

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

5  
6 March 18, 2003  
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9 A regular meeting of the Board of Directors was held March 18, 2003, 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:

15	Charles R. Walters	-President
16	Donna Howe	-Vice President
17	Scott Gilmore	- Secretary
18	Joy Smith	- Treasurer
19		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,  
25 District manager; Sue Brooks Littlefield of Armbrust & Brown, LLP; Margaret  
26 Wingrove of ECO Resources; Robert Ferguson, P.E., of Murfee Engineering;  
27 Richard Fadal of TexaScapes; Neal Wood of BFI; Todd Redmond of 2901  
28 Bernadino in the District; and Cliff Avery of Gilleland Creek Press.  
29

30 Director Walters called the meeting to order at 6:33 p.m. and recognized Ms.  
31 Wingrove for a report from the District's utility manager. Ms. Wingrove reviewed  
32 previous directives from the Board and presented her financial report and utility  
33 operations report, copies of which are attached as Exhibit "B" and "C," respectively.  
34 Mr. Williams noted that water revenues had been higher than anticipated, while  
35 expenses for water and wastewater had been lower than anticipated. She reported  
36 that ECO Resources had completed a survey of fire hydrants in the District in  
37 February and directed the Board's attention to the portion of her report setting forth  
38 water consumption in apartment complexes in the District.  
39

40 Director Walters then recognized Mr. Williams for a report from the District's  
41 manager. Mr. Williams reviewed previous directives and presented his report,  
42 including the Community Gardens report, solid waste/recycling services report,  
43 facilities report, landscape report, restrictive covenants report, customer service

1 report, recreation report and aquatics report, copies of which are attached as  
2 Exhibits “D” through “K,” respectively, and Northtown Municipal Utility District  
3 Interlocal Agreement report. Mr. Williams noted that a convex mirror for the  
4 pedestrian tunnel linking Mills Pond and Willow Bend Pool was on order and that  
5 a handrail had been installed to bring the facility in compliance with the  
6 Americans with Disabilities Act. He reported heavy demand for Community  
7 Gardens plots. The District had added seven plots and was writing renters to  
8 confirm usage by those in the District’s records. One renter who was a commercial  
9 producer, in violation of District policy, was notified that his rental agreement was  
10 terminated. Mr. Williams further reported on an automobile accident that had  
11 destroyed two sections of the District-installed fencing. Director Smith observed  
12 that without the sturdy concrete fencing, the car would have careened into the  
13 home.

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15 Mr. Williams further reported that TexaScapes had cleaned two drainage channels  
16 to improve water flows. The company also reported increased collection of  
17 compostibles after recent rains. Mr. Williams noted the usual increase of covenant  
18 enforcement problems associated with early-spring lawn maintenance and noted  
19 that an article in the forthcoming *Wells Branch Word* would address that  
20 problem. *During discussion of the recreation report, Director Howe directed,*  
21 *and the Board generally concurred, that the Recreation Committee should*  
22 *examine indirect costs of recreational programming.* In discussing the  
23 Northtown MUD Interlocal Agreement, Mr. Williams said that District crews had  
24 scaled back their aggressive approach to maintenance in Northtown somewhat as  
25 springtime demand for their services increased in Wells Branch.

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27 Director Walters then announced that the Board would receive reports from  
28 consultants and recognized Ms. Littlefield. The District’s attorney said that repair  
29 of leaks in the building at 14611 Wells Port Drive and other minor issues may delay  
30 closing on the property. Mr. Ferguson presented the report of the District’s  
31 engineer, a copy of which is attached as Exhibit “L.” He stated that solicitation of  
32 quotes for repairs at the Larry McGinnis Lift Station had been issued and were to  
33 be returned by April 8.

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35 Director Walters then announced that the Board would receive input from citizens  
36 and recognized Mr. Redmond. Mr. Redmond said his home backs up to one of the  
37 District’s leash-free areas. He said that the area had been a pond for the past six  
38 weeks because of drainage problems. This created problems with mosquitoes and  
39 unsightly debris. Mr. Williams acknowledged the problem, but said repairs to  
40 remove drainage impediments would have to wait until the water dried up. *The*  
41 *Board directed the Facilities Committee to explore options such as short-term*  
42 *pumping to remedy the situation.* Before leaving the rostrum, Mr. Redmond  
43 complimented Ms. Oliver for her work in enforcing restrictive covenants.

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2 Director Walters then recognized Mr. Wood who identified himself as the  
3 municipal manager for BFI. Mr. Wood expressed dismay that the District had  
4 issued requests-for-proposals for solid waste and recyclable collection and  
5 expressed his desire to continue BFI's relationship with the District. Director  
6 Walters recounted many of the problems the District had observed, including  
7 delays in getting carts and bins to new residents and allowing trucks to operate in  
8 the District during times prohibited by the contract. Director O'Donnell opined  
9 that crews were not receiving good communication. Mr. Wood asked to meet with  
10 the Administrative Committee to try to work out problems, and Director Walters  
11 agreed.

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

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16 **Agenda Item No. 6** Approve the minutes of the February 18,  
17 2003 regular meeting;

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19 **Agenda Item No. 7** Approve Finance Committee's  
20 recommendations regarding payment of bills  
21 and invoices and write-offs, copies of which  
22 are attached as Exhibits "M" and "N"  
23 respectively; and

24  
25 **Agenda Item No. 8** Approve pay estimates/change orders for  
26 3000 Shoreline Drive Water Quality and  
27 Regional Detention Pond, a copy of which is  
28 attached as Exhibit "O."

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30 **Agenda Item No. 9** Approve Continuing Disclosure Annual  
31 Report, a copy of which is attached as  
32 Exhibit "P," and authorize filing the Report  
33 with the appropriate authority;

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35 **Agenda Item No. 10** Approve Resolution Confirming Annual  
36 Review of Investment Policy and Investment  
37 Strategies and Designating Qualified Brokers  
38 and Investment Officers, a copy of which is  
39 attached as Exhibit "Q."

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41 **Director Smith moved, seconded by Director O'Donnell, approval of**  
42 **the consent agenda, and the motion passed unanimously.**

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1 Director Walters then announced that the Board would receive reports from  
2 Committees:

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4 **ADMINISTRATIVE COMMITTEE:** No report

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6 **CONSERVATION COMMITTEE:** Director Howe reported that Wells Branch had  
7 been featured as an example of municipal rainwater harvesting at a presentation by  
8 Dr. Hari Krishna of the Texas Water Development Board to the Texas Water  
9 Conservation Association annual convention.

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11 **FACILITIES COMMITTEE:** No report.

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13 **FINANCE COMMITTEE:** Director Howe reported that the Committee planned to  
14 meet April 4 with Chris Lippe, director of the City of Austin's Water and Wastewater  
15 Utility, to discuss issues related to irrigation meters, requirements for sewer lines and  
16 apartment submetering.

17  
18 **INTERGOVERNMENTAL RELATIONS COMMITTEE:** Director Howe  
19 suggested, and the Board generally concurred, that the District, through Mr. Avery,  
20 organize a breakfast May 9 for Central Texas districts to discuss common problems  
21 and solutions.

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23 **PUBLIC SAFETY:** No report.

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25 **RECREATION COMMITTEE:** Director Walters recognized Director Howe who  
26 discussed recreation tag fees. She said she was under the impression the Board  
27 had agreed to raise fees once the Indoor Recreation Center was open. Director  
28 Smith responded that she felt the Board was justified in waiting on any fee  
29 increase until the programs at the Center were operating smoothly and the Board  
30 could receive feedback from participants. Discussion ensued. The Board generally  
31 agreed to defer any rate increases and *directed the Finance Committee and the*  
32 *Recreation Committee to evaluate recreation tag fees for the FY2004 Budget.*

33  
34 The Board recessed at 7:52 p.m. and reconvened in open meeting at 8:20 p.m.  
35 Director Howe stated that she was not comfortable with having citizens'  
36 communications so late in the meeting, and felt that the Board should allow residents  
37 to speak at the beginning of the meeting. After discussion, **upon motion by**  
38 **Director Howe and second by Director Smith, the Board voted**  
39 **unanimously to move the "citizens' communications" agenda item to**  
40 **follow "utility manager's report."**

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42 At 8:25 p.m., Director Walters announced that the Board would convene in executive  
43 session to receive legal advice as authorized by Section 551.071 and to discuss  
44 personnel matters, as authorized by Section 551.074 of the Government Code. The

1 Board reconvened in open session at 9:01, and Director Walters announced that no  
2 action had been taken in executive session. **Director O'Donnell then moved that**  
3 **the Board authorize Mr. Williams to pursue a settlement of the Mortazavi**  
4 **covenant matter that included a permanent injunction and restrictive**  
5 **covenant that prohibited any towtruck from being located on the**  
6 **Mortazavi lot or street at any time, and deferred \$3,000 of the judgment**  
7 **previously taken against the Mortazavis, provided that the injunction and**  
8 **covenant were not violated. Upon second by Director Howe, the motion**  
9 **was unanimously adopted.** The Board then discussed scheduling a special  
10 meeting to receive a report from the Administrative Committee and to discuss  
11 personnel matters. After discussion, the Board agreed to schedule the meeting for  
12 March 27 at 6:30 p.m., with an alternate date of April 10 at 6:30.

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14 There being no further business to come before the Board, the meeting was adjourned  
15 at 9:11 p.m.

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18 Respectfully submitted,

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20  
21 April 15, 2003

22 Date

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Joy Smith, Treasurer

and Assistant Secretary

Board of Directors

Wells Branch Municipal Utility District

23  
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26  
27 (SEAL)