rainwater collection system at the Community Center, a copy of which is attached as
8 Exhibit "R," serving as motion and second, the motion passed unanimously.

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10 **FACILITIES COMMITTEE:** The Committee report is attached as Exhibit "S." Director
11 Walters recognized Mr. Ferguson who directed the Board's attention to a memo regarding a
12 request for submetering at 1779 Wells Branch Parkway, a copy of which is attached as Exhibit
13 "T." Discussion ensued on issues related to submetering. *The Board directed the Facilities*
14 *Committee to research the matter for an appropriate recommendation.* Mr. Ferguson also
15 reported that he had received a request for pass-through wastewater service at 2407 Howard
16 Lane area, and a copy of his letter to this effect is attached as Exhibit "U." Ms. Littlefield
17 recommended that Mr. Williams and Mr. Ferguson work together regarding determination of
18 appropriate fees. **The Committee recommendation serving as motion and second to direct**
19 **Mr. Ferguson and Mr. Williams to determine appropriate fees for future pass-through**
20 **agreements, the motion passed unanimously.**

21
22 **The Committee recommendation, a copy of which is attached as Exhibit "V," served as a**
23 **motion and second to authorize the Committee and Mr. Williams to negotiate and**
24 **conclude an easement, subject to review by the District's attorney, to Southwestern Bell**
25 **Telephone Co. The motion passed unanimously.**

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27 **FINANCE COMMITTEE:** Director Howe reported that the Committee was beginning the
28 budget process.

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30 **INTERGOVERNMENTAL RELATIONS COMMITTEE:** Director Smith noted that she
31 had spoken with Travis County Commissioner Karen Sonleitner's office regarding plans for
32 redistricting of the County.

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34 Director Walters then announced that the Board would take announcements from Directors. It
35 was noted that Director Gilmore was in Washington, D.C., and the Board was sorely
36 impressed such that it said, "Ooooooh." The Board recessed at 8:12 p.m. and reconvened at
37 8:34 p.m. to discuss and approve the following Committee assignments:

38
39 **ADMINISTRATIVE:**

40 Directors Walters (chair); Gilmore; O'Donnell (alt.)

41
42 **CONSERVATION:**

43 Directors O'Donnell (chair); Howe; Walters (alt.)

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45 **FACILITIES:**

46 Directors Gilmore (chair); Smith; Walters (alt.)
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1 bonding authority to go beyond \$160,000. Mr. D'Angelo acknowledged he had signed the
2 Agreement and was bound by it. Ms. Littlefield noted that any delay was due to Mr.
3 D'Angelo's failure to deliver information required for reimbursement. **Director Howe**
4 **moved, seconded by Director Smith, that the Board authorize the District manager to**
5 **proceed with reimbursing Mr. D'Angelo pursuant to the terms of the contract, subject to**
6 **Mr. D'Angelo providing sufficient documentation and completion of the required final**
7 **inspection. The motion passed unanimously.**
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9 Director Walters then announced that the Board would consider items on its consent agenda,
10 including:

11
12 **Agenda Item No. 6** Approve minutes of the June 19, 2001, regular
13 meeting;

14
15 **Agenda Item No. 7** Approve Finance Committee's recommendations
16 regarding payment of bills and invoices and
17 write-offs, copies of which are attached as
18 Exhibits "M" and "N" respectively; and

19
20 **Agenda Item No. 8** Approve Resolution Authorizing Payment of
21 Increased Fees of Office, and Amending Code of
22 Ethics, Travel and Professional Services Policy, a
23 copy of which is attached as Exhibit "O."

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25 **Agenda Item No. 9** Approve contract with Wurzel Construction
26 Corp. for construction of the indoor recreation
27 center, a copy of which is attached as Exhibit
28 "P."

29
30 **Director Smith moved, seconded by Director Walters, approval of the consent agenda,**
31 **and the motion passed unanimously.**
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33 Director Walters then announced that the Board would discuss pending litigation and invited
34 comment from Mr. Drummond regarding *Wells Branch Municipal Utility District v.*
35 *Southwestern Bell Telecommunications, Inc. and Brush Creek Communications.* Mr.
36 Drummond distributed a letter, a copy of which is attached as Exhibit "Q," he prepared
37 regarding the matter and sent to Brush Creek Communications, Inc. He noted that
38 Southwestern Bell's contract with Brush Creek required Brush Creek to indemnify Bell and
39 also placed on Brush Creek the duty to defend any claims arising from the contract. He
40 generally stated Bell's intent to appeal any penalty or assessment. Ms. Littlefield reviewed the
41 progress of the District's complaint, noting that Brush Creek had failed to address the
42 District's concerns, leaving the District little choice but to involve Southwestern Bell. *The*
43 *Board directed the Facilities Committee and Mr. Williams to work with Mr. Drummond to*
44 *reach an acceptable conclusion.* Mr. McCasland addressed the Board and apologized for the
45 damage done by Brush Creek and acknowledged that Southwestern Bell was not responsible
46 for any damage. "They're completely not at fault; I am," he stated. He said he intended to
47 resolve the matter: "This is something I'll have to take care of, and I will take care of it."

1 was temporarily on hold because of a labor dispute involving the contractor. He reported that
2 District staff had apprehended young vandals at Katherine Fleischer Pool. The District had
3 experienced \$600 damage, and the vandals' parents would be required to make restitution. He
4 reported that cleanup continued from the May 20 windstorm that created a large amount of
5 debris.

6
7 Mr. Swick presented the covenant enforcement report and noted an increase of lawn
8 maintenance violations. Mr. Williams informed the Board that a resident with a trampoline in
9 his front yard had declined to remove the device, comparing it to the presence of basketball
10 goals. *Director Walters suggested, and the Board generally agreed, that District staff review*
11 *covenants and their applicability to the situation. Director Howe added that the District*
12 *should consult County officials regarding basketball goals in County right-of-way.* The Board
13 discussed the presence of a large truck parked on Wells Port. Mr. Williams stated he intended
14 to treat the vehicle as a nuisance. In his customer service report, Mr. Swick reported generally
15 favorable comments regarding the District's annual FourthFest celebration on Independence
16 Day.

17
18 Director Walters then recognized Ms. Littlefield who reported on recent legislation affecting
19 District operations, including Senate Bill 1444.

20
21 Director Walters then recognized Mr. Ferguson who presented the report from the District's
22 engineer, a copy of which is attached as Exhibit "L" Mr. Ferguson noted he was working with
23 the Facilities Committee regarding alternatives for a guardrail associated with the Bratton
24 Lane project. He further informed the Board that a representative of the Lakes apartments had
25 informed him that the management was deliberating alternatives regarding undocumented
26 water lines.

27
28 Director Walters then announced that the Board would receive input from citizens and
29 recognized Ms. Jackmon. Ms. Jackmon said she had asked that the District construct a side
30 fence at her home as part of its fence project, but she was turned down. She noted that a
31 similar side fence had been constructed at another residence. Director Walters replied that the
32 first side fence had been constructed before the Board articulated its policy on such fences,
33 and no more of those fences had been erected. Director Walters suggested that if Ms. Jackmon
34 would agree to pay for half of the construction, he was confident a private donor could be
35 located to assist with the balance. Ms. Jackmon found that agreeable.

36
37 Director Walters then recognized Mr. D'Angelo who addressed the Board concerning the
38 Utility Construction Agreement (regarding Wells Branch Phase X, Section 3) between him
39 and the District. Mr. D'Angelo stated that he had incurred reimbursable costs of \$274,000 but
40 was limited by the Agreement to receiving \$160,000. He said he didn't think that was fair. He
41 further complained about the delay in reimbursement.

42
43 Ms. Littlefield reminded Mr. D'Angelo that the District had informed him that it was limited
44 as to the amount it could reimburse him to \$160,000. She opined that the Board had no legal
45 justification to increase the amount of reimbursement. Director Walters reminded Mr.
46 D'Angelo that in the second negotiation meeting, the District had stressed to Mr. D'Angelo,
47 and he had so stipulated, that the District had no more construction funds and no more

1 MINUTES OF THE MEETING OF
2 THE BOARD OF DIRECTORS OF
3 WELLS BRANCH MUNICIPAL UTILITY DISTRICT
4

5
6 July 17, 2001
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9 A regular meeting of the Board of Directors was held July 17, 2001, at the Wells Branch
10 Community Center, 2106 Klattenhoff, Austin, Texas. The meeting was open to the public and
11 notice was given as required by the Texas Open Meetings Act. A copy of the Certificate of
12 Posting of the Notice is attached as Exhibit "A".
13

14 Members of the Board as it was called to order are:
15

16 Charles R. Walters	-President
17 Donna Howe	-Vice President
18 Scott Gilmore	- Secretary
19 Joy Smith	-Treasurer
	and Assistant Secretary
20 Robert O'Donnell	-Assistant Secretary-Treasurer

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23 and all of the Directors were present, except Director Gilmore. Also present during the course
24 of the meeting were Don H. Williams, District manager; Charles Swick, assistant District
25 manager; Sue Brooks Littlefield of Armbrust Brown & Davis, LLP; Margret Wingrove of
26 ECO Resources; Richard Fadal of TexaScapes, Inc.; Robert Ferguson of Murfee Engineering;
27 Janet Maxey, a resident of the District representing the Wells Branch Armada swim team; Ella
28 Jackmon of 14500 Gold Fish Pond Ave. in the District; Gainer Jones of _____; Charles
29 Wehbe of Consort, Inc.; Paul Drummond of Southwestern Bell Telephone Company; Allen
30 McCasland of Brush Creek Communications; Gerald D' Angelo, D.V.M.; Rama Goruganthu
31 of 14572 Robert I. Walker Blvd. in the District; Santiago Mesia of 14209 Anita Marie Dr. in
32 the District; and Cliff Avery of Gilleland Creek Press.
33

34 Director Walters called the meeting to order at 6:31 p.m. and recognized Ms. Wingrove for a
35 report from the District's utility manager, including a financial report and utility operations
36 report, copies of which are attached as Exhibit "B" and "C," respectively. Ms. Wingrove
37 reported that after eight months in the FY2001 budget, revenues were approximately \$23,500
38 greater than projected and expenses were approximately \$58,000 lower than projected,
39 primarily because of the deferral of some capital improvements projects. In her utility report,
40 she discussed the City of Austin's proposed 4.4 percent increase in charges to the District. She
41 reported the District had 2,873 active connections.
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43 Director Walters then recognized Mr. Williams for a report from the District manager,
44 including the Community Gardens report, solid waste/recycling services report, facilities
45 manager's report, landscape report, restrictive covenants report, customer service report,
46 recreation manager's report and aquatics manager's report, copies of which are attached as
47 Exhibits "D" through "K," respectively. Mr. Williams reported that the District's fence project