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

May 16, 2006

A regular meeting of the Board of Directors was held May 16, 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 Walters 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; Chief Ron Moellenberg of the Pflugerville Fire Department/Travis County Emergency Services District No. 2; Asst. Chief John Grasshoff of the Pflugerville Fire Department/Travis County Emergency Services District No. 2; Jerry Converse of Fulbright & Jaworski; Fred Shannon of Hewlett-Packard Company; Dr. Buzz Canup of AngelouEconomics; and Cliff Avery of Gilleland Creek Press.

Director Howe called the meeting to order and recognized Director Cheshire for a recommendation from the District's Public Safety Committee regarding cost participation with Travis County Emergency Services District No. 2 for the purchase of a fire safety trailer. Director Cheshire yielded the floor to Asst. Chief Grasshoff who explained that the trailer allowed the Fire Department to familiarize civilians, particularly children, with fire safety and to train them in safe and efficient evacuation from burning structures. He noted that studies had shown that only one in 22 children had received an exit drill from their home. Asst. Chief Grasshoff noted that the trailer would replace a dilapidated piece of equipment that the Fire Department had received used several years ago from the City of Austin. That trailer, in its day, had been a familiar site at Wells Branch events. Chief Moellenberg asserted that the structure had trained thousands of children each year. Asst. Chief Grasshoff said that the cost of the replacement trailer was approximately \$50,000. He said the Emergency Services District had raised \$4,500 with another \$5,000 pledged.

Director Cheshire moved, seconded by Director Maxey, that the District cost-participate with Travis County Emergency Services District No. 2

1 **with a sum of \$40,000. Upon proceeding to a vote, the motion passed**
2 **with Directors Howe, Maxey and Cheshire voting “aye” and Director**
3 **Smith voting “nay.”** Director Smith commented that she supported the program
4 but believed that other communities should contribute as well.
5

6 Director Howe then recognized Ms. Wingrove for a financial report, attached as
7 Exhibit “B,” and utility manager’s report, attached as Exhibit “C.” Ms. Wingrove
8 noted a letter in the packet to TexPool authorizing an internal transfer, and the Board
9 concurred. She noted a positive outcome in the year-to-date of the District’s finances.
10

11 In her utility report, Ms. Wingrove directed the Board’s attention to projected rates
12 from the City of Austin, the District’s wholesaler. She discussed delinquencies, which
13 appeared to decline. Director Smith suggested that District officials should meet with
14 apartment managers to discuss topics including water conservation, and *Ms.*
15 *Wingrove agreed to arrange such a meeting.*
16

17 Director Howe then recognized Director Smith for a Facilities Committee
18 recommendation regarding an Order Establishing Guidelines and Criteria for Tax
19 Abatement, attached as Exhibit “D.” Director Smith recalled previous Board
20 discussions regarding the tax incentives requested by Hewlett-Packard (HP) for
21 expanding its facility in the District. She recognized Mr. Shannon who explained the
22 scope of the project and noted that the Travis County Commissioners Court had
23 approved the reinvestment zone that was integral to the project. Mr. Bartram
24 explained that, by adopting the Order, the Board was taking the next step toward
25 culminating negotiation of an agreement for tax incentives with HP. **The**
26 **Committee recommendation to approve the Order serving as a motion**
27 **and second, the motion passed unanimously.**
28

29 There being no citizens present who wished to provide input to the Board, Director
30 Howe then announced that the Board would receive a report from the District’s
31 manager, including reports on the Community Gardens; solid waste/recycling
32 services; facilities; landscape; restrictive covenants enforcement; customer service;
33 recreation, and aquatics, attached as Exhibits “E” through “L.” Mr. Williams reported
34 on difficulties with IESI, the District’s solid waste and recycling contractor. He
35 reported that a District staff member had been assigned to follow IESI trucks in the
36 District to keep track of infractions of the IESI contract with the District. In the
37 landscape report, he noted that April had set a record for collection of compostibles in
38 the District’s program.
39

40 Mr. Williams shared photos of destruction done by vandals the previous weekend. He
41 requested authority to post rewards for information leading to the arrest of the
42 vandals. *The Board directed the District manager to respond immediately to*
43 *vandalism in the District at any time by posting rewards as he deems appropriate.*
44

45 Director Howe then recognized Mr. Bartram for a report from the District’s attorney.
46 Mr. Bartram provided an update on on-going litigation.
47

48 Director Howe then recognized Mr. Ferguson for a report from the District’s
49 engineer, attached as Exhibit “M.” The Board discussed plans for construction of an
50 apartment facility in Phase R. Director Cheshire expressed concern about traffic

1 patterns. *Mr. Ferguson said he would research the matter.*

2
3 Mr. Ferguson then produced a letter from the engineering firm associated with the
4 HP project, attached as Exhibit “N,” regarding participation in regional detention.
5 The Board expressed its desire that the project move forward in a timely manner. *The*
6 *Board directed the District’s engineer to indicate the Board’s authorization of*
7 *participation upon receipt of the appropriate fees.* The Board determined it would
8 confirm its action at its May 23 meeting.

9
10 Director Howe then announced that the Board would consider items on its consent
11 agenda:

12
13 **Agenda Item No. 6** Approve minutes of April 18, 2006 and
14 May 2, 2006 regular meetings;

15
16 **Agenda Item No. 7** Approve Finance Committee
17 recommendations regarding payment of bills
18 and invoices, and write-offs, attached as
19 Exhibits “O” and “P,” respectively; and

20
21 **Agenda Item No. 8** Approve Recreation Committee
22 recommendation to approve the Pool Use
23 Agreement with Wells Branch Armada
24 Summer Swim Team, attached as Exhibit
25 “Q.”

26
27 **Director Maxey moved, seconded by Director Smith, approval of the**
28 **Consent Agenda as presented, and the motion passed unanimously.**

29
30 Director Howe then announced that the Board would receive reports from
31 Committees:

32
33 **ADMINISTRATIVE COMMITTEE: The Committee recommendation,**
34 **attached as Exhibit “R,” served as a motion and second to create the**
35 **position of administrative assistant, and the motion passed unanimously.**
36 Director Cheshire observed that the salary for the position should be reviewed, and
37 Director Howe replied that a salary survey for all District positions was contemplated.

38
39 Director Howe then discussed the Administrative Committee’s recommendations
40 regarding covenant enforcement. The Board reviewed photos of oil stains on District
41 streets. Mr. Bartram advised that the District’s powers of covenant enforcement are
42 limited to conditions that affect property values. He noted that provisions that
43 banned “nuisances” are difficult to enforce and required a complaining witness before
44 the District could initiate prosecution. Director Smith suggested that the item should
45 be tabled to allow the Committee to meet with the District’s attorney. Mr. Williams
46 distributed “low-impact” courtesy notices used in enforcing covenants in Northtown
47 MUD. *The Board generally directed the District manager to proceed with adapting*
48 *the notices for use in the District.*

1
2 The Board discussed dead lawns. *The Board generally agreed that dead lawns*
3 *adversely affect property values and fall within the scope of restrictive covenants*
4 *requiring lawn maintenance.* Discussion ensued regarding trash carts in the
5 roadway, and *the Board generally directed that the District should notify a resident*
6 *when his/her trash cart has been in the roadway 48 hours.*

7
8 **The Committee recommendation, attached as Exhibit “S,” served as a**
9 **motion and second to install electronic locks and limit access to the**
10 **Bratton Dog Park. The motion passed unanimously.**

11
12 **FACILITIES COMMITTEE:** Director Smith presented the Committee report and
13 discussed the status of land acquisition.

14
15 **FINANCE COMMITTEE:** Director Howe presented a revised budget for
16 consideration by the Board. Mr. Williams distributed an analysis, attached as Exhibit
17 “T,” discussing the changes in the budget. **The Committee recommendation**
18 **served as a motion and second to approve the budget revision with an**
19 **adjustment to increase the Public Safety budget \$40,000 for the fire**
20 **safety trailer, approved previously in the meeting. The final approved**
21 **budget is attached as Exhibit “U.” The motion passed unanimously.**

22
23 Director Walters arrived at 7:50 p.m. Director Howe continued to preside.

24
25 **PUBLIC SAFETY COMMITTEE:** Director Howe recognized Director Cheshire for
26 the Committee report. **The Committee recommendation, attached as Exhibit**
27 **“V,” served as a motion and second to install electronic locks on the**
28 **outdoor basketball and tennis courts.** The Board discussed features that would
29 be ideal for such locks, including scannable cards. *The Board directed the District*
30 *manager to explore options for future improvements to the system.* **The motion**
31 **passed unanimously.**

32
33 **The Committee recommendation, attached as Exhibit “W,” served as a**
34 **motion and second to expand security coverage at Mills Pond.** Director
35 Howe moved to amend the motion to allow the District manager to use his discretion
36 to make the patrols random. **The Committee accepted the amendment as**
37 **friendly, and the original motion passed unanimously.**

38
39 **RECREATION COMMITTEE:** Director Maxey reported that the Committee had
40 investigated complaints about the facilities and adult swim schedules at Willow Bend
41 Pool. She said the Committee felt no change in programming was in order at this
42 time. She stated that fans were to be installed to improve ventilation in the dressing
43 rooms. Mr. Williams said the showers in the dressing rooms appeared to be draining
44 properly.

45
46 Director Howe then announced that the Board would receive announcements from
47 Directors. The Board discussed what organization, if any, would conduct the Silent
48 Auction at the annual Fourth of July event.

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At 8:12 p.m. Director Howe announced that the Board would convene in executive session, as authorized by Section 551.071 of the Government Code, to receive advice from the District's attorney. The Board reconvened in open session at 8:26 p.m., and Director Howe announced that no action was taken in executive session.

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

Respectfully submitted:

June 6, 2006
Date

Janet Maxey, Secretary
Board of Directors
Wells Branch Municipal Utility District

(SEAL)