

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

5
6 March 5, 2002
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9 A regular meeting of the Board of Directors was held March 5, 2002, at the Wells
10 Branch Community Center, 2106 Klattenhoff, Austin, Texas. The meeting was
11 open to the public and notice was given as required by the Texas Open Meetings
12 Act. A copy of 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
20 and Assistant Secretary
21 Robert O'Donnell - Assistant Secretary-Treasurer
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23 and all of the Directors were present. Also present during the course of the
24 meeting were Don H. Williams, District manager; Sue Brooks Littlefield of
25 Armbrust & Brown, LLP; Margret Wingrove of ECO Resources; Robert Ferguson,
26 P.E., of Murfee Engineering; Robert Brandes, P.E., of R.J. Brandes Co.; Janet
27 Maxey, a resident of the District; Edward Barron of 2019 Ploverville in the
28 District; Larry Nors of 14816 Yellow Leaf Trail in the District; Kristi Jones of
29 14820 Yellow Leaf Trail in the District; David Maurer of 14800 Yellow Leaf Trail
30 in the District; Bill Glass, a resident of the District; and Cliff Avery of Gilleland
31 Creek Press.
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33 Director Walters called the meeting to order at 6:33 p.m. and recognized Mr.
34 Williams for a report from the District manager, including a restrictive covenants
35 report, a copy of which is attached as Exhibit "B." Mr. Williams said the District's
36 covenant enforcement effort was proceeding satisfactorily. Mr. Williams
37 discussed the progress of the District's fence project. Director Howe asked about
38 provision of fencing at the houses adjacent to District property that is under
39 discussion for a possible library site. Mr. Williams responded that he believed the
40 Wells Branch Community Library District intended to construct that fencing. *The*
41 *Board concurred and directed Ms. Littlefield to include a provision to that effect in*
42 *a draft lease of the land to the Library District.*
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1 Director Walters then announced the Board would receive reports from
2 consultants and recognized Ms. Littlefield who reported on progress of
3 discussions with the Library District. She said she was awaiting confirmation of
4 regional detention capacity before finalizing the terms of the draft lease.

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6 Director Walters then recognized Mr. Ferguson for a report from the District's
7 engineer. Mr. Ferguson reported on plans to install a master meter with a double-
8 check backflow prevention valve at the Lakes Apartments. He estimated that cost
9 for the installation would be in the neighborhood of \$32,000. The Board
10 determined that further discussions were needed with the apartment
11 management to determine the allocation of costs.

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13 Director Walters then announced the Board would receive input from citizens
14 and recognized Mr. Barron who expressed dismay at his water bill. He questioned
15 whether his household consumption was too high and, at any level of
16 consumption, suggested that rates were too high. Ms. Wingrove noted that Mr.
17 Barron's meter had been removed, replaced and tested. Director O'Donnell
18 suggested that leaks in Mr. Barron's system could be contributing to the problem.
19 Discussion ensued about leaks. Director Howe noted that the District's rates are
20 comparable to other entities and offered, on behalf of the Board's Finance
21 Committee, to meet with Mr. Barron to explain the rate structure. Mr. Barron
22 said he would do so.

23
24 Director Walters then recognized Mr. Glass who commented on his recent request
25 under open records statutes. Mr. Glass stated that he found no record of the
26 District receiving his complaint, which he alleged began four years ago, regarding
27 the water quality pond at the ExxonMobil service station or responding to the
28 complaint. Mr. Glass asked for the records of his complaint. Ms. Littlefield noted
29 that the District's law firm had cooperated fully by providing Mr. Glass with two
30 boxes of records for review, per his request, but that the District was not
31 obligated to provide records it did not have. *Director Gilmore directed that the*
32 *minutes of the March 5, 2002 Board of Directors meeting reflect that the Board*
33 *received Mr. Glass's complaint and was in the process of responding to that*
34 *complaint and that the Recording Secretary send a copy of those minutes to Mr.*
35 *Glass.*

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

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40 **Agenda Item No. 4** Approve minutes of the February 19, 2002
41 regular meeting;

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43 **Director Gilmore moved, seconded by Director Smith approval of the**
44 **consent agenda, and the motion passed unanimously.**

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2 Director Walters then announced that the Board would conduct a work session on
3 drainage matters and recognized Mr. Brandes. Mr. Brandes stated he had
4 reviewed copies of a petition, copies of which are attached as Exhibit "C," signed
5 by 25 residents demanding the District commission an engineering report related
6 to a fallen tree and its impact on drainage. Mr. Brandes said he had visited the
7 site. He reminded that the District had accomplished a number of tasks to
8 improve the flow of water below the Mills Pond dam. He noted that studies
9 related to the construction of the new Shoreline Detention Pond assumed the
10 presence of vegetation and routine obstructions in determining the flood plain. He
11 stated that the tree in question was inconsequential as to its impact on the 100-
12 year flood event. Discussion ensued. Mr. Nors expressed concern about the
13 responsibility of fence repair if a fence suffered flood damage. Mr. Brandes noted
14 that the channel could be widened, but would require extensive construction and
15 would be expensive. He further noted that the Shoreline Detention Pond would
16 reduce the flood plain from ten to 14 feet, reducing the danger of flooding in
17 houses along the creek. Mr. Ferguson noted that removal of one tree would have
18 negligible effect on the drainage system along the creek. Director Walters stated
19 that the District fully intended to remove trees when they fall in the channel and
20 would evaluate any threat to navigation by a living tree. He stated the District
21 had proactively evaluated the flood plain throughout the District with an
22 inclination to preserving the natural environment. Mr. Maurer concurred, noting
23 that as a resident along the creek, he did not want to see a concrete trickle
24 channel. He further complimented the Board and the District for its
25 improvements along the channel and noted the District had done a good job of
26 keeping debris away from the bridge just upstream from the tree in question. He
27 urged the District to continue keeping the area clean.

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29 Director Walters then announced that the Board would consider items on its
30 Supplemental Agenda, concerning the May 4, 2002 election. **Director Howe**
31 **moved, seconded by Director O'Donnell, adoption of the Order Calling**
32 **Director Election for May 4, 2002, a copy of which is attached as**
33 **Exhibit "D," and the motion passed unanimously.**

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35 **Director O'Donnell moved, seconded by Director Smith, the Board**
36 **authorize the District's attorney to give Notice of Director Election**
37 **for May 4, 2002, a copy of which is attached as Exhibit "E," and the**
38 **motion passed unanimously.**

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40 Returning to the report from the District's engineer, Director Gilmore asked if
41 Mr. Ferguson had had an opportunity to inspect the water quality pond at the
42 ExxonMobil service station. Mr. Ferguson reported that he had and had seen that
43 the water quality pond had been rehabilitated. He anticipated that the success of
44 the effort would be determined when it rained.

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The Board recessed at 7:24 p.m. and reconvened at 8:00 p.m. Director Walters announced that the Board would convene in executive session for purposes permitted by Section 551.071 of the Texas Government Code, in order to receive legal advice from the District’s attorney relating to administrative costs associated with open records requests.

At 8:20 p.m., the Board reconvened in open session and Director Walters announced that no action had been taken during executive session.

There being, no further business, the meeting was adjourned.

Respectfully submitted,

March 19, 2002
Date

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

(SEAL)