

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

6 October 1, 2002
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9 A regular meeting of the Board of Directors was held October 1, 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".
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15 Members of the Board as it was called to order are:

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17	Charles R. Walters	- President
18	Donna Howe	- Vice President
19	Scott Gilmore	- Secretary
20	Joy Smith	- Treasurer
21		and Assistant Secretary
22	Robert O'Donnell	- Assistant Secretary-Treasurer
23		

24 and all of the Directors were present, except Director Walters and Director
25 Smith. Also present during the course of the meeting were Don H. Williams,
26 District manager; Sue Brooks Littlefield of Armbrust & Brown, LLP; Margret
27 Wingrove of ECO Resources; Robert Ferguson, P.E., of Murfee Engineering;
28 Sharon Weber and Chris Griego of 14721 Noya Drive in the District; Clay Curtis
29 and Elizabeth Curtis of 14707 Noya Drive; and Cliff Avery of Gilleland Creek
30 Press.
31

32 Director Howe called the meeting to order at 6:48 p.m. and announced the Board
33 would receive input from citizens. She recognized Ms. Weber and Mr. Griego who
34 stated they had been notified by the District that they violated a restrictive
35 covenant limiting the number of animals in a household. Ms. Weber said that
36 when she and Mr. Griego had merged households, each had brought two dogs.
37 She asserted that her two dogs were primarily "inside dogs" and Mr. Griego's
38 animals were "outside dogs." She said the dogs were all spayed and that the dogs
39 were not breeding stock; indeed, they were like family members. She presented
40 pictures of the animals, a copy of which is attached as Exhibit "B." She stated
41 that she and Mr. Griego were not made aware of the restrictive covenants
42 limiting the number of animals in the household. She further stated that, aside
43 from the one complaint that brought the matter to the fore, no other neighbors
44 had complained about the number of dogs. Ms. Littlefield advised that, while the

1 specifics of restrictive covenants were sometimes overlooked in the paperwork of
2 closing, the contents of the covenants were available, and homeowners generally
3 had legal notice, if not actual notice, of the covenants' particulars.

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5 Director Howe then recognized Mr. and Mrs. Curtis who stated that Mr. Griego
6 and Ms. Weber were fine neighbors, but the dogs made it impossible to enjoy the
7 Curtis' yard. Ms. Littlefield asked if his complaint was based on the number of
8 dogs or on the noise that the dogs made. Mr. Curtis responded that the issue was
9 the same. *Director Howe suggested, and the Board generally concurred, that the*
10 *Administrative Committee review the particulars of the case and make an*
11 *appropriate recommendation to the Board.*

12
13 Director Howe then recognized Mr. Williams for a report from the District
14 manager, including a restrictive covenants report, attached as Exhibit "C." Mr.
15 Williams reported that the District office had been closed for a portion of the day
16 because a BFI commercial trash truck had apparently collected toxic chemicals,
17 which, when mixed in the truck, began smoking. The truck went to the Travis
18 County Emergency Services District No. 2 Station adjacent to the District office.
19 Because of wind blowing the smoke toward the office, the staff was asked to
20 leave, and the office was closed. Mr. Williams reported that the two-person BFI
21 crew was taken to the hospital.

22
23 Mr. Williams further reported that work on the District's trail system was going
24 well and on track for a January completion. Director O'Donnell reported a
25 conversation with the president of the Offsides Soccer Club in which the
26 president stated that the team would not need to use Sauls 3 Soccer Field. Mr.
27 Williams responded that the Sauls 3 field was constructed to shift some teams
28 from another field and that he would have to talk to the Offsides representative
29 to straighten the matter out. Director Howe opined that the District, and not the
30 soccer team, should determine the schedule of use of the District's fields.

31
32 Director Howe then recognized Mr. Ferguson for a report from the District's
33 engineer, a copy of which is attached as Exhibit "D." Mr. Ferguson reported that
34 he had met with Mr. Williams and that progress had been made on remaining
35 issues surrounding the Indoor Recreation Center.

36
37 Director Howe announced that the Board would consider items on its consent
38 agenda, including:

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40 **Agenda Item No. 4** Approve minutes of the September 17,
41 2002 regular meeting; and
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1 **Agenda Item No. 5**

2 Approve the Legislative Monitoring
3 Agreement, a copy of which is attached as
4 Exhibit "E."

5 **Director Gilmore moved, seconded by Director O'Donnell approval of the**
6 **consent agenda, and the motion passed unanimously.**

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8 Director Howe noted that items scheduled for work session would be postponed
9 until a later meeting.

10
11 Director Howe then announced that the Board would receive announcements
12 from Board members and she asked Mr. Avery to report on the recent meeting of
13 the Texas Water Conservation Association. Mr. Avery advised that the TWCA
14 meeting had featured State Sen. Frank Madla, chair of the Senate
15 Intergovernmental Relations Committee, who discussed possible legislation
16 affecting municipal utility districts.

17
18 At 7:10 p.m., Director Howe announced that the Board would convene in
19 executive session for purposes permitted by Section 551.071 of the Texas
20 Government Code, to receive legal advice from the District's attorney regarding
21 contemplated litigation, and by Section 551.072 of the Texas Government Code,
22 in order to discuss real property acquisition. At 7:35 p.m., the Board reconvened
23 in open session, and Director Howe announced that no action had been taken in
24 executive session. After discussion, the Board then authorized Ms. Littlefield's
25 office to proceed with enforcement action in connection with the covenant
26 violation relating to the dogs on Noya Drive, in accordance with the Board's
27 established policy, which would require joinder of the complaining parties and
28 their agreement to testify at any hearing on the matter. The Board also
29 authorized Mr. Williams to proceed with a counteroffer on the La Petite Academy
30 property, after he inspected the property with the real estate agent.

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32 There being no further business to come before the Board, the meeting was
33 adjourned.

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35 Respectfully submitted,

36
37
38 October 15, 2002

39 Date

40 Scott Gilmore, Secretary
41 Board of Directors

42 Wells Branch Municipal Utility District

43 (SEAL)