



Filing Receipt

Filing Date - 2024-12-20 03:14:31 PM

Control Number - 57065

Item Number - 27

Joe Gimenez

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20 December 2024

The Honorable Commissioners
Public Utility Commission of Texas
P.O. Box 13326
Austin, TX 78711-3326

Re: PUC Docket No. 57065 – Petition for an Order Appointing a Temporary Manager to
Windermere Oaks Water Supply Corporation

Dear Commissioners,

I have been following the matter pending before the Public Utility Commission of Texas ("Commission") and respectfully submit this **second** letter in response to the "Members of the Windermere Oaks WSC Letter to the Public Utility Commission of Texas Re Referral," filing 57065-20 ("Members' Letter"). I served as the volunteer President of the Windermere Oaks Water Supply Corporation ("WOWSC") Board of Directors from March 9, 2019, through April 15, 2023, and was involved in the rate case in PUC Docket No. 50788. I am currently a member of WOWSC, but not on its Board.

My first letter (57065-22) addressed how the Members' Letter conflated an LCRA conservation grant in 2020 with the lack of a Board plan for a clarifier in 2024, noted how those members had been adequately informed about those funds over several years, and demonstrated those members' tendency for vexatious litigation and false accusations.

The Members' Letter also complains about "1. Unexplained Land Sale Attempt and Hostility Towards Members," regarding the current Board's November 7th vote to sell 6-acres no longer needed for company operations: "This [land sale] transaction has been shrouded in secrecy, with no details to members about the sale price, the identity of the buyer, or how the proceeds would be used." The Members' Letter informed that they had filed for a Temporary Restraining Order in Burnet County District Court.

On November 7, the current Board did vote to accept one of two offers received for the acreage and, under Counsel's advice, did not provide details about the buyer, price, or intended use of proceeds. Legally, none of these matters are required to be immediately disclosed.

But Members' claim that the land sale attempt was "unexplained" is another misrepresentation of events in 2024, at the least, of which the Members have had, or could have had, knowledge. Examples of 2024 public discussions of the land sale use and likely sale (in reverse chronological order):

1. **June 18, 2024** – Former Ratepayer Representative and former Board member Patti Flunker unilaterally reinstated, without authorization, a Real Estate Committee ("REC") defunct since March, and threatened lawsuit against the Board for possible acceptance of \$1 million offer. Buyer withdrew. (Exhibit 1, a letter and email chain from Jeff Walker, current WOWSC president, redacted, but easily sourced to the WOWSC real estate agent Van Eman.)
2. **June 6, 2024** – Board noticed, on agenda, "Offer/consideration of sale of property within the Spicewood Airport..." (Exhibit 2). A report from the REC, if it still existed, was not noticed. No agendas or minutes of the REC have been posted to wowsc.org.
3. **March 12, 2024** – Two Board members (Patti Flunker and Julie Neumann) resigned their position, effectively eliminating the REC formed only weeks prior (see #4 below). No WOWSC Board Minutes exist, but video of Flunker and Neumann resignation speeches is available at: <https://tinyurl.com/Flunker-resignation-2024>
4. **February 24, 2024** – The Board appointed Flunker, Neumann, and WOWSC member Michelle Christenson (another signer of the Members' Letter) to a Real Estate Committee. WOWSC Board minutes of the meeting do not exist, but video of discussion and vote is at: <https://tinyurl.com/Flunker-appt-to-REC>

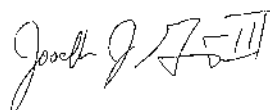
This letter demonstrates that the Members' Letter again contains misrepresentations and mischaracterizations. If, as the Members' Letter claim, there is hostility by the Board, the same could be said about the members' hostility and half-truth accusations against the Board.

The rhetorical flourishes in the Members' Letter, written as it was by Patti Flunker, (Exhibit 3), illustrates rump group behavior of a minority of (non-profit) shareholders attempting to prevent corporate actions, even causing the company to lose out on a \$1 million offer for land it possesses (Exhibit 1), and continuing vexatious litigation.

The Commission should weigh, with a grain of salt, most if not all allegations in the Members' Letter and those that are yet to come.

Thank you for your consideration of this letter. I would be happy to address any questions.

Respectfully submitted,



Joe Gimenez

Former WOWSC Board President, 2019-2023, Current WOWSC Member

Exhibit 1

WOW Members
PO Box 273
Spicewood tx
78669

AUSTIN TX 787
RIO GRANDE DISTRICT
25 JUN 2024 PM 3 L



Mr Danny Flunker
307 Coventry
Spicewood, TX
78669

72565-312077

[illegible]

Bruce and Danny

The enclosed email chain was from your late friend – Robb Van Emans brother Currin, regarding the WOWSC 6 acre property. We think he is pretty knowledgeable about property in general..... especially the airport, Dana Martin, Bill Earnst, and all the others. You both should read this very carefully. You both and this real estate committee are clueless. And thank you for losing a \$1,000,000.00 opportunity.

Respectfully

WOWSC Members.

'm challenged by that 50' easement if it exists.....
[Quoted text hidden]

Currin Van Eman <currin@vcinterests.com>

Tue, Jun 18, 2024 at 2:38 PM

The buyer of Dana's H-Tracts was: VECTORED APPROACH HOLDING COMPANY LLC - Closed April 25, 2024 (Deed and Easements attached). *The buyer borrowed \$900,000 from Security State Bank to acquire the property, so with their cash downpayment, they likely paid over \$1,000,000

The Managers/Owners of the: VECTORED APPROACH HOLDING COMPANY LLC, is Stephen Pitts at 106 Golden Bear Dr. Austin, 78738 and Frank Davis 616 Robin Dale, Lakeway 78734

Currin J. Van Eman

Capella Commercial Real Estate

VC Interests, LLC

C: 512-927.7150

E: currin@capellatx.com

E: currin@vcinterests.com

www.capellatx.com

Sent: Thursday, June 6, 2024 8:40 PM
To: Currin Van Eman <currin@vcinterests.com>
Subject: Question

We the WOWSC just turned down a \$1,000,000.00 offer for the 6 acres behind me.

[Quoted text hidden]

Currin Van Eman <currin@vcinterests.com>

Tue, Jun 18, 2024 at 2:50 PM

Yes vectored air..... I referred to them as Cirrus group since they started out that way.

I dealt with Frank and Steve. They have since walked away, pulled the offer off the table.

A real estate committee within the WOWSC, which was established at the beginning of the year, just now want to get involved, headed by patti flunker. They are working on trying to get an appraisal/market value. They threatened lawsuits if we accepted this blind \$1,000,000.00 offer

The access will be an issue.

[Quoted text hidden]

Currin Van Eman <currin@vcinterests.com>

Tue, Jun 18, 2024 at 2:54 PM

What does this mean: "I'm challenged by that 50' easement if it exists....."?

WOWSC needs to go back to that buyer and beg them/accept their \$1,000,000 offer because they now control the access to the WOWSC 7 acres, especially if Mair won't sell or won't grant additional easement (50' wide) across their land. And Mair WILL NEVER grant more easement because it doesn't benefit them/their land and it reduces the amount of developable area on that tract!

[Quoted text hidden]

To: Currin Van Eman <currin@vcinterests.com>

Tue, Jun 18, 2024 at 3:02

Im challenged because this stupid ass committee will think that easement is enough to sell it for a big premium....

50ft is not enough for a taxiway

[Quoted text hidden]

Currin Van Eman <currin@vcinterests.com>

Tue, Jun 18, 2024 at 3:02

Yes, the Access is a HUGE ISSUE and will be the biggest issue for the Appraisal – you need to explain the access issue to the appraiser if you really want an honest and accurate appraisal. But honestly, its stupid to even do an appraisal of that tract, because without Aircraft Access, the property is useless and/or will be developed with warehouses or some other uses that will ruin the community. That property is also Deed Restricted (dating back to Charles Winston) from Mobile Homes and Agricultural Uses and the TCEQ would prevent any residential uses, because it was formerly used as Sewage Holding Ponds and the original pond (north end) was not lined, so the ground is severely contaminated, because it was never remediated after the treatment pond was decommissioned!

[Quoted text hidden]

Currin Van Eman <currin@vcinterests.com>

Tue, Jun 18, 2024 at 3:02

Anyone would know that 50' wide is not enough for aircraft passage, most aircraft have 40' Plus wingspan

[Quoted text hidden]

Exhibit 2

WINDERMERE OAKS WATER SUPPLY CORPORATION

424 COVENTRY ROAD, SPICEWOOD, TX 78669

NOTICE OF WOWSC BOARD SPECIAL MEETING

The Board of Directors of the **Windermere Oaks Water Supply Corporation** will meet

Thursday, June 6th, 2024 at 6:00pm

at the Windermere Oaks Pavilion, 105 Eaton Lane, Spicewood, TX 78669

Use Gate Code 2300 at the Exeter Rd Gate on County Rd 414

The meeting will be live-streamed at <https://www.twitch.tv/sneakyb/>

TAKE NOTICE THAT A MEETING OF THE WOWSC BOARD OF DIRECTORS will commence at the time and location noted above to consider and act by motion, resolution, or otherwise upon any matter in connection with the subjects listed below. This public meeting is being held pursuant to Texas Government Code § 551.001 et seq. All deliberations of the Board shall be made in Open Meetings. Members who desire to address the Board regarding an item on the agenda during an open meeting may do so before the Board acts on the agenda item. All public comments shall be subject to the Public Comment Policy adopted by the Board on November 20, 2019.

The Board may discuss or take action regarding any of the items on this NOTICE/AGENDA.

1) CALL TO ORDER.

2) ROLL CALL and establishment of a quorum.

3) PUBLIC COMMENT – The Board of Directors (BOD) will receive verbal comments from the public who signed up to speak on non-agenda items (3-minute limit per person).¹ During BOD deliberation on specific agenda items, the public who signed up to speak may comment before the BOD takes action on that agenda item.

4) CONSIDERATION AND APPROVAL OF

- Board Minutes from June 1, 2024 Board Meeting.

5) DELIBERATION AND DECISION concerning:

- Offer/consideration of sale of property within the Spicewood Airport, identified as 6.19 acres composed of Burnet Central Appraisal District (CAD) Property ID 56161 (4.03 acres) and Property ID 62330 (2.16 acres).

6) EXECUTIVE SESSION In Accordance with Tex. Gov't Code §§ 551.072 et seq., the Board may go into executive session to discuss the purchase, exchange, lease, or value of real property as authorized by the Texas Open Meetings Act.

7) RECONVENE FROM EXECUTIVE SESSION to take any necessary action.

8) NEW BUSINESS for inclusion on future Agenda.

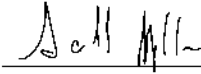
9) ADJOURN.

The undersigned WOWSC Director (acting President) who has called this Open Board Meeting certifies that this notice has been duly and properly posted at least 72 (seventy-two) hours preceding the scheduled meeting in a place accessible to the public at all times, at the corporation's office located at 424 Coventry, Spicewood, Texas 78669, and this notice has been provided to the Burnet County Clerk for posting on the Burnet County

Public Notices Web Site or on the corporation's Internet Web site for posting at least 72 (seventy-two) hours preceding the scheduled meeting pursuant to Section 551.054, Texas Government Code.

Jeffrey Walker

Submitted by: Jeff Walker
WOWSC Vice-President - Operations



Scott Miller
WOWSC Director

The Board may retire to Executive Session any time between the meeting's opening and adjournment for any purpose authorized by the Texas Open Meetings Act, including but not limited to: consultation with legal counsel (Section 551.071 of the Texas Government Code); discussion of real estate acquisition (Section 551.072); discussion regarding a prospective gift to the District (Section 551.073); personnel matters (Section 551.074); and/or deliberation regarding security devices or security audits (Section 551.076). Action, if any, will be taken in open session.

¹ The Board is neither allowed to take action on any subject presented in New Business and not on the agenda, nor is the Board required to provide a response to comments. Any substantive consideration and action by the Board will be conducted under a specific item on a future agenda.

Exhibit 3



Danny Flunker

Windermere Oaks · 13 Nov · 🏠

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Dear WOWSC Members and Interested Parties– Final PUC Hearing Tomorrow – Your Presence Matters! Tomorrow's PUC hearing is a pivotal moment, as the Commission considers appointing a temporary manager to take control of our water co-op. If you're able, please join us to show support for this critical oversight.

In a herculean effort, our ratepayer representative, Patti, rallied over 10% of the membership in just under 24 hours to sign a petition urgently calling for PUC intervention, a State Auditor review, and a referral to the Texas Attorney General for investigation. A heartfelt thank you to the members who signed the petition on such short notice.

For those new to the community, our member owned water co-op has endured over a decade of documented corruption, mismanagement, and self-serving leadership. Directors have repeatedly prioritized personal gain over members' interests, undermining our ability to govern ourselves. Those who attended the last meeting witnessed firsthand a hostile, contemptuous and defiant board of directors—not to mention the numerous Texas Open Meetings Act violations they committed.
<https://www.youtube.com/watch?v=d-GW3Oy0iE>

Now more than ever, it's time to stand together for change. Let's make our voices heard at the hearing. Rideshare is available—send a PM if you need a lift.

Thank you for standing with us.

Also, the name "Windermere Oaks Water Supply" is a misnomer. Two of the three directors are property owners in Spicewood Airport (88R), and WOWSC serves seven subdivisions.