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

April 20, 2004

A regular meeting of the Board of Directors was held April 20, 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
Scott Gilmore	- Secretary
Joy Smith	- Treasurer
	and Assistant Secretary
Robert O'Donnell	- 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 manager; John Bartram of Armbrust & Brown, LLP; Margret Wingrove of ECO Resources; Robert Ferguson, P.E., of Murfee Engineering, the District's engineering firm; Judy Bell of Lincoln Property Co.; Gisela Chiquin of 2424 Rick Whinery Dr. in the District; Pete Pelaez of 1608 Tansh Ln.; H. & M. Baysinger of 15044 Haley Hollow in the District; Will Smith of 14616 Yora Dr. in the District; Mike Howe of 14979 Doria Drive in the District; Vikram Sethi of 2809 Feathercrest in the District; Bill Schultz of Southwest Land Investments Partnership, Ltd.; Janet Maxey, 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 recognized Ms. Wingrove for the utility manager's report. Ms. Wingrove reviewed previous directives from the Board and presented her financial report and utility operations report, copies of which are attached as Exhibit "B" and "C," respectively. She noted that a capital outlay figure for \$29,908 would be recoded to security expense, reflecting expenditure for automatic external defibrillators. Director O'Donnell noted with satisfaction that income from rentals was increased. Mr. Williams agreed that it had been a busy year. In her utility report, Ms. Wingrove discussed the repair of a fire hydrant at Wells Branch Parkway and Wells Port Drive. She noted that the hydrant was a discontinued model and parts for repair were difficult to locate. Because of the delay in repair, the hydrant was "bagged," or marked as nonfunctional so that the Fire Department would not rely on it. Ms. Wingrove said that in discussions with her colleagues at ECO Resources, it was decided that fire hydrant repair would take a higher priority. *Director O'Donnell suggested stockpiling some of the parts to be able to repair such hydrants, and the Board generally so directed.* Director Howe said that fire hydrant repair was a fairly uncommon occurrence so it was not necessary to

1 buy a large inventory of parts.

2
3 Director Walters then announced that the Board would receive input from citizens
4 and recognized Ms. Bell who said she represented Lincoln Property Co., which
5 operates Chardonnay Apartments in the District. She said her firm hoped to host a
6 fundraiser May 22 for research for amyotrophic lateral sclerosis, also known as Lou
7 Gehrig's Disease. She said that her firm had become involved in the effort because an
8 employee in the Houston office had been stricken. She said that the fundraiser would
9 involve a pet parade originating at the Community Center and concluding with a
10 carnival activity for small children. The Board generally concurred with the proposal.

11
12 Director Walters then recognized Ms. Chiquin who said she had rented the
13 Community Center last July for the Austin Venezuelan Association, but had not
14 received her deposit, which should have been returned. *Director Walters said the*
15 *Administrative Committee would review the matter and report to her within two*
16 *weeks.*

17
18 Director Walters then recognized Mr. Pelaez who said he was president of the
19 Association of Colombians in Austin. He said that two members had rented the
20 Community Center for two separate events last April and July, but that no deposit
21 had been returned. He said that several months after one event, he contacted a staff
22 member who said that there had been some damage to a counter in the Community
23 Center kitchen. He suggested that the District supply timely notification and
24 photographic evidence of any damage that yields a reduction or retention of a deposit.
25 He said that there was no indication why the other deposit had not been returned.
26 *Director Walters said the Administrative Committee would review the matter and*
27 *report to Mr. Pelaez within two weeks.*

28
29 Director Walters then recognized the Baysingers who brought to the Board's attention
30 a potential safety problem at the Katherine Fleischer Park playscape. Mr. Baysinger
31 said that there was a secret opening in the playhouse, allowing small children to drop
32 into a swale below the playhouse. Mrs. Baysinger said parents who tried to be diligent
33 in their supervision could be thwarted, because the opening was too small for parents
34 to follow children who slipped through the opening. Director Walters thanked the
35 Baysingers for their concern and responded that the District staff included persons
36 trained to evaluate the safety of playgrounds, and the District would investigate the
37 problem.

38
39 Director Walters then recognized Mr. Howe, a commissioner for Travis County
40 Emergency Services District No. 2, who noted the previous discussion of fire
41 hydrants. He asserted that the Pflugerville Fire Department, which is funded and
42 equipped by Travis County Emergency Services District No. 2, does not find an out-
43 of-service fire hydrant a particular threat to safety. He said that the department has
44 developed its Compressed Air Foam System (CAFS), which uses less water to fight
45 fires. He noted that Department trucks have a supply of water aboard and, when duly
46 notified of an out-of-service hydrant, the Department can use its ample supply of
47 hoses to quickly tap into another nearby hydrant.

1 Director Walters then recognized Mr. Sethi who discussed with the Board his January
2 water bill, which showed usage of 50,000 gallons. He noted that other months' usage
3 only averaged 8,000 gallons. He said he had several discussions with Ms. Wingrove
4 about the matter and, while he was willing to pay for the water usage, he asked the
5 Board to grant an adjustment to his winter averaging for wastewater billing purposes.
6 Ms. Wingrove reported that an independent laboratory had reviewed Mr. Sethi's
7 meter and found it in good working order. Further, she said, there were no leaks
8 causing Mr. Sethi's spike in usage. Director Howe explained that the District is a
9 wholesale customer of the City of Austin and that the City of Austin would not adjust
10 the district's water bill or its wastewater fees. Director Smith pointed out that if an
11 adjustment were made, other customers would have to pay more than their fair share.
12 *The Board directed the Finance Committee to review the matter.*

13
14 Director Walters then recognized Mr. Williams for a report from the District's
15 manager. Mr. Williams reviewed previous directives and presented his report,
16 including the Community Gardens report, solid waste/recycling services report,
17 facilities report, landscape report, restrictive covenants report, customer service
18 report, recreation report, and aquatics report, copies of which are attached as
19 Exhibits "D" through "K," respectively. Mr. Williams reported that BFI had developed
20 a new method for collecting used oil for recycling. In the short term, he said, the
21 driver will, upon seeing a container of oil left at the curbside, notify BFI's central
22 office, and a manager will drive to the District and collect the oil. In the long term,
23 Mr. Williams said, BFI will construct collection boxes on its trucks to hold the
24 containers. Mr. Williams further reported that lawn maintenance issues continued to
25 dominate the District's covenant enforcement efforts. Director Howe asked the
26 procedure for reporting covenant complaints to the District, and Mr. Williams said
27 residents could call or e-mail the District. Director Howe suggested, and *the Board*
28 *generally directed, that the Administrative Committee pursue the use of a form on*
29 *the District's website that would allow residents to report covenant violations and, if*
30 *so desired, withhold their names.* In discussing the Customer Service Report,
31 Director Smith inquired about plans to open the District office on a Saturday to allow
32 residents to purchase recreation tags. *The Board asked Mr. Williams to open the*
33 *office May 22 and publicize the fact, and he agreed to do so. The Board directed Mr.*
34 *Avery to publicize the District's customer service surveys.*

35
36 Director Walters then recognized Mr. Bartram for a report from the District's
37 attorney. Mr. Bartram discussed his letter, a copy of which is attached as Exhibit "L,"
38 to a resident affirming the District's intent to levy a fine for loose animals in the
39 District's parks and greenbelts. Mr. Bartram discussed requirements for canvassing
40 the results of the May 15 election. **Director Smith moved, seconded by**
41 **Director O'Donnell, that the Board reschedule its regular meeting to May**
42 **25, 2004. The motion passed unanimously.**

43
44 Mr. Bartram discussed research conducted by his office regarding the extension of
45 Loop 1 and conversion of a portion of the road to a tollway. He advised that the task of
46 convincing the Texas Department of Transportation to change its plans did not look
47 promising. Mr. Howe, speaking as president of the Wells Branch Neighborhood
48 Association, urged the Board to continue to address the problem, opining that the

1 Department of Transportation is, in fact, converting a public road to tollway and must
2 meet strict legal requirements to accomplish this. He pointed out that any public
3 hearings in Wells Branch had discussed the alignment of the road, not whether and
4 how it would be tolled. He also noted that a fairly simple redesign would remove
5 tollbooths required for access to Wells Branch Parkway. Mr. Bartram said he would
6 discuss options with other members of his firm. Director Smith asked whether the
7 firm's fees for research remained under the \$2,500 cap that the Board had set
8 previously, and Mr. Bartram stated he believed it was. *The Board directed the*
9 *District's attorneys to continue their research, with an increase of the cap on fees by*
10 *\$1,000, and directed Mr. Ferguson and Director Gilmore to meet with State*
11 *Representative Jack Stick to discuss the Loop 1 extension.*

12
13 Director Walters then recognized Mr. Ferguson for a report from the District's
14 engineer, a copy of which is attached as Exhibit "M." **The Facilities Committee**
15 **recommendation serving as a motion and second to approve pay**
16 **estimates from Aus-Tex Sandblasting, Inc. and Dollarmark Construction**
17 **and Welding Service, attached as Exhibit "N," the motion passed**
18 **unanimously.** Mr. Ferguson discussed repairs to the Larry McGinnis Lift Station
19 and presented a recommendation, a copy of which is attached as Exhibit "O," that the
20 District contract with Corrpro Companies for corrosion protection at a cost of \$5,714.
21 **The Facilities Committee recommendation serving as a motion and**
22 **second to approve contracting with Corrpro Companies for corrosion**
23 **protection, the motion passed unanimously.**

24
25 Director Walters then announced the Board would consider the consent agenda,
26 including:

27
28 **Agenda Item No. 6** Approve the minutes of the March 16, 2004
29 regular meeting;

30
31 **Agenda Item No. 7** Approve Finance Committee's
32 recommendations regarding payment of bills
33 and invoices and write-offs, copies of which
34 are attached as Exhibits "P" and "Q"
35 respectively; and

36
37 **Agenda Item No. 8** Approve Administrative Committee's
38 recommendation, attached as Exhibit "R,"
39 regarding limitation on garden plot rentals.

40
41 **Director Gilmore moved, seconded by Director Howe approval of the**
42 **consent agenda as presented, and the motion passed unanimously.**

43
44 The Board recessed at 8:24 p.m. and reconvened at 8:46 p.m.

45
46 Director Walters then announced that the Board would receive Committee reports:

47
48 **ADMINISTRATIVE COMMITTEE:** Director Walters presented the report of the

1 Committee, a copy of which is attached as Exhibit “S.” The Board discussed inviting
2 sanctioned groups to meet with the Board and *directed the Administrative*
3 *Committee to coordinate scheduling.*
4

5 **CONSERVATION COMMITTEE:** Director O’Donnell presented the
6 recommendation of the Committee, a copy of which is attached as Exhibit “T,” to
7 reimburse the Wells Branch Library District \$30,000 for installation of rainwater
8 collection cisterns. Director Smith expressed concern about retroactively reimbursing
9 the Library District and, at her request, *the Board directed Mr. Bartram to look into*
10 *the matter. The Committee recommendation serving as a motion and*
11 **second to approve reimbursement to the Library District, subject to**
12 **receipt of appropriate documentation regarding the expenditure and**
13 **subject to the review and approval of the District’s attorney, the motion**
14 **passed with Directors Walters, Howe, Gilmore and O’Donnell voting**
15 **“aye” and Director Smith abstaining.**
16

17 **FACILITIES COMMITTEE:** Director Gilmore presented his recommendations, a
18 copy of which is attached as Exhibit “U,” to upgrade the kitchen in the Community
19 Center and install the oven and stove from the Community Center at the Annex.
20 Director Smith objected, saying that the District should provide commercial-quality
21 facilities at the Annex. Discussion ensued. **Director Gilmore moved, seconded**
22 **by Director O’Donnell, that the District pursue the upgrade and**
23 **replacement as recommended, and the motion passed by a four-to-one**
24 **vote, with Directors Walters, Howe, Gilmore and O’Donnell voting “aye”**
25 **and Director Smith voting “nay.”**
26

27 **FINANCE COMMITTEE:** Director Howe presented the report of the Committee
28 including its recommendation to adopt new water and wastewater deposit and
29 delinquency rules, a copy of which is attached as Exhibit “V.” The Board discussed the
30 implications of the change. The Board discussed whether to allow the District
31 manager to have authority to waive additional deposit, and generally agreed to add
32 language that would provide this authority. **The Committee recommendation**
33 **serving as a motion and second to revise the security deposit policy and**
34 **delinquency rules, to amend the Order Establishing Rates, Charges and**
35 **Tap Fees, a copy of which is attached as Exhibit “W” and to authorize**
36 **filing the Order with the Texas Commission on Environmental Quality,**
37 **the motion passed unanimously.**
38

39 **INTERGOVERNMENTAL RELATIONS COMMITTEE:** Director Gilmore
40 discussed conversations with State Representative Jack Stick.
41

42 **PUBLIC SAFETY COMMITTEE:** No report.
43

44 **RECREATION COMMITTEE:** Director Walters presented the Committee’s report,
45 a copy of which is attached as Exhibit “X.” The Board discussed plans for the Annex
46 and use by youth scouting groups. Director Gilmore opined that it was important that
47 the groups understand that the facility belongs to the District. *The Board directed*
48 *that a phone (with no long distance capabilities) be installed at the Annex.*

1 The Board discussed the Fourth of July festivities and determined that the District's
2 celebration of Independence Day should be on July 3. The parade will return to its
3 roots with no cars or trucks.

4
5 Director Walters then announced the Board would receive announcements from
6 Board members, and Director Smith announced that she had purchased a home in
7 the District and was moving on May 7.

8
9 The Board reconsidered its previous decision to delay its regular meeting and
10 determined it would conduct its regular meeting May 18 and canvass ballots in a
11 special noon meeting at the District's law firm on Wednesday, May 26. Ms. Wingrove
12 reported that Kutchins & Associates was prepared to present the District's federally
13 required vulnerability assessment report to the Board in an executive session. It was
14 determined that could be accomplished at the May 26 meeting.

15
16 There being no further business to come before the Board, the meeting adjourned.

17
18 Respectfully submitted:

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23 _____
24 May 18, 2004

25 Date

26 _____
27 Scott Gilmore, Secretary
28 Board of Directors
29 Wells Branch Municipal Utility District
30

(SEAL)