

1 MINUTES OF THE MEETING OF
2 THE BOARD OF DIRECTORS OF
3 WELLS BRANCH MUNICIPAL UTILITY DISTRICT
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5
6 September 4, 2001
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9 A regular meeting of the Board of Directors was held September 4, 2001, at the Wells
10 Branch Community Center, 2106 Klattenhoff, Austin, Texas. The meeting was open to
11 the public and notice was given as required by the Texas Open Meetings Act. A copy of
12 the Certificate of Posting of the Notice is attached as Exhibit "A".
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14 Members of the Board as it was called to order are:
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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, thus constituting a
24 quorum. Also present during the course of the meeting were Don H. Williams, District
25 manager; Sue Brooks Littlefield of Armbrust Brown & Davis, LLP; Margret Wingrove of
26 ECO Resources; Robert Ferguson of Murfee Engineering; Dawn Moonan, recreation
27 manager for the District; Manny Woo, aquatics manager for the District; Norman
28 Tomlinson, facilities manager for the District; Granger Brownson, owner of 2106 Taylor-
29 Simonetti in the District; and Cliff Avery of Gilleland Creek Press.
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31 Director Walters called the meeting to order at 6:31 p.m. and recognized Mr. Williams
32 for a report from the District manager, including a restrictive covenants enforcement
33 report, a copy of which is attached as Exhibit "B." Mr. Williams stated he would defer his
34 comments to later in the agenda.
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36 Director Walters then announced the Board would receive comments from its consultants.
37 Mr. Ferguson reported briefly that he had received a call from a surveyor regarding an
38 easement related to the undocumented water line at the Lakes Apartments. Mr. Ferguson
39 stated he advised the surveyor to contact Mr. Williams or Ms. Wingrove. Ms. Littlefield
40 reported that she had had no further contact with the Lakes management nor its
41 representatives. She recommended that the Board set a deadline for its September 18
42 meeting to work out an arrangement with the Lakes and if there were no agreement, the
43 Board would take appropriate action. She further recommended that the Board direct her
44 to draft an agreement based on previous discussions. *The Board generally agreed.*
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46 Director Walters then announced that the Board would receive input from citizens and
47 recognized Mr. Brownson who directed the Board's attention to an e-mail note he had

1 sent to Mr. Williams, a copy of which is attached as Exhibit "C." He said that a
2 prospective buyer for his property had withdrawn from the purchase because of a
3 rehabilitation facility established in a house next door to his property, apparently in
4 violation of restrictive covenants. He stated that his Realtor had advised him that the
5 presence of the facility was a material fact that had to be divulged to any prospective
6 buyer. He asked the District to use its authority to enjoin operation of the facility. Ms.
7 Littlefield said that she would have comments to the Board during its executive session.
8 Director Walters told Mr. Brownson that the Board would consult with its attorney and
9 advise Mr. Brownson of any action the Board might take. Mr. Brownson also mentioned
10 that a window air conditioning unit was present at the home. *Mr. Williams said that he
11 and the District staff would investigate, and the Board generally concurred.*

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13 Director Walters then announced that the Board would consider items on its consent
14 agenda, including:

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16 **Agenda Item No. 4** Approve minutes of the August 21, 2001, regular
17 meetings;

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19 **Agenda Item No. 5** (a) Approve report on developer reimbursables
20 from Maxwell Locke & Ritter and authorize
21 disbursement, a copy of which is attached as
22 Exhibit "D;" (b) approve and accept Bill of Sale,
23 Conveyance of Facilities and Bills Paid Warranty
24 for Drainage, Water and Wastewater
25 Improvements to serve Wells Branch Phase X,
26 Section 3, a copy of which is attached as Exhibit
27 "E;" and (c) approve and accept Dedication Deed
28 for Lot 14, Block B, Wells Branch Phase X,
29 Section 3 (detention pond), a copy of which is
30 attached as Exhibit "F."

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32 **Director Smith moved, seconded by Director O'Donnell, approval of the items on**
33 **the consent agenda. The motion passed unanimously.**

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35 Director Walters then announced that the Board would receive its management briefing
36 and recognized Ms. Moonan, who delivered her report, a copy of which is attached as
37 Exhibit "G." Among other topics, Ms. Moonan stated that she was having difficulty
38 recruiting an aerobics instructor. She stated that the District planned to offer broom ball
39 in cooperation with Chaparral Ice. She discussed the Skyhawks athletic program offered
40 to children in the District's parks. *Director Howe asked, and the Board generally*
41 *concurred, that Ms. Moonan check to see if any district residents had been employed by*
42 *Skyhawks as junior counselors.* Ms. Moonan suggested the need for a survey of the
43 District's residents' wishes.

44
45 Director Walters then recognized Mr. Woo, who delivered his report, a copy of which is
46 attached as Exhibit "H." Mr. Woo suggested the District might explore a program to offer
47 scholarships to teach people how to swim. He also showed figures that compared the fees

1 charged and hours of operation of the District's aquatic programs. He noted that Wells
2 Branch residents enjoyed lower fees and more hours of operation at District pools than
3 similarly situated residents in other municipalities. Director Walters commended Mr.
4 Woo on his professionalism.

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6 Director Walters then recognized Mr. Tomlinson, who delivered his report, a copy of
7 which is attached as Exhibit "I."

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9 The Board recessed at 8:01 p.m. and reconvened at 8:30 p.m.

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11 Director Walters then recognized Director Howe for a discussion of the District's
12 FY2002 budget. Director Howe directed the Board to a list of questions regarding budget
13 options, a copy of which is attached as Exhibit "J." Mr. Williams noted that the budgeting
14 was particularly challenging because of construction of the Indoor Recreation Center and
15 the District's fence project. Discussion ensued. *The Board directed the Finance*
16 *Committee to consider alternative tax rates for presentation at the Board's September 18*
17 *meeting.*

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19 At 9:15 p.m., Director Walters announced that the Board would convene in executive session for
20 purposes permitted by Section 551.071 of the Texas Government Code, in order to consult with
21 the District's attorney. The Board reconvened in open session at 9:30 p.m. and Director Walters
22 announced that no action had been taken in executive session.

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24 The Board then unanimously confirmed the District's existing policy that it would not take action
25 to enforce the "single-family only" occupancy restriction contained in the restrictive covenants
26 applicable to the District, and requested that Mr. Williams convey this information to Mr.
27 Brownson, but advise him that the Board would take action to enforce any visible violations of
28 the covenants that might exist at the address in question.
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2 There being no further matters to come before the Board, the meeting was adjourned at 9:32 p.m.
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4 Respectfully submitted,
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6
7 September 19, 2001
8 Date
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11
12 (SEAL)

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