

1 MINUTES OF THE MEETING OF
2 THE BOARD OF DIRECTORS OF
3 WELLS BRANCH MUNICIPAL UTILITY DISTRICT
4
5

6 February 5, 2002
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9 A regular meeting of the Board of Directors was held February 5, 2002, at the
10 Wells Branch Community Center, 2106 Klattenhoff, Austin, Texas. The meeting
11 was open to the public and notice was given as required by the Texas Open
12 Meetings Act. A copy of the Certificate of Posting of the Notice is attached as
13 Exhibit "A".
14

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

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

23
24 and all of the Directors were present, except Director Gilmore and Director
25 O'Donnell, who arrived later. Also present during the course of the meeting were
26 Don H. Williams, District manager; Dawn Moonan, District recreation manager;
27 Norman Tomlinson, District facilities manager; Manny Woo, District aquatics
28 manager; Sue Brooks Littlefield of Armbrust & Brown, LLP; Margret Wingrove
29 and Pat Riley of ECO Resources; Robert Ferguson of Murfee Engineering; Scott
30 Krchnak of Maxwell Locke & Ritter, LLP; Bill Glass, a resident of the District;
31 and Cliff Avery of Gilleland Creek Press.
32

33 Director Walters called the meeting to order at 6:33 p.m. and recognized Mr.
34 Krchnak who presented his report in connection with the audit of the District's
35 financial statements for the fiscal year ended September 30, 2001, a copy of
36 which is attached as Exhibit "B." He stated that the auditor presented an
37 unqualified (clean) opinion as to the condition of the District's financial
38 statements for the fiscal year ending September 30, 2001.
39

40 Director O'Donnell arrived at 6:37 p.m.
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42 Mr. Krchnak noted in his Management Report, a copy of which is attached as
43 Exhibit "C," that the only change to the draft financial statement involved the
44 accounting procedure for the anticipated Texas Parks and Wildlife grant

1 proceeds. **Director Smith moved, seconded by Director Howe, that the**
2 **Board approve the Audit Report and Management Report and authorize**
3 **filing the Audit Report and Management Report with the Texas Natural**
4 **Resource Conservation Commission and the City of Austin. The motion**
5 **passed unanimously.**
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7 Director Walters then announced that the Board would receive a report from the
8 District manager, including a restrictive covenants report, a copy of which is
9 attached as Exhibit "D." Mr. Williams said the District's covenant enforcement
10 effort was working in cooperation with the Travis County sheriff's office to
11 remove derelict vehicles from the streets of the neighborhood. He further reported
12 that the District's covenant enforcement specialist was driving the neighborhood
13 in the evening to determine which streetlights were out.
14

15 Director Walters then recognized Mr. Ferguson for a report from the District's
16 engineer. Mr. Ferguson referred to his previously sent e-mail, a copy of which
17 appears as Exhibit "E," and stated that he had spoken with a potential contractor
18 for improvement of the Larry McGinnis lift station. The contractor was not
19 comfortable offering a lump sum figure and suggested the District contract on a
20 per-hour basis. The potential contractor offered to meet with the Facilities
21 Committee to discuss details. Mr. Ferguson further reported that the City of
22 Austin had agreed to accept use of a private fire line to serve the Noah's Ark
23 subdivision, removing a logjam to the progress of that development. Mr. Ferguson
24 recommended the Board approve that arrangement. **Director O'Donnell**
25 **moved, seconded by Director Howe, acceptance of the recommendation**
26 **of the District's engineer, and the motion passed unanimously.** Mr.

27 Ferguson further reported that U.S. Restaurants had submitted a request that
28 the District consider vacating a fire line easement to accommodate a revised site
29 plan on its property along Wells Branch Parkway. **Director Howe moved,**
30 **seconded by Director O'Donnell, that the Board authorize the Facilities**
31 **Committee to evaluate the arrangement and, upon its satisfaction, to**
32 **authorize the District engineer to approve the vacation of the easement.**

33 **The motion passed unanimously.** Mr. Ferguson declared that he anticipated
34 that representatives of the District would have to travel to Fort Worth for
35 consultation with the United States Army Corps of Engineers regarding the
36 District's proposed retention pond on Shoreline Drive.
37

38 Director Walters then recognized Ms. Littlefield for a report from the District's
39 attorney. Ms. Littlefield reported that a meeting between District representatives
40 and representatives of the Lakes Apartments was scheduled February 6 to
41 attempt to reach an agreement regarding responsibility for water lines serving
42 the apartment complex. The Board generally concurred that it would take steps
43 to install a master meter for the complex.

1
2 Director Walters then announced that the Board would receive input from
3 citizens and recognized Mr. Glass who asked about progress on his earlier report
4 of problems with a water quality pond at the ExxonMobil station on Wells Branch
5 Parkway near Interstate 35. Director Walters informed Mr. Glass that
6 representatives of the District had made initial contact, and the District was
7 working on the problem. At this point Mr. Glass presented Director Walters with
8 a request for information under Texas open records statutes, a copy of which is
9 attached as Exhibit “F.”

10
11 Director Gilmore arrived at 6:48 p.m.

12
13 Director Walters then announced that the Board would consider items on its
14 consent agenda, including:

15
16 **Agenda Item No. 5** Approve minutes of the January 15, 2002
17 regular meeting;

18
19 **Agenda Item No. 6** Approve revised Order Establishing Rules
20 and Usage Charges for District Facilities, a copy of which is attached as Exhibit “G;”
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22
23 **Agenda Item No. 7** Approve Resolution Confirming Annual
24 Review of Investment Policy and
25 Investment Strategies and Designating
26 Qualified Brokers and Investment
27 Officers, a copy of which is attached as
28 Exhibit “H;”

29
30 **Agenda Item No. 8** Approve Amendment No. 1 to Interlocal
31 Agreement (Willow Bend Park) with
32 Round Rock Independent School District, a
33 copy of which is attached as Exhibit “I;”
34 and

35
36 **Agenda Item No. 9** Approve Pool Use Agreement with
37 Panther Aquatic Club, a copy of which is
38 attached as Exhibit “J.”
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40 **Director Smith moved, seconded by Director O’Donnell approval of the**
41 **consent agenda, and the motion passed unanimously.**
42

1 Director Walters then announced that the Board would conduct a work session on
2 the District's programs, including a management briefing. He recognized Ms.
3 Moonan who presented the report of the District recreation manager, a copy of
4 which is attached as Exhibit "K." Ms. Moonan reported that the District's
5 recreation staff is gearing up for the opening of the new Indoor Recreation Center
6 and discussed methods for determining the wishes of the patrons of the Center.

7
8 Director Walters then recognized Mr. Tomlinson who presented the report of the
9 District's facilities manager, a copy of which is attached as Exhibit "L." Mr.
10 Tomlinson noted that the facilities staff was working hard to repair erosion on
11 District trails. He noted the facilities staff had assisted the District's contractor in
12 installing 16,675 feet of fencing as part of the enhancement program. Director
13 Gilmore commended Mr. Tomlinson and the facilities staff for their efforts.

14
15 Director Walters then recognized Mr. Woo who presented the report of the
16 District's aquatics manager, a copy of which is attached as Exhibit "M." He
17 reported that the aquatics staff was preparing for the busy summer season.

18
19 Director Walters then recognized Mr. Williams who reported on efforts to
20 streamline the District's customer service initiatives.

21
22 The Board recessed at 7:52 p.m. and reconvened at 8:24 p.m.

23
24 Director Walters announced that the Board would receive announcements from
25 directors and consider taking action regarding a riparian group. Director Gilmore
26 reviewed Mr. Glass's objection to a tree in a channel that, in Mr. Glass's opinion,
27 presented a possible obstruction to streamflows in a major rain. Director Gilmore
28 stated that he had spoken with Mr. Glass and opined that the District should
29 remove the tree and replace the tree with other vegetation acceptable to
30 neighbors. Director Walters disagreed. He stated that a lower limb that could
31 obstruct flow had been removed and that water in the creek would have to be well
32 out of the banks of the creek before the tree became a barrier to flow. He also
33 noted the District was in the process of building a retention pond upstream from
34 the site, which would further reduce whatever risk of flooding existed. Director
35 Smith agreed, pointing out that the District's landscape engineer and engineer
36 had inspected the problem and felt that the tree posed no threat. Director Howe
37 cautioned that, in a tight budget year, the District must be careful of unbudgeted
38 expenses. Mr. Glass stated that if the lower branch was removed and the tree
39 was elevated, he was comfortable with the situation and found the solution
40 superior to removing the tree. Mr. Glass renewed his willingness to meet with
41 Board committees on this or any other matter. Director Walters stated that the
42 decision to invite non-Board members to a committee meeting was the province of
43 the committee.

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2 At 8:38 p.m., Director Walters announced that the Board would convene in
3 executive session for purposes permitted by Section 551.071 of the Texas
4 Government Code, in order to receive legal advice from the District's attorney
5 relating to a proposed ground lease with the Wells Branch Library District and to
6 restrictive covenant litigation concerning 14465 Robert I. Walker.

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8 At 9:02 p.m., the Board reconvened in open session and Director Walters
9 announced that no action had been taken during executive session. *The Board*
10 *then directed the District's attorney to proceed with drafting a ground lease to the*
11 *Library District and with litigation relating to the tow truck being parked at*
12 *14465 Robert I. Walker.*

13
14 There being, no further business, the meeting was adjourned at 9:15 p.m.

15
16 Respectfully submitted,

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18
19 February 19, 2002

20 Date

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

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23
24 (SEAL)