

MINUTES OF SPECIAL MEETING OF THE BOARD OF DIRECTORS OF
WILLIAMSON-TRAVIS COUNTIES MUNICIPAL UTILITY DISTRICT NO. 1
HELD JOINTLY WITH A REGULAR MEETING OF DEED RESTRICTION COMMITTEE
OF WILLIAMSON-TRAVIS COUNTIES MUNICIPAL UTILITY DISTRICT NO. 1

March 15, 2021

This meeting was held by remote access only in accordance with the March 16, 2020 order by Governor Abbott Suspending certain requirements of the Texas Open Meeting Act to advance the goal of limiting face-to-face meetings to slow the spread of COVID-19. No persons were at the meeting location and no equipment was at the meeting location for access to the meeting. However, members of the public could access this meeting by telephone and participate in the meeting by calling a toll-free number and entering a meeting ID and password.

The meeting was called to order at 6:43 p.m. and roll was called of the members of the Board, to-wit:

Catherine Franke	President
Art Medrano	Vice President
Linda Fabre	Secretary
Megan Dudo	Assistant Secretary/Treasurer
Elizabeth Jones	Assistant Secretary/Treasurer

All Directors were present, thus constituting a quorum. Also attending the meeting were Julie Johnson, Greg Smith, Mike Cusimano, James Twombly, Gerald Burgess, Paul Rabiago, Derek (no last name given), Mo (no last name given), Lisa Cummings, Chris Lambert, Michael Haecker, Kristen Berdan, Diana Boston, Sherry Johnson, Jana Norton Ramirez, Cindy Glenn, Derek Berdan, Gretchen Smith, David Flores, Raphaela Sapire, Cary Sylvester, Usha Divi, Pete Lipscomb, Chris Rocco, Michael Gilsbach, James and Diana Sagnes of Sage Management, and Bill Flickinger of Willatt & Flickinger.

Agenda Item 1: Public Comments (Time Stamp 18 mins;23 secs)

- Julie Johnson addressed the Board with a public comment. Her comments spoke to her contract regarding the sale of her home and the deception put forth by the buyer. She said she would have never sold the house knowing the intention of what Raffi was going to do with it.
- Greg Smith addressed the Board about Agenda item 4. He said that he expects the Board to enforce all the deed restrictions.
- Mike Cusimano addressed the Board with a public comment. He discussed the safety issues and traffic issues that would occur. There are congested traffic issues before the new assisted living facility business comes in.
- Paul Rabago addressed the Board with a public comment. He said that they have been given different information about the assistance living facility.

- Derek Berdan addressed the Board about Agenda Item 4. He talked about his concerns regarding safety and expressed concern of people using the lack of deed restrictions to manipulate a house to become an apartment complex. He stated that he believes this is a house hack to make more money for the owner.
- Cindy Glenn addressed the Board with a public comment. She stated that the deed restrictions are important and that the neighborhood she is living in was blossoming until Linda Fabre started demanding open records requests costing us hundreds of thousands of our tax dollars. She stated that Linda used the open records to send emails to residents spreading falsehoods and campaigning for a board position. She stated that Linda has repeatedly declared that she is not working with the board.
- Mo addressed the Board with a public comment. She inquired about board communications regarding meetings to the community. She stated that not everyone has access to the next-door app. She stated that residents last year were blocked when they raised questions or posted information that happened in these meetings. She addressed that one of the people controlling the app was on the ballot for election and is now on the board resulting in a possible conflict of interest as she is still controlling the app.

Mo addressed the Board regarding Agenda Item 4. She stated that the new assisted living facility is a good idea for the elderly, but you need to think about their safety. She does not believe there is enough room for 10 elderly residents and their caregivers in a small home. She also commented on traffic issues and children safety regarding this house.

- Chris Lambert addressed the Board with a public comment. He noticed on the website that it is showing areas where limbs have been picked up, but Old Mill and Madeleine Loop have not been picked up.

Mr. Lambert addressed the Board regarding Agenda Item 6. He said that he is the President of the HOA for Hunters Glen Section and can help if there are any questions or concerns.

- Michael Haecker addressed the Board with a public comment. He stated that the Board needs to not only take the applicant's interest for the residential community, but also the homeowners who have been there for 20 years.

Mr. Haecker addressed the Board regarding Agenda item 4. He stated the normal traffic operations in the cul-de-sac and that it gets filled up with athletic events, school events, and park events. He wishes to defer Agenda item 4 until there could be a more in-depth look at the various requests for variants.

- David Flores addressed the Board with a public comment. He wishes everyone to consider continuing to join and paying attention to our business in our MUD

District. He stated that there are a lot of things to be fixed to better the neighborhood in the future.

Mr. Flores addressed the Board regarding Agenda Item 2. He discussed Sage Management's performance and stated that he believes that they are unprofessional in the way they talk to residents.

Mr. Flores addressed the Board regarding Agenda Item 3. He stated that he emailed the DRC committee multiple times and received no response regarding a boat. He is disappointed in the way the Board and DRC committee are handling the boat.

Mr. Flores addressed the Board regarding Agenda Item 5. He stated he is not in favor of preferences regarding special needs and animals. He stated everyone should be treated equally and that the deeds should be enforced.

Mr. Flores addressed the Board regarding Agenda Item 6. He stated that the board should enforce the deeds and it would be unfair to have Hunters Glen stop overnight parking enforcement.

- Raphaella Sapire addressed the Board with a public comment. She discussed her intentions of the use of her house on Dagama Court and her experience navigating care for her grandparents.

Raphaella Sapire addressed the Board regarding Agenda Item 4. She stated how there's a lot we need to show and not just tell which will happen over time.

- Cary Sylvester addressed the Board regarding Agenda Item 4. She discussed her concern for Article 2 in the deed restrictions and it says that the homes are reserved for single family use. She stated about how it is not acceptable that the Board is choosing to not enforce it.
- Michael Gilsbach addressed the Board regarding Agenda Item 4. He reiterated his concerns and has the same concerns as previous speakers with regards to safety, traffic, and the appropriate use of the property. He found it troubling that the Board is deciding to enforce or not enforce certain deed restrictions, especially the one that states you can't run a business from a home.
- James Twombly addressed the Board with a public comment. He stated that the Board of Directors owe all the residents to take their judiciary duty seriously, putting the resident's best interests over their own at all times.

James Twombly addressed the Board regarding Agenda Item 4. He discussed that under the Fair Housing Act we can't stop a house from coming in, but you have to make only reasonable accommodations. He discussed the case cited by the attorney in the letter. He wants the Board to fulfill their fiduciary duty and not sell the residents out for some profiteer.

- Kristen Berdan addressed the Board with a public comment. She discussed how she thinks a lot of people are here because Rafaela started this endeavor with deception. She discussed her concerns with public safety and the conditions the elderly people will be in.

Kristen Berdan addressed the Board regarding Agenda Item 4. She discussed her concerns about the safety of the neighborhood regarding children and the elderly people that will be living in this home. She stated that parking is terrible and the EMS will be slow. She also discussed how Rafaela did not pick a site that is appropriate for this facility.

- Diana Boston addressed the Board with a public comment and used it to speak on Agenda Item 4. She asked the Board to not vote on this issue tonight because there are too many issues at hand. She stated she is not opposing residential home care, it's the location of the home that she has concern with.
 - o Concerns brought up regarding the facility:
 - Water capacity
 - Whether it is non-profit or for-profit
 - o Concerns put forward regarding Linda Fabre:
 - Presented with opposition from Board member Linda Fabre when trying to gather information on the facility.
 - Linda Fabre interfered with direct access to communicate with Miss Sapire.
 - Invited David Flores to antagonize a "private court meeting" with Miss Sapire
 - Stated that Linda Fabre acted inappropriately on social media.
- Dir. Franke closed the public comments portion of the meeting.

Agenda Item 2: Management report from Sage Management Services (Timestamp 1hr 59 min; 05 secs)

- Diana Sagnes from Sage Management went over the summary of violations. Mrs. Sagnes discussed violations in February 2021 regarding trash cans and friendly letters. Mrs. Sagnes notified the board that a resident reported deed restriction interference from a board member outside of the DRC committee and gave information regarding deed enforcement.
- Dir. Fabre said to send her copies of photo documentation of the trailer violation by tomorrow morning.
- Dir. Fabre threatened Sage Management by saying "Diana is going to be sending me the pictures about some trailer. She's going to send me evidence of something in Hunter's Glenn 2 that she's trying to link me to and she's going to send me that by tomorrow or things will be changing real quick".

- Further discussion about Dir. Fabre demanding the residents name to substantiate Diana Sagnes's claim of a resident complaining about Dir. Fabre harassing them.
- Dir. Franke asked Mr. Flickinger on how she can protect the residents from harassment regarding Dir. Fabre, David Flores, and Sarah Teale.
- Mr. Flickinger responded by saying that if there is a case where there is a district record even if the person said they don't want a director to see it unless we have a legal basis to exclude from a director they are entitled to those records. If the information is misused in any way by a director then it is a different situation the Board will need to handle.
- Dir. Franke suggested to Mr. Flickinger that the appropriate thing to do would be for everything relating to the DRC needs to go through his eyes before Dir. Fabre to protect the Board from the outside lawsuit.
- Dir. Fabre challenged Mr. Flickinger regarding his legal opinion on the maintenance fencing restriction.
- They continued discussion of the summary of violations and letters.
- Dir. Jones asked Sage Management if there have been any issues after the storm that they need to be made aware of. Sage Management said that the main issue is there has been a boat that has been reported by a resident. Sage management has been working with the resident to address the boat. The resident had a counter complaint of harassment by the person filing the complaint. Legal recommended that if a resident feels threatened they should call the sheriff and Sage has communicated this to the residents that are calling in complaints of trespassing and harassment. Sage stated they can understand the residents calling in these complaints as Sage has felt threatened by some of the texts the resident has sent in.
- Discussion on whether the Board can discuss Dir. Fabre performance review on Sage Management.
- Dir. Fabre said that if she cannot talk about Sage Management's Performance then she is going to post it.
- Dir. Fabre made a statement that everyone should know that "the people on this Board are not interested in you knowing how Sage Management is working inside of this district".
- Dir. Jones pointed out that the committee members have driven with Sage Management during tours.

- Dir. Fabre admitted to seeing and following James Sagnes at night many times.
- Dir. Medano suggested reviewing issues within the AD HOC committee to make determinations at that time.
- No action was taken at this time.

Agenda Item 3: Pending Appeals of fines for violations of the District's Rules Governing Violations of Deed Restrictions (Time Stamp 2:37:37)

- Sage Management said there are no current pending appeals.
- No action was taken at this time.

Agenda Item 4: Request for reasonable accommodation and reasonable modification under the Fair Housing Act and Americans with Disabilities Act submitted by the attorney representing the owner of residence on Dagama Court in Anderson Mill West Section 17. (Time Stamp 1:15:24)

- Dir. Franke notes that there is no current action item and there is more information that needs to be gathered.
- Dir. Dudo noted that the most important thing going forward is the communication about this situation because there are complexities associated with this issue. Dir. Dudo asked that she and Dir. Jones allowed the flexibility to gather information to share with the public.
- No information about this issue has been posted because the Information Management Committee did not have the authority to represent the whole board without the Board's approval.
- Dir. Medrano discussed how we need all the information surrounding this issue and made it clear the Board has made no decisions on this issue at all.
- **Motion: To allow the AD HOC Committee for the proposed community home on Dagama Court to be able to work with the attorney to put together information and disseminate information about the situation to the public.**
 Motioned by: Dir. Dudo
 Second by: Dir. Jones

Dir. Fabre wanted to make it clear that before any information that is going to be sent to the public they should send it to the Board first.

Dir. Jones would like to see if we can discuss some of the communication problems in the neighborhood and asked if there is going to be an AD HOC committee that the communication would go through Dir. Dudo and Dir. Jones and not Dir. Fabre.

Discussed on how the information should be sent to the board first and then published to the public.

Aye: Dir. Dudo
Dir. Medrano
Dir. Jones
Dir. Fabre
Dir. Franke

Agenda Item 5: Request for accommodation of Unique Animals by owner of property on Hannah Kay. (Time Stamp 1:25:16)

- Dir. Franke discussed where they left off last time where we have a policy in place and have received a written application, but missing the details needed for making the accommodation. Asked Mr. Flickinger to reach out to the owner to receive the answers to complete their application for accommodation.
- **Motion: The owners of the Hannah Kay chickens deliver the required emotional support letter from a licensed professional which includes the demonstrated disability related therapeutic need for three of the specific unique animals. Absent the required documentation within the next 30 days. The enforcement process shall begin with the first fine.**

Motioned by: Dir. Fabre

- Dir. Jones made a statement that the Board has the needed Medical information and has been dealt with already.
- Further discussion on whether there is appropriate/correct information on the letter for the emotional support animal.
- Mr. Flickinger added that the letter is insufficient because it only mentions birds and does not comply with our policy.

Motion Second by: Dir. Medrano

Aye: Dir. Dudo
Dir. Medrano
Dir. Jones

Dir. Fabre
Dir. Jones

Agenda Item 6: Request by Hunter's Glen Homeowners Association, Inc. for nonenforcement of deed restrictions on overnight parking in Hunters Glen Section One (Time Stamp 1:36:48)

- Hunter's Glen HOA submitted a request to stop overnight parking in Hunter's Glen.
- Mr. Flickinger said that there have been requests in the past from neighborhoods whether to enforce or not enforce deed restrictions. He listed Lakeline Oaks as an example. He stated that this is a different situation since we are asked to either enforce or not enforce a certain deed restriction.
- Chris Lambert stated it is their HOA's intention to not enforce it on their own because it was not enforced for many years and it was arbitrarily decided to enforce it when a new president came in without Board input. The HOA made a motion and passed it to bring to the Board's attention.
- They went into further discussion and questions between the Board and Chris Lambert regarding concerns of not enforcing overnight parking in HG1.
- **Motion: To accept Hunter Glenn's HOA request to stop enforcing overnight street parking.**

Motioned by: Dir. Fabre
Motion Second by: Dir. Medrano

Aye: Dir. Dudo
Dir. Medrano
Dir. Fabre

No: Dir. Jones
Dir. Franke

- Dir. Fabre added that she received an email that someone in Hunters Glen Section 2 on Robby Lane is requesting an exception for street parking for 2 weeks while they host a family wedding. He would like the exception starting today through March 28th.
- Dir. Fabre asked Dir. Dudo if we are still not enforcing overnight parking due to tree limbs because she could not find it on the website. Dir. Dudo responded that the Board only voted to not enforce street parking until March 1st.

- Further discussion between the Board members on whether the one resident should have an exception for street parking.
- **Motion: We grant this family the request that they've asked for an exception for street parking March 15 through March 28. One time exception.**

Motioned by: Dir. Fabre

There was no second on this motion.

Agenda Item 7: Minutes from prior DRC meetings. (Time Stamp: 2:37:58)

- Dir. Fabre mentioned there are components missing in the minutes including the summaries voted on to include by the Board, motions, and recording her votes incorrectly. She continued talking about the issues with the minutes.
- Dir. Franke said we can redo the minutes.
- No action was taken at this time.

Agenda Item 8: Deed restriction enforcement actions pending with the District's attorney. (Time Stamp 2:43:00)

- Dir. Flickinger said that the District's Attorney received default judgement against the property on Tierra Blanco and the judgement takes 30 days to be final. He received it on March 2 and if it's final it will go into the execution stage. The owner did not appear so we got a default judgement. There are no other updates on other actions.
- One photo documented violation for the trailer being used as open storage earlier in the month and was sent a fine letter as directed. The fence issue has still not been corrected or fixed, but are continuing to send them letters as directed.
- Dir. Fabre asked about London Lane. Mr. Flickinger added there is no change from last time. Attempted to negotiate a settlement and the attempt has failed.
- No action was taken at this time.

Agenda item 9: Future Board Meetings- schedule and scope of agendas. (Time stamp 57:32, and 2:47:30)

- Dir. Franke proposed to have a special meeting to discuss the accommodation for the Fair Housing Act on April 12 at 6:30 p.m. Dir. Franke noted that she is hoping the meeting will include the HOA's of LakeLine Oaks, VolenteHills, Hunters

Glen, and the Board members of Anderson Mill West for a community discussion.

- Dir. Franke added that she would like to form an AD HOC committee to include Dir. Jones and Dir. Dudo to work through issues of the assisted living facility.
- Discussion on the letter in the Agenda packet from the attorney and Mr. Flickinger noted there have been some modifications to the plan. In order to evaluate correctly they need a modified letter with specifics. There was no written change to the letter, but the changes were discussed with a conversation with the attorney.
- Discussion about the rate order for rentals/homeowners.
- Dir. Fabre requested to add and review Sage Management's performance review and add an agenda item to amend Sage Management's contract.
- Discussion regarding the rules and protocols for overnight parking violations. Bill Flickinger stated that the process for overnight parking enforcement was put forth by his office and Sage was following the instructions that they were given.

Agenda Item 10: Adjournment (Time stamp 2:54:19)

Motion: Adjournment of meeting at 9:23 p.m.

Motion by: Dir. Fabre
Second by: Dr. Dir. Franke

Aye: Dir. Dudo
Dir. Fabre
Dir. Medrano
Dir. Franke
Dir. Jones

Attest:



President



Secretary