

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

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

May 18, 2004

A regular meeting of the Board of Directors was held May 18, 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 Director-elect Janet Maxey, a resident of the District; Don H. Williams, District manager; Sue Brooks Littlefield of Armbrust & Brown, LLP; Margret Wingrove of ECO Resources; Robert Ferguson, P.E., of Murfee Engineering, the District's engineering firm; Richard Fadal of TexaScapes, Inc.; Steve Shannon of BFI; Kay Kutchins of Kay Kutchins & Associates; Rhonda Harris of Pro-Ops, Inc.; Dianne Koehler of the Wells Branch Community Library District; Scott Privette of 14601 Plain Rock Pass in the District; Miguel Gonzales Jr. and Chuck Carroll of Cunningham-Allen, Inc.; Preston Carroll of Ponderosa Land Development; and Cliff Avery of Gilleland Creek Press.

Director Walters called the meeting to order at 6:00 p.m. and announced that the Board would retire into executive session as permitted by Section 551.076 of the Texas Open Meetings Act (discussion of security personnel or devices). At 6:40 p.m., the Board reconvened in open session, and Director Walters announced that no action was taken.

Director Walters then 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 revenues were less than budgeted and suggested this was due to the timing of tax receipts. She also noted there was only a \$71 difference between projected and actual expenditures.

Director Walters then announced that the Board would receive input from citizens and recognized Mr. Privette who complimented the Board on the condition of the

1 District's parks and facilities. He suggested that the sand volleyball court needed an
2 infusion of sand. He reported on his research on the matter and said that additional
3 sand would cost \$750. He said a group of residents who enjoy the volleyball court
4 offered to spread the sand if it were delivered on a Saturday. *Director Walters*
5 *suggested, and the Board generally concurred, that the Facilities Committee should*
6 *investigate the matter.* Director Howe encouraged the Committee to take advantage
7 of the volunteers' offer as it gave them a sense of ownership in the District's facilities.
8 Director Walters thanked Mr. Privette for his initiative.

9
10 Director Walters then recognized Mr. Williams for a report from the District's
11 manager. Mr. Williams reviewed previous directives and presented his report,
12 including the Community Gardens report, solid waste/recycling services report,
13 facilities report, landscape report, restrictive covenants report, customer service
14 report, recreation report, and aquatics report, copies of which are attached as
15 Exhibits "D" through "K," respectively. Mr. Williams yielded the floor to Mr. Shannon
16 who discussed solid waste matters. Mr. Shannon said that BFI wished to move its
17 Memorial Day collection to the next day. He said the company intended to notify
18 customers through the Austin newspaper. Director Walters noted that BFI's contract
19 with the District specified that Thanksgiving, Christmas and New Year's Day were the
20 only days that service would be suspended, and that the District had expended
21 substantial effort to communicate that fact to its residents. Director Gilmore stated he
22 believed that service should be suspended out of respect for the troops in Iraq and
23 Afghanistan. **Director Gilmore moved, seconded by Director Howe that the**
24 **Board permit the delay of service on the Memorial Day Monday subject to**
25 **the requirement that BFI provide ample notice to residents. The motion**
26 **passed unanimously.** Mr. Shannon presented the Board with a letter, attached as
27 Exhibit "L," asking that BFI representatives be allowed to meet with the
28 Administration Committee regarding its contract.

29
30 Mr. Williams continued his report. He reported that the Homestead Board had
31 approved purchase of a covered wagon. The Board discussed whether to open the
32 District office on Saturdays for sale of recreation tags and generally determined *the*
33 *office would be open May 22 and May 29 and that the District manager could use*
34 *his best judgment to determine if additional Saturdays were warranted. The Board*
35 *instructed the District editor to publicize the fact.*

36
37 Director Walters then recognized Mr. Ferguson for a report from the District's
38 engineer, a copy of which is attached as Exhibit "M." Mr. Ferguson said that the
39 Shoreline Detention Pond would need to be pumped to see why the perforated pipe
40 was not draining. He said he had scheduled a walkthrough with Ted's Trees to review
41 landscaping on the project.

42
43 Director Walters then announced the Board would consider the consent agenda,
44 including:

45
46 **Agenda Item No. 7**

Approve, as amended, the minutes of the
April 20, 2004 regular meeting;

1 **Agenda Item No. 8**

2 Approve Finance Committee’s
3 recommendations regarding payment of bills
4 and invoices and write-offs, copies of which
5 are attached as Exhibits “N” and “O”
6 respectively; and

7 **Agenda Item No. 9**

8 Approve Resolution Establishing Offices and
9 Meeting Places of the Board of Directors of
10 the Wells Branch Municipal Utility District,
11 attached as Exhibit “P,” including
12 authorizing filing the Resolution with the
13 Texas Commission on Environmental
14 Quality and publishing the Notice of Meeting
15 Places in *The Pflugerville Pflag*.

16 **Director Gilmore moved, seconded by Director Smith, approval of the**
17 **consent agenda as presented, and the motion passed unanimously.**

18
19 The Board recessed at 8:24 p.m. and reconvened at 8:46 p.m. Director Walters then
20 announced that the Board would receive Committee reports:

21
22 **ADMINISTRATIVE COMMITTEE:** Director Walters presented the report of the
23 Committee, a copy of which is attached as Exhibit “Q.”

24
25 **CONSERVATION COMMITTEE:** Director O’Donnell presented the
26 recommendation of the Committee to approve the amendment, a copy of which is
27 attached as Exhibit “R,” to the ground lease with the Wells Branch Community
28 Library to provide for reimbursement for water conservation facilities. **Director**
29 **Smith moved, seconded by Director Walters, that the Board reconsider**
30 **its previous action to reimburse for the water conservation facilities.**
31 Discussion ensued. **The motion failed with Director Smith voting “Aye,”**
32 **Directors Howe, O’Donnell and Gilmore voting “Nay” and Director**
33 **Walters abstaining. The Committee recommendation serving as a motion**
34 **and second to approve the amendment, the motion passed with Directors**
35 **Walters, Howe, O’Donnell and Gilmore voting “Aye” and Director Smith**
36 **voting “Nay.”**

37
38 **FACILITIES COMMITTEE:** Director Smith presented the report of the
39 Committee, a copy of which is attached as Exhibit “S.” Director Smith discussed the
40 request for variance on Lot 4, Block B, Wells Branch Phase U. She reported that the
41 developer has agreed to donate \$45,000 for the District’s park improvement. **The**
42 **Committee recommendation served as a motion and second to approve**
43 **the variance for Lot 4, Block B, Wells Branch Phase U subject to the**
44 **conditions of making the park donation, obtaining a variance from the**
45 **Wells Branch Owners Association and participation in regional water**
46 **quality facilities. Further, the motion and second authorized the Facilities**
47 **Committee to execute the requisite documentation. The motion passed**
48 **unanimously.**

1
2 **FINANCE COMMITTEE:** No report.

3
4 **INTERGOVERNMENTAL RELATIONS COMMITTEE:** No report.

5
6 **PUBLIC SAFETY COMMITTEE:** The Board discussed Director Gilmore's
7 comments that Representative Jack Stick was concerned about the due process
8 provisions of the District's rules prohibiting loose dogs in its parks and greenbelts.
9 *The Board generally directed the District's attorney to review the matter for a*
10 *report at a future meeting.*

11
12 The Board also discussed the objections raised to the configuration of the tollway
13 extending Loop 1 (MoPac). Director Gilmore opined that the residents of the District
14 expected the Board to be an advocate for efficient transportation and that, in doing
15 so, the District was protecting its tax base. *The Board directed the District's attorney*
16 *to initiate discussions with the Texas Department of Transportation to explore more*
17 *palatable alternatives. **The Committee recommendation serving as a motion***
18 *and second to increase the limit on attorney expenses to research the*
19 *matter to \$5,000, the motion passed unanimously. The Board directed the*
20 *District's law firm and the District's engineer to identify engineers who could*
21 *perform a traffic study.*

22
23 **RECREATION COMMITTEE:** Director Walters presented the Committee's report,
24 a copy of which is attached as Exhibit "T."

25
26 The Board recessed at 8:47 p.m. and reconvened at 9:12 p.m. Director Walters then
27 announced the Board would receive announcements from Board members. Director
28 O'Donnell stated that he had just learned that Director Smith, as an employee of a
29 Regional Educational Service Center, may not be eligible to receive per diems from
30 the District and suggested the Board seek an attorney general's opinion on the matter.
31 Director Smith responded that the matter had been aired thoroughly when she was
32 first elected to the Board and it was found that an Educational Service Center did not
33 fall under the definition of a state agency and, as such, no duplication of payment
34 involving state funds existed. Ms. Littlefield noted that the Board did not have the
35 authority to request an attorney general's opinion, that the matter had been
36 researched and that it was not at this time an appropriate matter for inquiry by the
37 Board.

38
39 At 9:45 p.m., Director Walters announced that the Board would convene in executive
40 session for purposes permitted under Section 551.071 of the Texas Open Meetings Act
41 (consultation with attorney) relating to the duties and obligations of the directors and
42 subcommittees and meeting procedures.

43
44 The Board reconvened in open session at 10:22 p.m., and Director Walters
45 announced that no action had been taken during executive session. The Board the
46 discussed the date and time at which the meeting to canvass the results of the May 15,
47 2004 election would be held, and agreed that the meeting would be held on May 26 at
48 6:00 p.m.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

The Board requested that Mr. Williams confirm the availability of the Community Center for the meeting, and he agreed to do so. The Board asked that Ms. Littlefield include an item on committee assignments and an item on the toll road issue, as well as the election items, on the agenda, and she agreed to do so. The Board also discussed meeting procedures and the committee structure. The Board agreed that, due to issues that had arisen with regard to the committee process, the Board would return to its prior practice of holding two Board meetings per month, a work session on the first Tuesday and a business meeting on the third Tuesday. The Board agreed that the first work session would be held on June 1, and that each committee would have a work session item on the agenda.

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

Respectfully submitted:

June 15, 2004
Date

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

(SEAL)