

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

6 May 21, 2002  
7  
8

9 A regular meeting of the Board of Directors was held May 21, 2002, at the  
10 Wells Branch Community Center, 2106 Klattenhoff, Austin, Texas. The  
11 meeting was open to the public and notice was given as required by the Texas  
12 Open Meetings Act. A copy of the Certificate of Posting of the Notice is  
13 attached as Exhibit "A".  
14

15 Members of the Board as it was called to order are:  
16

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 O'Donnell. Also present  
25 during the course of the meeting were Don H. Williams, District manager; Sue  
26 Brooks Littlefield of Armbrust & Brown, LLP; Margret Wingrove of ECO  
27 Resources; Richard Fadal of TexaScapes, Inc.; Robert Ferguson, P.E., of  
28 Murfee Engineering; Janet Maxey of the Wells Branch Armada Swim Team;  
29 Bill Glass, a resident of the District; and Cliff Avery of Gilleland Creek Press.  
30

31 Director Walters called the meeting to order at 6:36 p.m. and noted that Mr.  
32 Williams had telephoned and was stuck in traffic. Director Walters then  
33 recognized Ms. Wingrove for a report from the District's utility manager,  
34 including a financial report and utility operations report, copies of which are  
35 attached as Exhibit "B" and "C," respectively. Ms. Wingrove noted that  
36 revenue figures on Page 6 of her financial report included an adjustment for  
37 the previous month's overstatement. She noted that revenues were lower than  
38 budgeted but suggested that this was because of a timing issue related to the  
39 receipt of tax revenues and year-to-date totals seemed to be tracking the  
40 budget. She further reported that expenditures were lower than expected.  
41

42 Ms. Wingrove continued with her utility report and noted that the District  
43 had received a thank-you from Anderson Mill Municipal Utility District for  
44 participating in the Anderson Mill anniversary celebration. She reported that  
45 the District had experienced a small wastewater spill behind the Wyndhaven  
46 Apartments. The spill was cleaned up and reported to the Texas Natural

1 Resource Conservation Commission. She attributed the cause to a grease  
2 buildup and to rocks that were placed in the line by persons unknown.

3  
4 Director Walters then recognized Ms. Littlefield for a report from the  
5 District's attorney, and Ms. Littlefield responded that items included in her  
6 report were covered in specific agenda items.

7  
8 Director Walters then announced that the Board would receive a report, a  
9 copy of which is included as Exhibit "D," from the District's engineer. Mr.  
10 Ferguson stated that he and ACI, the engineering consultant, continue to  
11 work with the U.S. Army Corps of Engineers regarding the Shoreline  
12 Detention Pond. He presented copies of the mitigation plan (attached as  
13 Exhibit "E,") prepared by ACI. Mr. Ferguson reported that the City of Austin  
14 had requested an Engineer's Concurrence Letter necessary for completion of  
15 the Indoor Recreation Center. Director Walters, noting the impending  
16 summer schedule of activities, and Mr. Ferguson discussed timing of the  
17 letter.

18  
19 While awaiting the arrival of the District manager, Director Walters  
20 announced the Board would receive input from citizens and at 6:46 p.m.  
21 recognized Mr. Glass for five minutes of input. Mr. Glass inquired about the  
22 item on the agenda dealing with clarification of previously approved water  
23 rates. He declared that if the Board were adopting new rates, opportunity  
24 should be provided for public input. Director Walters responded that the rates  
25 were adopted in November 2001, and the public could comment at appropriate  
26 times during any Board meeting about existing rates, so a special hearing was  
27 unnecessary. Mr. Glass yielded the floor at 6:48 p.m.

28  
29 Director Walters then announced that the Board would consider items on its  
30 consent agenda, including:

31  
32 **Agenda Item No. 6**

33 Approve Finance Committee's  
34 recommendations regarding payment of  
35 bills and invoices and write-offs, copies of  
36 which are attached as Exhibits "F" and "G"  
37 respectively; and

38 **Agenda Item No. 7**

39 Approve Finance Committee's  
40 recommendation to approve Zions Bank  
41 loan, including Resolution Authorizing  
42 Issuance of a Revenue Note, a copy of  
43 which is attached as Exhibit "H," and to  
44 take all action necessary for issuance of  
45 the Note.

1 **Director Smith moved, seconded by Director Howe, approval of the**  
2 **consent agenda, and the motion passed unanimously.**

3  
4 Director Walters then announced that the Board would receive reports from  
5 Committees:

6  
7 **CONSERVATION COMMITTEE:** Director Howe reported that state  
8 agencies will be checking on utilities' development of and progress with their  
9 conservation plans and *directed Mr. Ferguson to review the District's plan.*

10 **The Committee recommendation, a copy of which is attached as**  
11 **Exhibit "I," served as a motion and second to clarify and implement**  
12 **its previously adopted Order Establishing Rates, Charges and Tap**  
13 **Fees and to authorize filing of the Order with the Texas Natural**  
14 **Resource Conservation Commission. The motion passed unanimously.**

15 *The Board directed that the corrected Order, a copy of which is attached as*  
16 *Exhibit "J," be included as an Exhibit to the Board's Minutes.*

17  
18 Mr. Williams arrived at 6:52 p.m., and Director Walters recognized him for a  
19 report from the District manager, including the Community Gardens report,  
20 solid waste/recycling services report, facilities manager's report, landscape  
21 report, restrictive covenants report, customer service report, recreation  
22 manager's report and aquatics manager's report, copies of which are attached  
23 as Exhibits "K" through "R," respectively. Mr. Williams reported that the  
24 Facilities Committee had recommended the District purchase a used dump  
25 truck from TexaScapes, Inc. Mr. Williams detailed the many ways such a  
26 vehicle would save the District money. **Director Smith moved, seconded**  
27 **by Director Gilmore, that the Board authorize purchase of the used**  
28 **vehicle for \$8,000. The motion passed unanimously.**

29 Director Walters observed that the Board usually required the action item to be in the packet  
30 prior to the meeting, and Director Gilmore responded that because of unusual  
31 scheduling difficulties, the Committee had been unable to prepare the  
32 necessary documentation for this item. Mr. Williams then reported that the  
33 popularity of the Community Gardens continued, and only five plots were left.  
34 He stated he intended to plant corn in one area for corn stalks used in the  
35 District's Halloween festivities. Director Smith commended Mr. Williams for  
36 his far-sightedness.

37  
38 Director Gilmore left the meeting at 7 p.m.

39  
40 Mr. Williams continued and reported that meetings with new BFI  
41 management had produced the desired results. He reported that the District's  
42 fence project had slowed because installation crews were running ahead of the  
43 capacity to produce more fence material.

44  
45 On covenants issues, Mr. Williams reported that while in the process of  
46 obtaining information about a covenant violation, the District's compliance

1 specialist was accosted by a violator who attempted to block her departure.  
2 The violator, who has repeatedly violated covenants barring commercial  
3 vehicles in the neighborhood, attempted to intimidate the compliance  
4 specialist. Ms. Littlefield noted that the District's court case against the  
5 scofflaw was scheduled for August and suggested that the District may wish  
6 to pursue an interim order to prevent such incidents. The Board expressed its  
7 stern resolve that it will not countenance such intimidation of District  
8 employees lawfully pursuing the business of the residents of the District.

9  
10 Mr. Williams further reported that the District had welcomed 36 new  
11 residents and that business had been brisk for recreation tags. He noted that  
12 the Recreation Center was scheduled to host the awards ceremony for the  
13 youth triathlon May 26. He reported that the youth fishing event at Mills  
14 Pond had gone well.

15  
16 Mr. Glass asked to be recognized again, and Director Walters recognized him  
17 for the remaining three minutes of his time. Mr. Glass asked about the tier  
18 structure of the existing rates, and Director Walters explained the rates, and  
19 Mr. Glass yielded the floor. *Director Howe requested that the utility manager*  
20 *set a May 30 meeting to discuss rates with the District's apartment community.*

21  
22 At 7:37 p.m. Director Walters announced that the Board would convene in  
23 executive session for purposes permitted by Section 551.071 of the Texas  
24 Government Code, to receive legal advice from the District's attorney regarding  
25 legal issues relating to the City of Austin, as posted on the meeting agenda. At  
26 7:48 p.m., Director Walters reconvened the meeting in open session, and  
27 announced that no action had been taken in executive session. *The Board then*  
28 *directed Ms. Littlefield to prepare a response to the City's proposal relating to*  
29 *maintenance of detention ponds within the residential areas of the District.*

30  
31 There being no further business, the meeting was adjourned.

32  
33 Respectfully submitted,

34  
35  
36 June 4, 2002

37 Date

\_\_\_\_\_  
38 Scott Gilmore, Secretary

39 Board of Directors

40 Wells Branch Municipal Utility District

41 (SEAL)