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

September 20, 2005

A regular meeting of the Board of Directors was held September 20, 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, who arrived later, and Director O'Donnell, thus constituting a quorum. Also present during the course of the meeting were Don H. Williams, District general manager; John Bartram of Armbrust & Brown, LLP, the District's law firm; Margret Wingrove of ECO Resources, the District's utility management firm; Robert Ferguson, P.E., of Murfee Engineering; Richard Fadal of TexaScapes, Inc.; Julie Schwartz of 1628 Gaylord Drive in the District; and Cliff Avery of Gilleland Creek Press.

Director Howe called the meeting to order at 6:02 p.m. and announced that the Board would conduct a public hearing on its 2005-2006 budget and its 2005 tax rate. Director Howe, chair of the Board's Finance Committee, discussed the tax rate and budget. She noted that the City of Austin was raising its rates for wholesale water and wastewater service, and that the budget envisioned a similar increase for the District's customers, but she noted that the increase was a straight pass-through with no additional increase for the District. Director Smith noted that the budget included a line item of \$30,000 for costs associated with repair of damage caused by vandalism. She pointed out that this demonstrated to residents the costs associated with wanton destruction of public property. Director Maxey observed that the budget included an amount for replastering the District's swimming pools and cautioned that the project should not be undertaken such that the pools would have to be refilled during winter averaging months. She also recommended that the projects be coordinated with the swim teams using the pool. There being no citizens present who wished to comment in the public hearing, Director Howe closed the public hearing.

Director Smith moved, seconded by Director Maxey, that the Board approve the Resolution Adopting Budget, a copy of which is attached as Exhibit "B," and the motion passed unanimously.

1 **Director Maxey moved, seconded by Director Smith, that the Board**
2 **adopt a tax rate of \$0.48 per assessed valuation, comprised of a tax**
3 **rate of \$0.16 per \$100 for the Interest and Sinking Fund portion of the**
4 **tax rate and a tax rate of \$0.32 per \$100 for the operation and**
5 **maintenance portion of the tax rate and approve its Order Levying**
6 **Taxes, a copy of which is attached as Exhibit “C.” The motion passed**
7 **unanimously, with Directors Howe, Smith, and Maxey voting “aye”**
8 **and Directors Walters and O’Donnell absent.**
9

10 Director Howe then recognized Ms. Wingrove for the utility manager’s report. Ms.
11 Wingrove reviewed previous directives from the Board and presented her financial
12 report and utility operations report, copies of which are attached as Exhibit “D” and
13 “E,” respectively. Ms. Wingrove discussed the past-due bill at the IHOP restaurant
14 and noted that there had been a change of management and that the balance was
15 taken from the previous owner’s deposit. She noted that the Wells Branch
16 Community Library District had agreed to make installment payments on its past-due
17 bill.
18

19 Director Walters then arrived at the meeting and presided. Director Howe informed
20 Director Walters of the action on the budget and tax rate, and Director Walters
21 indicated his support of both. He announced that the Board would receive input from
22 citizens and recognized Ms. Schwartz who stated she represented the homeowners
23 association of Brookside in the eastern portion of the District. Ms. Schwartz
24 commented that her association was eager to work with the District on its proposed
25 purchase of a three-acre tract of land next to St. Andrew’s Presbyterian Church. She
26 presented a letter regarding usage of the land. She said her association encouraged
27 the District to install a landscape buffer between the back fence and any development.
28 She said her association urged the District to extend its fencing and would be willing
29 to participate in some of the costs of that project. She said her association suggested
30 that if there were park development on the property, a restroom should be
31 constructed. Director Walters thanked her for her association’s cooperation.
32

33 Director Walters then recognized Mr. Williams for a report from the District’s
34 manager, including the Community Gardens report, solid waste report, facilities
35 report, landscape report, restrictive covenants report, customer service report,
36 recreation report, and aquatics report, copies of which are attached as Exhibits “F”
37 through “M,” respectively. Mr. Williams reported on the District’s work with evacuees
38 from Hurricane Katrina. He reported that three families had moved into the
39 neighborhood and he had waived deposits for families until they received funds from
40 the Federal Emergency Management Agency. He noted that three of the District’s
41 employees had volunteered at shelters in the Austin area, including the District’s
42 Aquatics Manager, Manny Woo, who served as a translator for Asian-American
43 evacuees. *The Board directed the editor to include this information in the District’s*
44 *newsletter.* On other matters, Mr. Williams reported good cooperation with IESI’s
45 new operations manager. He reported that a bricklayer had been added to the
46 District’s Facilities Staff and would begin work around Mills Pond. Mr. Williams
47 introduced Mr. Fadal who reported that landscaping efforts in October would include
48 overseeding and the addition of winter color plants. Mr. Williams reported restrictive

1 covenants violations involving lawn maintenance had increased. Mr. Williams
2 reported on a near-drowning at one of the District's pools, and stated he was pleased
3 by the performance of the District's lifeguards in administering CPR and reviving a
4 nine-year-old girl who became wedged in a pool ladder beneath the pool surface.

5
6 Director Walters then announced that the Board would receive a report from the
7 District's attorney. Mr. Bartram discussed the Board's authority to remove bandit
8 signs. *The Board directed the District manager to work with the local schools to*
9 *minimize the number of unsightly signs placed around their buildings.*

10
11 Director Walters then announced that the Board would receive a report, a copy of
12 which is attached as Exhibit "N," from the District's engineer. Mr. Ferguson reported
13 on a renewed request for 165 LUEs associated with commercial development in Phase
14 R.

15
16 Director Walters then announced the Board would consider the consent agenda,
17 including:

18
19 **Agenda Item No. 9** Approve minutes of the September 6, 2005
20 regular meeting;

21
22 **Agenda Item No. 10** Approve Finance Committee's
23 recommendations regarding payment of bills
24 and invoices and write-offs, copies of which
25 are attached as Exhibits "O" and "P"
26 respectively;

27
28 **Agenda Item No. 12** Approve revised Order Establishing Rates,
29 Charges and Tap Fees, a copy of which is
30 attached as Exhibit "Q"; and

31
32 **Agenda Item No. 13** Approve proposal from Progressive
33 Commercial Aquatics, Inc. for replastering of
34 the District's swimming pools, a copy of
35 which is attached as Exhibit "R," subject to
36 review and approval of final contract by the
37 attorney.

38
39 Director Walters noted that because there were no changes to the District's Amended
40 and Restated Information Form, no action was required on that agenda item.

41 **Director Howe moved, seconded by Director Smith, approval of the**
42 **consent agenda as presented, and the motion passed unanimously.**

43
44 Director Walters then announced that the Board would receive reports from
45 Committees:

46
47 **ADMINISTRATIVE COMMITTEE:** No report.
48

1 **FACILITIES COMMITTEE:** Director Walters recognized Mr. Williams for a report
2 on negotiations regarding land acquisition.

3
4 **FINANCE COMMITTEE:** Director Howe said there was no further report after the
5 earlier adoption of the budget and tax rate.

6
7 **PUBLIC SAFETY COMMITTEE:** Director Maxey stated she planned to contact
8 officials regarding the revitalization of Neighborhood Watch.

9
10 **RECREATION COMMITTEE:** Director Walters stated that the Recreation
11 Committee had not had a chance to review the request of the Conservatory Dance
12 Theatre for sanctioned status. *The Board generally directed that, pending the*
13 *review, the group would be allowed to use the Community Center for its November*
14 *19 event.*

15
16 Director Walters than announced that the Board would receive announcements from
17 Board members. Director Maxey said she had been approached by a representative of
18 a local high school, asking the District to purchase an advertisement in a poster for
19 one of the athletic teams. The Board said that the District did not purchase such
20 advertising. Should it buy such an ad for one team at one school, the Board felt, it
21 would be obligated to buy ads for all teams at all schools at considerable taxpayer
22 expense.

23
24 At 7:22 p.m. Director Walters announced that the Board would convene in executive
25 session in order to receive legal advice from the District's attorney, as authorized by
26 Section 551.071 of the Texas Government Code. At 7:57 p.m., the Board reconvened in
27 open session, and Director Walters announced that no action had been taken during
28 executive session. The Board directed the District's attorney to proceed with an
29 answer to a lawsuit filed against the District.

30
31 There being no further business to come before the Board, the meeting adjourned at
32 7:58 p.m.

33
34 Respectfully submitted:

35
36
37
38
39 October 4, 2005

40 Date

41 Joy Smith, Treasurer
42 and Assistant Secretary
43 Board of Directors
44 Wells Branch Municipal Utility District

45 (SEAL)