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

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November 15, 2005

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A regular meeting of the Board of Directors was held November 15, 2005, 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".

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

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

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and all of the Directors were present, except Director Walters and Director O'Donnell, 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 "Jack" 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.; Todd Redmond of 2901 Bernadino in the District; Robert and Darlene Bauhs of 2445 Rick Winery in the District; and Cliff Avery of Gilleland Creek Press.

Director Howe called the meeting to order at 6:05 p.m. and announced that the Board would receive input from citizens. She recognized Mr. Redmond who said he had two requests. He said his first inquiry involved a flashing signal near Wells Branch elementary. He said the signal was inoperative and wondered when it could be repaired. Director Maxey said she would contact Travis County representatives to speed the repair.

Mr. Redmond then inquired about the dog run on Bratton Lane. He asked if a sign could designate the area used for the dog run. He said that some dogs and owners are going into an adjacent drainage area. Dogs are getting stuck in pipes as they attempt to access the area. The Board and Mr. Redmond also discussed problems with the use of the facility by a dog-owner organization. Some aggressive dogs were causing problems. *The Board directed the District manager to develop and place appropriate signage at the dog run and to make contact with the dog-owner association to resolve issues raised by its use of the facility.*

Director Howe then recognized Ms. Wingrove for a financial report, attached as Exhibit "B," and utility manager's report, attached as Exhibit "C." Ms. Wingrove

1 reported on improving returns from the District's investments in TexPool. In the  
2 utility report, she noted that the District had been required to terminate more  
3 accounts in October because of nonpayment. She reported that she had contacted the  
4 Travis County Sheriff's Office in regard to one customer who illegally reconnected to  
5 the District's service after her service was terminated. The Board discussed problems  
6 with overdue accounts and discussed problems with some customers who defaulted  
7 on previous agreements. Mr. Williams suggested that he work with the District's  
8 attorney to establish a process for obtaining a judgment on overdue bills before  
9 restoring service, and *the Board generally so directed*. The Board discussed standing  
10 water at the intersection of Merriltown and FM 1325, apparently due to construction  
11 in the area. Mr. Williams suggested meeting with City of Austin Water Utility officials  
12 regarding cleaning up the problem, and Mr. Ferguson said he would arrange a  
13 meeting.

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15 Director Howe then announced that the Board would receive input from citizens and  
16 recognized Ms. Bauhs who informed the Board that a drainage fence near her  
17 property had not been properly cleaned of debris. Mr. Williams said he would contact  
18 TexaScapes about the problem. Director Howe recognized Mr. Bauhs who opined that  
19 the District, in its discussion of its annual budget, should compare its spending to the  
20 previous period. Director Howe thanked him for his input.

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22 Director Howe then announced that the Board would receive a report from the  
23 District's manager, including reports on the Community Gardens; solid  
24 waste/recycling services; facilities; landscape; restrictive covenants enforcement;  
25 customer service; recreation; and aquatics, attached as Exhibits "C" through "J." He  
26 discussed landscape maintenance requirements with covenants and noted that some  
27 violations involved tree trimming over sidewalks. *The Board directed Director Maxey*  
28 *to contact Travis County officials and explore the District's options with regard to*  
29 *pruning back trees in the right-of-way.*

30  
31 Director Howe then recognized John "Jack" Bartram for a report from the District's  
32 attorney. Mr. Bartram discussed his conversations with Travis County and the City of  
33 Austin regarding enforcement of the County's dog ordinance. He said the City would  
34 be enforcing for the County and welcomed any education efforts the District could  
35 provide.

36  
37 Mr. Bartram provided a draft of revised industrial rate regulations required after the  
38 City of Austin revamped its regulations. **Director Smith moved, seconded by**  
39 **Director Maxey, adoption of the Amended Order Establishing Industrial**  
40 **Waste Regulations, and Establishing Fees, Policies, and Procedures**  
41 **Relating to Industrial Waste, a copy of which is attached as Exhibit "K,"**  
42 **with a directive to the Finance Committee to review the rate structure for**  
43 **later action. The motion passed unanimously.**

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45 Mr. Bartram then discussed the request from RealtiCorp 531, LLC for a revised utility  
46 service commitment, including a recommendation from the District's engineer,  
47 attached as Exhibit "L," to approve the request based on the reallocation of LUEs  
48 from the William D. Schultz Tract. **The Facilities Committee recommendation**  
49 **serving as a motion and second to approve the request of RealtiCorp 531**

1 **LLC for a revised utility service commitment for Lot 57-A, Block A, Wells**  
2 **Branch Phase R, Section 3, the motion passed unanimously.**

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4 Director Howe then recognized Mr. Ferguson for a report from the District's  
5 engineer, attached as Exhibit "M."

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7 Director Howe then announced that the Board would consider items on its consent  
8 agenda, including;

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10 **Agenda Item No. 7** Approve minutes of November 1, 2005  
11 regular meeting;

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13 **Agenda Item No. 8** Approve Finance Committee  
14 recommendations regarding payment of bills  
15 and invoices, and write-offs, attached as  
16 Exhibits "N" and "O," respectively;

17  
18 **Agenda Item No. 9** Approve Facilities Committee  
19 recommendations regarding construction of  
20 a low-water crossing at the maintenance  
21 office, and dedication plantings, attached as  
22 Exhibits "P" and "Q," respectively;

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24 **Agenda Item No. 10** Approve Recreation Committee's  
25 recommendations regarding youth center  
26 hours, and rental rates for the Recreation  
27 Center gymnasium, attached as Exhibit "R"  
28 and "S," respectively;

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30 **Agenda Item No. 11** Approve Revised Order Establishing Rates,  
31 Charges and Tap Rees, attached as Exhibit  
32 "T;"

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34 **Agenda Item No. 12** Approve Amendment No. 5 to Composting  
35 Services Agreement with Springwoods  
36 Municipal Utility District, attached as  
37 Exhibit "U;"

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39 **Agenda Item No. 13** Approve License Agreement with Travis  
40 County, attached as Exhibit "V;" and

41  
42 **Agenda Item No. 14** Approve Texas Department of  
43 Transportation Toll Plaza Pass-Through  
44 Wastewater Service including Utility Joint  
45 Use Agreement, and Utility Adjustment  
46 Agreement, attached as Exhibits "W" and  
47 "X," respectively.

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2 **Director Maxey moved, seconded by Director Smith, approval of the**  
3 **Consent Agenda as presented, and the motion passed unanimously.**  
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5 Director Howe then announced that the Board would receive reports from  
6 Committees:  
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8 **ADMINISTRATIVE COMMITTEE:** Director Howe reported that the Committee  
9 had been speaking through conference calls and was evaluating input from  
10 consultants for the District manager’s performance review.  
11

12 **The Committee recommendation serving as a motion and second to**  
13 **approve Amendment No. 2 to the Utility Management Services**  
14 **Agreement, attached as Exhibit “Y,” the motion passed unanimously.**  
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16 **FACILITIES COMMITTEE:** No report.  
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18 **FINANCE COMMITTEE:** No report.  
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20 **PUBLIC SAFETY COMMITTEE:** No report.  
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22 **RECREATION COMMITTEE:** No report.  
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24 Director Howe then announced that the Board would receive announcements by  
25 Board members. *The Board directed the District manager to use the marquees to*  
26 *inform residents of winter wastewater averaging and directed Ms. Wingrove to*  
27 *contact apartment complexes in the District to remind them of winter averaging.*  
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29 At 7:35 p.m., Director Howe announced that the Board would convene in executive  
30 session, as authorized by Section 551.071 of the Government Code, to receive advice  
31 from the District’s attorney. The Board reconvened in open session at 7:42 p.m., and  
32 Director Howe announced that no action was taken in executive session.  
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34 There being no further business to come before the Board, the meeting adjourned.  
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36 Respectfully submitted:  
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41 January 3, 2006

42 Date

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43 Robert O’Donnell, Secretary  
44 Board of Directors  
45 Wells Branch Municipal Utility District  
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47 (SEAL)