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MINUTES OF THE MEETING OF
THE BOARD OF DIRECTORS OF
WELLS BRANCH MUNICIPAL UTILITY DISTRICT

September 21, 2004

A regular meeting of the Board of Directors was held September 21, 2004, at the Wells Branch Community Center, 2106 Klattenhoff, Austin, Texas. The meeting was open to the public and notice was given as required by the Texas Open Meetings Act. A copy of the Certificate of Posting of the Notice is attached as Exhibit "A".

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

Charles R. Walters	-President
Donna Howe	-Vice President
Robert O'Donnell	- Secretary
Joy Smith	- Treasurer
	and Assistant Secretary
Janet Maxey	- Assistant Secretary-Treasurer

and all of the Directors were present, thus constituting a quorum. Also present during the course of the meeting were Don H. Williams, District general manager; John Bartram of Armbrust & Brown, LLP, the District's law firm; Margret Wingrove of ECO Resources, the District's utility management firm; Robert Ferguson, P.E., of Murfee Engineering; Preston Carroll of Ponderosa Land Development; Chuck Carroll of Cunningham-Allen, Richard Fadal of TexaScapes, Inc.; Tom and Lindsay Ballard of 2311 Emmett in the District; Robert and Darlene Bauhs of 2445 Rick Whinery in the District; Mike Howe of Travis County Emergency Services District No. 2; Meiling Parker, a resident of the District; and Cliff Avery of Gilleland Creek Press.

Director Walters called the meeting to order at 6:30 p.m. and announced that the Board would conduct a public hearing on its 2004-2005 budget and its 2004 tax rate. He recognized Director Howe, chair of the Board's Finance Committee, who presented analyses of the tax rate, attached as Exhibit "B," and a draft version of the budget, attached as Exhibit "C." Director Walters asked if anyone present wished to discuss the tax rate. There being no one who wished to address the Board, Director Walters closed the public hearing.

Director Howe moved, seconded by Director Smith, that the Board approve the Resolution Adopting Budget, a copy of which is attached as Exhibit "D," and the motion passed unanimously.

Director Howe moved, seconded by Director Smith, that the Board adopt a tax rate of \$0.17 per \$100 of assessed valuation for the Interest and Sinking Fund portion of the tax rate and a tax rate of \$0.31 per \$100 of assessed valuation for the operation and maintenance portion of the tax rate and approve its Order Levying Taxes, a copy of which is

1 **attached as Exhibit “E.” The motion passed unanimously, with**
2 **Directors Walters, Howe, Smith, O’Donnell and Maxey voting “aye.”**

3
4 **Director Howe moved, seconded by Director Smith that the Board**
5 **approve the Amended and Restated Information Form, a copy of**
6 **which is attached as Exhibit “F.” The motion passed unanimously,**
7 **with Directors Walters, Howe, Smith, O’Donnell and Maxey voting**
8 **“aye.”**

9
10 Director Walters then recognized Ms. Wingrove for the utility manager’s report. Ms.
11 Wingrove reviewed previous directives from the Board and presented her financial
12 report and utility operations report, copies of which are attached as Exhibit “G” and
13 “H,” respectively. Ms. Wingrove reported on efforts to repair a water line break at the
14 Bill Miller Bar-B-Q restaurant. She also noted that the District would be required to
15 conduct lead and copper sampling at several locations and solicited volunteers for the
16 effort. Director Smith noted that because of wet weather in the reporting period, the
17 District’s water revenues had declined and pointed out that the District was not
18 adversely affected, because the Board budgets conservatively.

19
20 Director Walters then announced the Board would receive input from citizens and
21 recognized Mr. Bauhs who inquired about the fund balance projected in the budget.
22 Mr. Bauhs also asked for information regarding the Shoreline Detention Pond, and
23 Director Walters answered his questions.

24
25 Director Walters then recognized Mr. Howe who suggested that the District’s water
26 loss for September would be higher than usual because of water used to combat a
27 large fire at the Chardonnay Apartments September 12.

28
29 Director Walters then recognized Mr. Williams for the District manager’s report,
30 including the Community Gardens report, solid waste/recycling services report,
31 facilities report, landscape report, restrictive covenants report, customer service
32 report, recreation report and aquatics report, copies of which are attached as Exhibits
33 “I” through “P,” respectively. Mr. Williams noted that it had been a banner year at the
34 Community Garden and expected to be able to offer plots to more residents next
35 spring because of the new limit of three plots per gardener. Mr. Williams discussed
36 problems with BFI’s service, including missed carts and pickups. The Board discussed
37 the fact that, under the new contract with IESI, glass would not be collected for
38 recycling. The Board generally agreed that until the market for recycled glass
39 recovered, glass should be collected as trash. Mr. Williams announced that the Youth
40 Fishing event was scheduled October 2. Director Walters discussed the location of
41 Concerts in the Park. Director Smith said some people had difficulty when the
42 concerts were held at the pavilion, because of the distance to the restrooms. Director
43 Howe opined that the concerts were originally intended for the pavilion, not on the
44 Community Center patio. Mr. Williams asked for scheduling guidance, noting that
45 most concerts were held on Sunday. He wondered whether that should be the rule
46 when concerts were tied to special dates, such as Valentine’s Day and St. Patrick’s
47 Day. The Board generally concurred that concerts should be conducted at the
48 Community Center patio on Sundays, except when held to observe special dates, and

1 *directed the Recreation Committee to continue to monitor the situation.*

2
3 Director Howe then announced that, because of recent surgery, she had to leave the
4 meeting, but wanted to comment on the agenda item regarding acquisition of
5 greenbelt areas in the Schultz property, and the Board generally agreed to take up
6 that item. Director Howe stated she felt that acquiring land near the Wells Branch
7 Community Library would be appropriate, but that a pocket park at the end of
8 Nathan was not advisable. She said she felt that the Board should proceed cautiously
9 and fully explore the costs of maintaining any additional greenbelt. Director Smith
10 discussed the progress of negotiations with Bill Schultz. *The Board directed the*
11 *Facilities Committee to continue exploring the acquisition.* Director Howe left the
12 meeting.

13
14 Mr. Williams continued with his report and noted that the high schools using
15 Katherine Fleischer Pool for training had asked the District to delay installing a
16 windscreen as part of its winter preparation. Mr. Bartram reported that the fiberglass
17 in Katherine Fleischer Pool was no longer covered under warranty, and the District
18 would have to bear the full cost of replacement.

19
20 Director Walters then recognized Mr. Bartram for a report from the District's
21 Attorney. Mr. Bartram reported on encouraging signs in the effort to reconfigure the
22 extension of Loop 1 so that District residents did not have to pay tolls on an existing
23 road. He further reported that his firm had contacted the City of Austin regarding its
24 proposed annexation of a small area that appeared to be part of the District. He said
25 that, upon reflection, the City had determined that its maps were inadequate such
26 that the annexation was proposed in error. He said that City staff had advised that the
27 proposal would be withdrawn.

28
29 Director Walters then recognized Mr. Ferguson for a report, attached as Exhibit "Q,"
30 from the District's engineer. Mr. Ferguson discussed the Texas Department of
31 Transportation project extending Loop 1. He reported that TXDoT planned a
32 September 24 meeting to discuss relocation of a 12-inch line that would affect the
33 District. Director Smith said she would plan to attend. Mr. Ferguson discussed the
34 request by the owners of Wells Branch Phase U, Lot 4, Block B, for participation in
35 the Regional Detention System. Chuck Carroll of the engineering firm representing
36 Austin-Owentech/Ponderosa II, Ltd. said that the owners were requesting a variance
37 from the Wells Branch Owners Association Architectural Control Committee with
38 regards to impervious cover. The Facilities Committee recommended the Board
39 approve the request for participation in the Regional Detention System, subject to
40 receipt of the donation to benefit the District's parks, to payment of regional
41 detention fees and to the provision that no meter be installed until approval from the
42 City of Austin's industrial waste program. **The Committee recommendation**
43 **-serving as a motion and second, the motion passed unanimously.**

44
45 Mr. Ferguson further reported that the request by Star Charter School for
46 participation in the Regional Detention System had been delayed to allow the school
47 to go through the City of Austin for original jurisdiction first, then approach the
48 District.

1
2 Director Walters then announced the Board would consider the consent agenda,
3 including:

4
5 **Agenda Item No. 6** Approve minutes of the September 7, 2004
6 regular meeting;

7
8 **Agenda Item No. 7** Approve Finance Committee's
9 recommendations regarding payment of bills
10 and invoices and write-offs, (as modified
11 after Ms. Wingrove confirms names), copies
12 of which are attached as Exhibits "R" and "S"
13 respectively; and

14
15 **Agenda Item No. 8** Approve Finance Committee's
16 recommendation regarding Order
17 Establishing Rates, Charges and Tap Fees, a
18 copy of which is attached as Exhibit "T"
19 respectively.

20
21 **Director Smith moved, seconded by Director Maxey, approval of the**
22 **consent agenda as presented, and the motion passed unanimously.**

23
24 Director Walters then announced that the Board would receive reports from
25 Committees:

26
27 **ADMINISTRATIVE COMMITTEE:** Director Walters commented that the
28 Committee was still working on the evaluation of the District manager.

29
30 **FACILITIES COMMITTEE: The Committee recommendation, attached as**
31 **Exhibit "U," served as a motion and second to purchase a replacement**
32 **and an additional commercial mower, tractor and trailer. The motion**
33 **passed unanimously.**

34
35 **FINANCE COMMITTEE:** No further report.

36
37 **PUBLIC SAFETY COMMITTEE:** Director O'Donnell stated that he had received
38 the final contract from Travis County for additional sheriff's patrols. Although the
39 contract had been previously approved by the Board, Mr. Bartram recommended that
40 the Board ratify the final contract, a copy of which is attached as Exhibit "V." **The**
41 **Committee recommendation serving as a motion and second to ratify the**
42 **contract as presented, the motion passed unanimously.**

43
44 **RECREATION COMMITTEE:** Director Walters stated that the Recreation
45 Committee had no report. He inquired as to the logistics for Halloween activities, and
46 Mr. Williams explained that the Annex on Wells Port Drive would serve as a haunted
47 house, but that less-scary games and activities for younger children would be
48 conducted at the Community Center.

1 The Board discussed the need for quarterly management reports from senior staff
2 members and generally agreed to resume the reports.

3
4 The Board recessed at 8:12 p.m. and reconvened in open session at 8:40 p.m.
5 Director Walters announced that the Board would next convene in executive session
6 in order to receive legal advice from the District's attorney, as authorized by Section
7 551.071 of the Texas Government Code. At 9:02 p.m., the Board reconvened in open
8 session, and Director Walters announced that no action had been taken during
9 executive session. He then questioned whether there was any action to be taken
10 regarding use of District maintenance equipment by District residents and staff.

11 **Upon motion by Director Maxey and second by Director Smith, the Board**
12 **voted unanimously to adopt a policy, effective immediately, prohibiting**
13 **the District's maintenance equipment from being loaned or used for**
14 **private, non-District purposes and directed the Administrative**
15 **Committee to reduce such policy to writing.**

16
17 Mr. Williams then noted that the Board had not yet addressed the agenda item
18 regarding District manager evaluation procedures. Director Walters reviewed and
19 discussed the procedures for evaluating the District manager's performance. He
20 reported that the Administrative Committee had met to discuss certain changes to the
21 current system and had developed the following recommendations: First, that the
22 District manager evaluation process be expanded to include input from District staff
23 and contractors, and second, that the Administrative Committee review and
24 summarize all input and prepare a formal evaluation, which would then be reviewed
25 by the Board. Director Walters explained that, although the formal evaluation would
26 remain an annual evaluation, the Administrative Committee expected to meet more
27 frequently with the District's manager to address important issues and provide
28 periodic progress reports. After discussion, the Board generally agreed that the
29 Administrative Committee's recommendations would improve the current system
30 and agreed that the existing evaluation procedures would be revised accordingly.

31
32 There being no further business to come before the Board, the meeting adjourned.

33
34 Respectfully submitted:

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37
38
39 _____
40 Date October 5, 2004

41 Robert O'Donnell, Secretary
42 Board of Directors
43 Wells Branch Municipal Utility District

44 (SEAL)