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

June 20, 2006

A regular meeting of the Board of Directors was held June 20, 2006, 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 |
| Janet Maxey | - Secretary |
| Joy Smith | - Treasurer |
| Tom Cheshire | - Assistant Secretary-Treasurer |

and all of the Directors were present, except Director Smith who arrived later, thus constituting a quorum. Also present during the course of the meeting were Don H. Williams, District general manager; Margret Wingrove of ECO Resources, the District's utility firm; John Bartram of Armbrust & Brown, LLP, the District's law firm; Robert Ferguson, P.E., of Murfee Engineering, the District's engineering firm; Richard Fadal of TexaScapes, Inc., the District's landscaping firm; Jerry Converse of Fulbright & Jaworski, LLP; Fred Shannon of Hewlett-Packard Company; Mark Wochner and Nancy Scott of 14610 Alpha Collier in the District; Woody Bryant of 2908 Sydney in the District; Mr. and Mrs. _____ of _____ in the District; and Cliff Avery of Gilleland Creek Press.

Director Walters called the meeting to order and recognized Ms. Wingrove for a financial report, attached as Exhibit "B," and utility manager's report, attached as Exhibit "C." Ms. Wingrove noted that interest rates on the District's accounts with TexPool had improved to 4.9 percent. She discussed the need for minor corrections in the coding of some revenues. She reported that revenues during the period covered in her report were greater than budgeted and expenditures were less, giving the District a positive outcome for the period. Director Howe cautioned that the District faced some substantial expenditures in the next few months, and Mr. Williams noted that the District had already received the bulk of its revenues from taxes.

In her utility report, Ms. Wingrove advised the board that two residents had tampered with their water meters, and the incidents had been reported to the Travis County sheriff's office. She noted that the City of Austin had corrected its water meter-reading problem, reducing it charges from 40 million gallons to 4 million gallons.

Director Smith arrived at 6:10 p.m.

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2 Director Walters then announced that the Board would receive input from citizens
3 and recognized Mr. Wochner and Ms. Scott who told the Board they had recently
4 moved to the District. Ms. Scott said that she received a water bill with an overdue
5 balance, apparently after she did not receive an earlier bill. She stated she had mailed
6 a check a week before the due date, but service was terminated. She stated that she
7 felt the District's policy was extreme and did not allow adequate time for a resident to
8 respond to the threat of termination. Director Walters responded that the District had
9 spent years developing its policy in an attempt to thwart customers who ran up large
10 bills, then left owing money for water service. The policy is designed to protect those
11 residents who pay their bills on time. He noted that the District has two drop boxes
12 for payments to avoid any delays by the U.S. Postal Service. *The Board directed the*
13 *Finance Committee to review the situation and develop an appropriate*
14 *recommendation.*
15

16 Director Walters then recognized Mr. Bryant who said he had received notice of a
17 violation of restrictive covenants because his boat was in public view. He said that he
18 periodically had to bring the boat to his home to recharge its batteries. Director
19 Cheshire responded that a boat owner could remove the battery and bring the battery
20 to the residence without violating covenants. Director Walters noted that the District
21 does allow some flexibility to permit boat owners to load their boats at their homes,
22 but that a boat should not be visible for more than a day.
23

24 Director Walters then recognized Mr. and Mrs. _____ who shared concerns
25 about the District's castle-like play structure in the Katherine Fleischer Park
26 playground. The couple said that their child had been molested while playing in the
27 structure. They noted that the structure allowed a predator to conceal himself and
28 that there were not enough exits and too many tight spaces that prevented a parent
29 from monitoring a child. The couple said that their experience had been horrible, and
30 they were determined to correct the situation by beginning a dialog to correct the
31 deficiencies. Director Walters expressed the Board's fervent intent to make the
32 District's playgrounds as safe as possible. *The Board directed the Recreation*
33 *Committee to review the matter and make appropriate recommendations. Director*
34 *Smith directed, and the Board generally concurred, that the District manager take*
35 *photos of the structure and present them to a nationally recognized expert on*
36 *playground safety who was scheduled to speak at the Capital Area Suburban*
37 *Exchange conference.*
38

39 Director Walters then announced that the Board would receive a report from the
40 District's manager, including reports on the Community Gardens; solid
41 waste/recycling services; facilities; landscape; restrictive covenants enforcement;
42 customer service; recreation, and aquatics, attached as Exhibits "E" through "L." Mr.
43 Williams reported that a representative of IESI, the District's solid waste and
44 recycling contractor, was scheduled to address the Board, but did not show. He said
45 the District planned to fine IESI for three infractions of its contract. In the landscape
46 report, he praised the curbside compost collection program. Mr. Fadal observed that
47 as the District becomes a more mature neighborhood, the program would deal with
48 larger trees and plants. Mr. Williams further reported that the District was enforcing
49 many lawn maintenance violations and had sent out courtesy reminders to residents.
50 The Board discussed a lawn where a homeowner was using xeriscape landscaping and

1 asked Mr. Fadal to inspect the lawn.

2
3 Director Walters then recognized Mr. Bartram for a report from the District's
4 attorney. Mr. Bartram provided a copy of the District's ethics and travel policy and
5 discussed its application to the Board members participation in the upcoming Capital
6 Area Suburban Exchange conference. Mr. Bartram then discussed the progress of
7 litigation involving the District. Mr. Bartram also provide a copy of the Texas
8 Municipal League Legislative Task Force on Eminent Domain/Regulation of
9 Development, a copy of which is attached as Exhibit "M," for the Board's reading
10 pleasure.

11
12 Mr. Bartram reported that discussions were continuing on tax abatement for Hewlett-
13 Packard's proposed facility in the District. Because of timing requirements and the
14 Board's summer meeting schedule, he suggested that the Administrative Committee
15 be authorized to negotiate and execute an agreement for tax abatement with Hewlett-
16 Packard. **Director Smith so moved, seconded by Director Howe, and the**
17 **motion passed, with Directors Howe, Smith, Maxey and Cheshire voting**
18 **"aye" and Director Walters abstaining.**

19
20 Director Walters then recognized Mr. Ferguson for a report from the District's
21 engineer, attached as Exhibit "N." The Board discussed plans for construction of an
22 apartment facility in Phase R. Director Howe asked to be provided a copy of the
23 contract with the City of Austin regarding removal of the City's water pressure
24 enhancement facility.

25
26 Director Walters then announced that the Board would consider items on its consent
27 agenda:

28
29 **Agenda Item No. 6** Approve minutes of May 16, 2006 regular
30 meeting; May 31, 2006 special meeting; and
31 June 6, 2006 regular meeting;

32
33 **Agenda Item No. 7** Approve Finance Committee
34 recommendations regarding payment of bills
35 and invoices, attached as Exhibits "O",

36
37 **Director Howe moved, seconded by Director Maxey, approval of the**
38 **Consent Agenda as presented.**

39
40 Director Smith stated that the May 16, 2006 minutes should reflect that the
41 Pflugerville Fire Department had not approached other communities for assistance in
42 financing its fire exit training trailer. Director Cheshire and Director Howe responded
43 that they recalled discussion of the Fire Department approaching other entities
44 served by the Fire Department.

45
46 **The motion passed with Directors Howe, Maxey and Cheshire voting**
47 **"aye" and Directors Walters and Smith voting "nay."**

48
49 Director Walters then announced that the Board would receive reports from

1 Committees:

2
3 **ADMINISTRATIVE COMMITTEE:** Director Walters reported that the Committee
4 had distributed forms to the Board members for the District manager's quarterly
5 review.

6
7 **FACILITIES COMMITTEE:** Director Smith presented the Committee report and
8 discussed the status of land acquisition.

9
10 **FINANCE COMMITTEE:** No report.

11
12 **PUBLIC SAFETY COMMITTEE:** No report.

13
14 **RECREATION COMMITTEE:** No report.

15
16 There being no further business to come before the Board, the meeting adjourned at
17 7:35 p.m.

18
19 Respectfully submitted:

20
21
22
23
24 _____
25 July 18, 2006

26 Date

27 _____
28 Janet Maxey, Secretary
29 Board of Directors
30 Wells Branch Municipal Utility District

(SEAL)