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

February 21, 2006

A regular meeting of the Board of Directors was held February 21, 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
Robert O'Donnell	- Secretary
Joy Smith	- Treasurer
	and Assistant Secretary
Janet Maxey	- Assistant Secretary-Treasurer

and all of the Directors were present, except 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 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; Greg Daniels of 4401 Flagstaff Drive, Austin, TX; Richard Heneghen of 15425 Ozone Place in the District; and Cliff Avery of Gilleland Creek Press.

Director Walters called the meeting to order at 6:02 p.m. and announced the Board would take up items on its Agenda Supplement dealing with the forthcoming election of directors. He recognized Mr. Bartram who discussed changes to the District's election process as a result of new state requirements. He explained that the District would need to contract with Travis County and with Williamson County as the most economical way to provide voters access to expensive voting equipment necessary to meet the new requirements. However, Mr. Bartram pointed out that the county governments are also having to navigate the intricacies of the new system. Discussion ensued. Director Maxey suggested, *and the Board generally so directed*, that the District take special care to inform District residents living in Williamson County of the forthcoming changes. Mr. Bartram said he would supply the information when it became available. **Director Maxey moved, seconded by Director Howe, approval of the five items on the Agenda Supplement including: adopting the Order Calling Director Election for May 13, 2006, attached as Exhibit "B;" authorizing the District's attorney to give Notice of Director Election for May 13, 2006, attached as Exhibit "C;" approving the Order Adopting and Implementing the Use of Direct Recording Electronic Voting Systems in Addition to Paper Ballots in District Elections, attached as Exhibit "D;"**

1 **approving Resolutions Approving Joint Election Agreement, attached as**
2 **Exhibits “E” and “F;” and authorizing filing of Voting Rights Act**
3 **submission to the U.S. Department of Justice. The motion passed**
4 **unanimously.**

5
6 Director Walters then recognized Ms. Wingrove for a financial report, attached as
7 Exhibit “G,” and utility manager’s report, attached as Exhibit “H.” Ms. Wingrove
8 discussed the need to approve the transfers of funds as noted in her report. **The**
9 **Finance Committee recommendation serving as a motion and second to**
10 **approve the transfers, the motion passed unanimously.** She noted that the
11 District’s ending balance at the close of FY2005 was some \$200,000 higher than
12 budgeted. She noted that property tax receipts were running ahead of projections.
13 She further noted that one item in her report reflected a \$10,000 coding error,
14 appearing as an expenditure in the wrong account, which would be corrected.

15
16 In her utility report, Ms. Wingrove noted that the District had received a bill from the
17 City of Austin for \$48,000 in previously unbilled utility service and that she would
18 investigate whether this was actually a District obligation. Director Howe opined that
19 the District should pursue this vigorously. Ms. Wingrove further noted that the City of
20 Austin, because of the prolonged dry spell, had determined that it would disregard
21 the District’s highest monthly water usage during its wastewater averaging period,
22 and Ms. Wingrove suggested that the District may wish to follow suit for its
23 customers. The Board discussed whether to disregard a customer’s highest monthly
24 usage or disregard December, the month with the highest usage District-wide. *The*
25 *Board directed the utility manager to disregard December usage when calculating*
26 *wastewater fees for District residents.*

27
28 Director Walters then announced that the Board would receive input from citizens
29 and recognized Mr. Daniels who informed the Board he felt “betrayed and defrauded”
30 by the District. He acknowledged that he had operated heavy equipment on District
31 property and, in so doing, had damaged a resident’s fence. He objected to the fine
32 levied on him by the District as a result of his trespass. He said that he had intended
33 to repair the fence, but the owner of the property wanted him to spend too much
34 money. Mr. Daniels maintained that he had been controlling weeds on District
35 property since 1995 at the urging of Mr. Williams who had promised then that, should
36 the District be annexed, the property would be conveyed to Mr. Daniels. Mr. Walters
37 said the Board had no record of any discussion regarding conveying property to Mr.
38 Daniels. Mr. Williams stated he had never made any representations of the kind to
39 Mr. Daniels, and it was noted that Mr. Williams was not employed by the District
40 until 1997. Mr. Williams suggested that Mr. Daniels had been clearing District
41 property to provide himself an alternate means of access to his property. Mr. Bartram
42 informed Mr. Daniels that under the law, a promise to convey an interest in real
43 property must be in writing. He further noted that the Board could take no action on
44 the matter at this meeting, because there was not sufficient posting on the agenda.
45 *The Board generally directed the Facilities Committee to review the matter for an*
46 *appropriate recommendation to the Board at a later meeting.*

47
48 Director Walters then announced that the Board would receive a report from the
49 District’s manager, including reports on the Community Gardens; solid

1 waste/recycling services; facilities; landscape; restrictive covenants enforcement;
2 customer service; recreation, and aquatics, attached as Exhibits “I” through “P.”
3 Director Smith praised IESI for picking up plastics, but Director Howe noted that
4 trucks had been in the District at 4:45 p.m., beyond the time permitted in the
5 contract. Mr. Williams stated he would investigate the matter. Mr. Fadal reported
6 that compostible collection ran high in January. Mr. Williams reported that, on utility
7 payment deadline days, he planned to beef up customer service at the District office
8 counter.

9
10 Director Walters then recognized Mr. Bartram for a report from the District’s
11 attorney. Mr. Bartram directed the Board’s attention to correspondence regarding the
12 District’s action on its industrial waste policy, attached as Exhibit “Q.” On further
13 discussion of election procedures, he noted that the District would need to appoint a
14 regular early voting clerk to receive applications for voting by mail. *The Board*
15 *generally agreed to appoint Doug Maxey to serve in that capacity if it is determined*
16 *that a District employee is ineligible to serve as regular early voting clerk.*

17
18 Director Walters then recognized Mr. Ferguson for a report from the District’s
19 engineer, attached as Exhibit “R.” He reported that the developer of a tract in the
20 southwest portion of the District along Burnet Road had requested from the City of
21 Austin a 1704 determination to permit development at a higher density. Mr. Ferguson
22 noted that the developer would have to ask for a variance from the Board.

23
24 Director Walters then announced that the Board would consider items on its consent
25 agenda, including;

26
27 **Agenda Item No. 7** Approve Finance Committee
28 recommendations regarding payment of bills
29 and invoices, and write-offs, attached as
30 Exhibits “S” and “T,” respectively;

31
32 **Agenda Item No. 8** Approve Contract for Election Services and
33 Agreement to Conduct Joint Election with
34 Williamson County, attached as Exhibit “U.”

35
36 **Director Howe moved, seconded by Director Maxey, approval of the**
37 **Consent Agenda as presented, and the motion passed unanimously.**

38
39 Director Walters then announced that the Board would receive reports from
40 Committees:

41
42 **ADMINISTRATIVE COMMITTEE:** Director Walters delivered the report of the
43 Committee, attached as Exhibit “V.” **The Committee recommendation served**
44 **as a motion and second to increase IESI’s rate for the 2006 calendar year**
45 **by 3.1 percent, under the District’s Recycling and Solid Waste Disposal**
46 **Service Agreement, which equates to the change in the customer price**
47 **index for the period beginning November 1, 2004 and ending**
48 **December 31, 2005. The motion passed unanimously.**

1 **FACILITIES COMMITTEE:** Director Smith presented the report of the
2 Committee, a copy of which is attached as Exhibit "W." The Board discussed
3 proposals to renovate the District's tennis courts and generally agreed to solicit bids.
4

5 **FINANCE COMMITTEE:** No report.
6

7 **PUBLIC SAFETY COMMITTEE:** No report.
8

9 **RECREATION COMMITTEE:** Director Walters presented the report of the
10 Committee, a copy of which is attached as Exhibit "X," including a recommendation
11 to purchase and install lighting at the Shoreline Soccer Field. **The Committee**
12 **recommendation serving as a motion and second to that end, the motion**
13 **passed unanimously,**
14

15 The Board discussed the Committee's approach to recreation tags for classes offered
16 by the District. **The Committee's recommendation, attached as Exhibit "Y,"**
17 **-serving as a motion and second to approve the sale of multiuse recreation**
18 **tags for up to ten recreational classes at a rate of \$30 in-district and \$50**
19 **out-of-district, the motion passed unanimously.**
20

21 Director Walters then announced that the Board would receive announcements by
22 Board members. Director Smith reported that an employee of the District's security
23 firm had stopped children from setting fires in a District Park. Director Howe
24 reported on plans for the Capital Area Suburban Exchange Conference in the
25 summer.
26

27 There being no further business to come before the Board, the meeting adjourned at
28 8:10 p.m.
29

30 Respectfully submitted:
31
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33
34

35 March 7, 2006

36 Date

37 Joy Smith, Treasurer and
38 Assistant Secretary

39 Board of Directors

40 Wells Branch Municipal Utility District
41

42 (SEAL)