

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

June 14, 2021

This meeting was held by remote access only in accordance with the March 16, 2020 order by Governor Abbot 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 6:30 p.m. and roll was called of the members of the Board, to-wit:

Catherine Franke
Art Medrano
Linda Fabre
Megan Dudo
Elizabeth Jones

President
Vice President
Secretary
Assistant Secretary/Treasurer
Assistant Secretary/Treasurer

All Directors were present, thus constituting a quorum. Also attending the meeting were Gerald Burgess, David Flores, Usha Divi, Matthew Whittington, Jana Ramirez James and Diana Sagnes of Sage Management, and Bill Flickinger of Willatt & Flickinger.

Agenda Item 1: Public Comments (Time Stamp 3:20)

- Matthew Whittington made a public comment.
- Dir. Franke closed the public comments portion of the meeting at 6:34p.m.

President Catherine Franke announced that the Board of Directors will go into closed session for consultation with the District's attorney pursuant to Section 551.071 of the Texas Government Code regarding matters related to Agenda Item Nos. 2-7. The Board went into closed session at 6:38 p.m.

At 7:18 p.m., President Franke announced that the Board of Directors has concluded its closed session and is returning to open meeting, and that no action was taken during the closed session.

Agenda Item 2: Cause No. D-1-GN-20-003773; Linda Fabre and Matthew Fabre, Individually and as Trustees for the Matthew J. Fabre and Linda R. Fabre Revocable Trust v. Williamson Travis Counties Municipal Utility District 1 and Anderson Mill West Neighborhood Association, Inc., Catherine Franke, Art Medrano, Beth Jones,

*Megan Dudo; In the District Court of Travis County, Texas; 53rd Judicial District.
(Time Stamp 8:40)*

- Attorney Bill Flickinger stated that this agenda item relates to the pending lawsuit filed by Linda Fabre and her husband, individually and as trustees of their family trust. It was filed originally against the MUD and the Anderson Mill West Neighborhood Association. The lawsuit has been recently amended to include 4 of the directors in their official capacity as directors of the MUD. The caption of the lawsuit now includes the MUD, Anderson Mill West Neighborhood Association, Catherine Franke, Art Medrano, Beth Jones and Megan Dudo. Because 4 of the directors have been sued in their official capacity as directors of the MUD, they are now in need of defense counsel to file an answer to the lawsuit and proceed. The resolutions in Agenda Item Nos. 3-6 were prepared to authorize payment of the defense expenses for those directors because they were acting in their official capacity as directors of the MUD.
- Dir. Fabre asked why TML has denied defense expenses coverage for the directors. Mr. Flickinger said it was denied because she did not seek any damages in her lawsuit.
- No action was taken at this time.

Agenda Item 3: Resolution Authorizing Payment of Defense Expenses for Catherine Franke in Cause No. D-1-GN-20-003773. (Time Stamp:11:30).

- **Motion: For the approval of the resolution for defense expenses for Catherine Franke.**

Motioned by: Dir. Medrano

Second by: Dir. Dudo

Aye: Dir. Dudo

Dir. Medrano

Dir. Jones

Nay: Dir. Fabre: She voted no because it is her belief that the residents of the MUD should not pay for the legal defense of anyone who attempts to trample on their property rights or uses District funds for their own personal interests. She finds both behaviors reprehensible.

Abstained: Dir. Franke

Agenda Item 4: Resolution Authorizing Payment of Defense Expenses for Art Medrano in Cause No. D-1-GN-20-003773 (Time Stamp:12:50)

- **Motion: For the approval of the resolution under Agenda Item No. 4 as presented.**

Motioned by: Dir. Franke

Second by: Dir. Dudo

Aye: Dir. Dudo

Dir. Jones

Dir. Franke

Nay: Dir. Fabre: She voted no because it is her belief that the residents of the MUD should not pay for the legal defense of anyone who attempts to trample on their property rights or uses District funds for their own personal interests. She finds both behaviors reprehensible.

Abstained: Dir. Medrano

Dir. Franke moved to Agenda Item No. 6.

Agenda Item 6: Resolution Authorizing Payment of Defense Expenses for Megan Dudo in Cause No. D-1-GN-20-003773 (Time Stamp:15:32)

- **Motion: To approve the resolution under Agenda Item No. 6 as presented.**

Motioned by: Dir. Jones

Second by: Dir. Medrano

Aye: Dir. Jones

Dir. Medrano

Dir. Franke

Nay: Dir. Fabre: She voted no because it is her belief that the residents of the MUD should not pay for the legal defense of anyone who attempts to trample on their property rights or uses District funds for their own personal interests. She finds both behaviors reprehensible.

Abstained: Dir. Dudo

Dir. Franke moved to Agenda Item No. 5.

Agenda Item 5: Resolution Authorizing Payment of Defense Expenses for Beth Jones in Cause No. D-1-GN-20-003773 (Time Stamp 16:28)

- **Motion: To approve the resolution for defense expenses for Beth Jones.**

Motioned by: Dir. Medrano

Second by: Dir. Dudo

Aye: Dir. Dudo

Dir. Medrano

Dir. Franke

Nay: Dir. Fabre: She voted no because it is her belief that the residents of the MUD should not pay for the legal defense of anyone who attempts to trample on their property rights or uses District funds for their own personal interests. She finds both behaviors reprehensible.

Abstained: Dir. Jones

Dir. Franke moved to Agenda Item No. 7.

Agenda Item 7: Richards Rodriguez & Skeith Agreement and Consent to Multi-Party Representation in Cause No. D-1-GN-20-003773 (Time Stamp: 17:33)

- Mr. Flickinger noted it is a revised version of the agreement which is only between the District and the law firm.
- **Motion: To approve the Agreement and Consent to Multi-Party Representation as presented in Agenda Item No. 7.**

Motioned by: Dir. Franke

Second by: Dir. Dudo

Aye: Dir. Dudo

Dir. Medrano

Dir. Franke

Dir. Jones

Nay: Dir. Fabre: She voted no because the MUD should not be paying for the legal defense of the personal private social organization called AMWNA because they have all but depleted the Beautification Fund for Anderson Mill West.

- Dir. Fabre asked for clarification on the agreement, and Mr. Flickinger gave a response. There was additional discussion on this topic.

Agenda Item 8: Management Report from Sage Management Services (Time Stamp: 24:31)

- Diana Sagnes gave a summary report for the month of May regarding trash cans in view, letters of violations, unregistered vehicles, trailers, recreational vehicles, boats, fencing/yard issues, and fines.
- Overnight violations on Boerne were discussed.
- The appeal on Melba Pass regarding payment plan was discussed.
- **Motion: Violation sighting tours take place on Wednesday's, Thursday's, or Friday's only. A full 24 hours from the final trash pickup to relocate their trashcans off of the curb.**

Motioned by: Dir. Fabre

Second: There was no second

Agenda Item 9: Pending Appeals of fines for violations of the District's Rules Governing Violations of Deed Restrictions. (Time Stamp: 1:04:00)

- Discussion of a potential pending appeal on Granger Lane.
- No action was taken at this time.

Agenda Item 10: Proposed use of property on Beechnut Trace in Anderson Mill West Section 6; authorization for District's attorney to enforce deed restrictions against owner for multi-family use. (Time Stamp: 1:06:30)

- Dir. Dudo stated the ad hoc committee tasked with establishing clearer rules of enforcement for the single-family use provision of the Anderson Mill West restrictions has been proceeding with that work and has made some progress, but we are not in a position to make any recommendations this evening. The committee is aware of the situation on Beechnut Trace and believes the use of

that property falls within a category of uses defined by Chapter 260 of the Texas Health and Safety Code.

- No action was taken at this time.

Agenda Item 11: Deed Restriction enforcement actions pending with District's attorney and authorization for District's attorney to proceed with additional deed restriction enforcement actions. (Time Stamp: 1:11:00)

- Nothing new to report
- No action was taken at this time.

Agenda Item 12: Minutes from prior DRC meetings. (Time Stamp: 1:11:23)

- Put on Agenda for the week after Wednesday.
- No action was taken at this time.

Agenda Item 13: Future Board Meetings – schedule and scope of agendas. (Time Stamp: 1:15:24)

- Regular meeting on Wednesday the 16th
- Normal Special Third Wednesday meeting on the 23rd
- Send in any suggested items to Bill Flickinger before noon on Thursday the 17th because they need to be posted by Friday.
- Dir. Fabre stated her Agenda Item requests.

Agenda Item 14: Adjourn. (Time Stamp: 1:19:10)

Motion: Adjournment of meeting at 8:29 p.m.

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

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



President

Attest:



Secretary