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

August 16, 2005

A regular meeting of the Board of Directors was held August 16, 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".

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 Walters, thus constituting a quorum. Also present during the course of the meeting were Don H. Williams, District manager; Margret Wingrove of ECO Resources, the District's utility management firm; John Bartram of Armbrust & Brown, LLP, the District's law firm; Julie Schwartz of 1628 Gaylord Drive in the District; Richard Tieken of 2205 Maple Hollow in the District; Steven Wilson of 14908 Yellowleaf Trail in the District; and Cliff Avery of Gilleland Creek Press.

Director Howe called the meeting to order at 6:00 p.m. and announced that the Board would consider taking action regarding its 2005-2006 budget and 2005 tax rate. The Board considered recommendations from its financial consultant, including wording of proposed notices, and a timetable for action to adopt a budget and tax rate. Copies of these documents are attached as Exhibit "B."

Director Smith moved, seconded by Director Maxey, that the Board establish a proposed tax rate of 32 cents per \$100 of taxable value for operations and maintenance requirements and 16 cents per \$100 of taxable value for interest-and-sinking fund requirements for a total of 48 cents per \$100 of taxable value and that the Board schedule a public hearing for 6:00 p.m. September 20 at the Wells Branch Community Center, at which time the adoption of the tax rate will be considered and authorize publication of the Notice of Public Hearing on Tax Rate in the *Pflugerville Pflag*. The motion passed unanimously with Directors Howe, O'Donnell, Smith and Maxey voting "aye" and Director Walters absent and not voting.

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2 Director Howe then announced that the Board would receive input from citizens
3 and recognized Ms. Schwartz who stated she represented the homeowners
4 association of Brookside in the eastern portion of the District. Ms. Schwartz
5 stated her organization was eager to work with the District should it wish to
6 purchase property in Phase X, Section 3 covered by restrictive covenants
7 enforced by her association. She stated her group would look generally favorably
8 to granting variances to the District for mutually acceptable uses on the
9 property. The Board generally indicated that there was no timeframe
10 established for making a decision on purchasing the lot. Ms. Schwartz also
11 directed the Board’s attention to a “minilot” in a cul-de-sac in her neighborhood
12 and suggested the District might wish to purchase that property as well.
13 Director Smith noted that the District would welcome a donation of the
14 property, and Director Howe observed that such a donation could be eligible for
15 a federal income tax deduction if properly structured.
16

17 On another matter, Ms. Schwartz asked if residents in her area, subject to the
18 homeowners association, could look to the District for assistance in enforcing
19 restrictive covenants. Mr. Williams responded that residents in the area could
20 contact the District office and report a covenant violation.
21

22 Director Howe then recognized Mr. Tieken who inquired about the progress
23 toward additional leash-free areas for pets. Director Smith responded that the
24 Facilities Committee was investigating broad issues, but that, in the meantime,
25 District maintenance staff members would be adding amenities to the current
26 areas as the demands of mowing declined, and their time became freer.
27

28 Director Howe then recognized Ms. Wingrove for the utility manager’s report.
29 Ms. Wingrove presented her financial report and utility operations report,
30 copies of which are attached as Exhibits “C” and “D,” respectively. She noted
31 that revenue for the period was less than budgeted and that expenditures were
32 also under budget, so the District enjoyed a positive result of \$157,432 for the
33 period.
34

35 On the utility report, Ms. Wingrove announced that the City of Austin planned
36 to increase its wholesale water rates to the District by 4 percent and its
37 wastewater rates by 6.46 percent. The Board agreed that it would have to adjust
38 rates to its customers as well. *Director Howe asked, and the Board generally so*
39 *directed, that Ms. Wingrove evaluate the base rate that the District charges its*
40 *customers.*
41

42 Director Howe recognized Mr. Williams for a report from the District’s
43 manager, including the Community Gardens report, solid waste report, facilities
44 report, landscape report, restrictive covenants report, customer service report,
45 recreation report, and aquatics report, copies of which are attached as Exhibits
46 “E” through “L,” respectively. Mr. Williams reported that he was in discussion
47 with IESI about the needs of the District during its monthly Community Clean-

1 Up. Director O'Donnell suggested, and the Board so directed, that Mr.
2 Williams remind IESI about returning to its contract hours now that school
3 had reopened. Mr. Williams said that covenant enforcement had been difficult
4 because of a number of boats being parked in the neighborhood and because
5 recent rains had aggravated lawn maintenance problems.

6
7 Director Howe then recognized Mr. Bartram for a report from the District's
8 attorney. Mr. Bartram reviewed previous directives. Mr. Bartram discussed the
9 suggestion that the Code of Ethics be revised to remove the requirement for a
10 scheduled review of consultants. **Director Maxey moved approval of that**
11 **suggestion.** Director Smith opined that the matter should be discussed by the
12 Administrative Committee. **Director Maxey withdrew her motion.** *The*
13 *Board directed the Administrative Committee to review the matter and, as*
14 *necessary, refine the consultant performance questionnaire.*

15
16 Director Howe then announced that, in the absence of Robert Ferguson, the
17 Board would consider the report of the District's engineer, attached as Exhibit
18 "M," in the packet. The Board did so.

19
20 Director Howe then announced that the Board would consider its consent
21 agenda, including:

22
23 **Agenda Item No. 7** Approve minutes of the August 2, 2005
24 regular meeting; and

25
26 **Agenda Item No. 8** Approve Finance Committee's
27 recommendations regarding payment
28 of bills and invoices and write-offs,
29 copies of which are attached as
30 Exhibits "N" and "O" respectively; and

31
32 **Director Smith moved, seconded by Director Maxey, approval of the**
33 **consent agenda as presented, and the motion passed unanimously.**

34
35 Director Howe then announced that the Board would receive reports from its
36 Committees:

37
38 **ADMINISTRATIVE COMMITTEE: The Committee recommendation,**
39 **attached as Exhibit "P," served as a motion and second to approve**
40 **purchase of a computer server for \$6,440.31. The motion passed**
41 **unanimously.**

42
43 **FACILITIES COMMITTEE: Director Smith distributed a copy, attached as**
44 **Exhibit Q, of a proposal from Hunter Kneppshield Co. to construct a play structure**
45 **in the North Meadow area of the greenbelt at a cost of \$7,437.34. **The****
46 **Committee recommendation served as a motion and second to accept**
47 **the proposal and approve construction of the play structure, and the**

1 **motion passed unanimously.**

2 Director O'Donnell inquired about the progress of refurbishing the District's tennis
3 courts in Katherine Fleischer Park, and Mr. Williams said he hoped to have the
4 project complete by September 30.

5
6 **FINANCE COMMITTEE:** The Board discussed budget considerations.

7
8 **PUBLIC SAFETY SAFETY COMMITTEE:** Director Maxey reported that the
9 Committee had met with a Travis County traffic official regarding traffic calming
10 alternatives. *Director Howe suggested, and the Board generally concurred, that*
11 *the Committee should work with the County to correct faded traffic signs.*

12
13 **RECREATION COMMITTEE:** The Board discussed proposed fall hours for the
14 Youth Center. **The Committeee recommendation served as a motion and**
15 **second to approve Friday hours from 4 to 10 p.m., Saturday hours from**
16 **2 to 10 p.m. and Sunday hours of 2 to 8 p.m. at the Youth Center. The**
17 **motion passed unanimously.** *The Board directed the Committee to review*
18 *recreation tag structure with the addition of the Youth Center.*

19
20 Director Howe then announced that the Board would receive announcements from
21 Board members. Director Smith asked Mr. Williams if a recreation center staff
22 member could be assigned to pull up bandit signs on weekends. She asked Mr.
23 Bartram if the District could fine persons who placed bandit signs in the District,
24 and Mr. Bartram said he would investigate the District's options.

25
26 Director O'Donnell announced that his work would require him to be out-of-the
27 country through much of the remainder of the year. He stated he remained
28 committed to serving on the Board, but would step aside if that were the Board's
29 wishes. The Board generally stated that it valued his participation and would
30 welcome his return.

31
32 Director Howe then announced that the Board would conduct an evaluation of the
33 utility manager, and the Board generally praised Ms. Wingrove and ECO Resources'
34 contribution to the District.

35
36 At 7:53 p.m., Director Howe then announced that the Board would convene in
37 executive session as permitted by the Texas Open Meetings Act for the purposes
38 of discussing the purchase of real property (Section 551.072) and to receive
39 legal advice from the District's attorney regarding regional planning issues
40 (Section 551.071).

41
42 At 8:05 p.m., the Board reconvened in open session, and Director Howe announced
43 that no action had been taken in executive session.

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45 *The Board directed the District manager proceed with the negotiation of the*
46 *purchase of three acres adjacent to St. Andrew's Presbyterian Church in the*
47 *District.*

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The Board further directed the District manager to proceed with the extension and amendment to the regional planning consultant's contract.

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

Respectfully submitted:

September 6, 2005
Date

Joy Smith, Treasurer
and Assistant Secretary
Board of Directors
Wells Branch Municipal Utility District

(SEAL)