

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

March 6, 2001

A regular meeting of the Board of Directors was held March 6, 2001, 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
Scott Gilmore - Secretary
Joy Smith -Treasurer
and Assistant Secretary
John K. Graham - Assistant Secretary-Treasurer

and all of the Directors were present, except Director Gilmore and Director Graham, thus constituting a quorum. Also present were Don H. Williams, District manager; Margret Wingrove of ECO Resources; Robert Ferguson of Murfee Engineering; Bill Foster of Heimsath Associates architects; Jim Skelding of 2140 Surrender Ave. in the District; Rick Lewis of 2138 Surrender Ave. in the District; John Edward Delgado of 14207 Anita Marie in the District; and Cliff Avery of Gilleland Creek Press.

Director Walters called the meeting to order at 6:33 p.m. and recognized Mr. Williams for the District Manager's report, including a restrictive covenants report, a copy of which is attached as Exhibit "B". Mr. Williams reported that when notified, residents were generally responding well and correcting covenant violations. Mr. Williams reported on a home on Jennave Lane which had installed three window air conditioning units, and asked for Board direction concerning enforcement. The resident insisted the units were necessary for health reasons. Mr. Williams stated that from his perspective, the units violated restrictive covenants because they did not have required Architectural Control Committee approval. Director Smith suggested, and the Board generally agreed, that Mr. Smith require the resident to remove the offending air conditioners and obtain ACC approval.

In another matter, Ms. Littlefield advised the Board that a constable had collected \$945 in costs and fees from a resident who had been sued because of a covenant violation.

In other matters, Mr. Williams reported that the Community Garden was a bit behind schedule because of the weather. He anticipated that the Garden would be open for operation within two weeks.

Director Walters then recognized Ms. Littlefield for a report from the district's attorney, and she advised that she was working on the agreement with the City of Austin regarding water pressure enhancement in the Willow Run area of the District.

Director Walters then recognized Mr. Ferguson for a report, a copy of which is attached as Exhibit C, from the District's engineer. Mr. Ferguson explained the need, based on the demands of the City of Austin, for the District to ask itself to participate in its own regional detention program for the construction of its Indoor Recreation Center. Mr. Ferguson further discussed a break in the 12-inch water line at The Lakes apartments. He noted there was a discrepancy about whether the line was in a District easement and, if so, whether the District was obligated to pay for the repair of the line. Ms. Littlefield stated that if there had been no conveyance and acceptance of an easement, then the line is the responsibility of the apartment complex. The Board generally directed the Facilities Committee to review the matter and prepare a recommendation for Board action.

Mr. Ferguson continued his report and noted that he was to meet with a City of Austin reviewer to address the City's concerns regarding wetlands and water quality in connection with the Shoreline detention pond. Director Walters inquired about the request for service concerning Wells Branch Phase R, Section 3, and Mr. Ferguson responded that he had not heard from Mr. Charles Steinman, who had addressed the Board at a previous meeting. Ms. Littlefield stated that she had researched the money held in escrow after receipt from Milburn Homes.

Director Walters then announced that the Board would consider items on its consent agenda, including:

Agenda Item No. 4 Approve minutes of February 6, 2001 regular meeting and, as amended, February 20, 2001 regular meeting.

Agenda Item No. 5 Approve District engineer's recommendation regarding participation of Lot 2, Block B, Bratton Lane 60 acres, Phase D (the Indoor Recreation Center site) in the Wells Branch Regional Detention System.

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

Director Walters then announced that the Board would receive input from citizens and recognized Mr. Skelding who presented a recent digital video recording to demonstrate that a neighbor's dog continued to be a nuisance. Mr. Lewis then addressed the Board

and reported that since he moved into his home, he has been continually annoyed by the same barking dog. Director Walters thanked the residents for their input and stated that the District intended to prosecute the lawsuit against the neighbor. Director Howe noted that because several residents had complained, the District was simply following its long-established policies regarding enforcement of restrictive covenants related to nuisances.

Mr. Delgado then arrived at the meeting, and Director Walters recognized him for input. Mr. Delgado stated that he was in possession of a court order prohibiting Mr. Skelding from having contact with Mr. Delgado. Mr. Delgado presented a document to the Board and asked that Mr. Skelding be removed from the meeting. Ms. Littlefield responded that the Board could not bar Mr. Skelding from attending a public meeting. Mr. Skelding examined the document and commented that it was an application for a peace bond. Ms. Littlefield suggested that the Board concern itself with the matters at hand, and Director Walters asked Mr. Delgado to continue.

Mr. Delgado stated he had lived in the neighborhood and had never had problems until the past 12 to 24 months. He detailed his contact with Mr. Skelding. He stated he thought he was trying to make a good faith effort to control his pets. Mr. Delgado detailed his contact with representatives of the District. He stated he had consulted sheriff's deputies who advised him that he should keep his dogs inside from 10 a.m. to 6 p.m. on weekdays and from midnight to 7 p.m. on weekends. Director Walters reviewed the correspondence that the District has sent Mr. Delgado over the previous four months in an attempt to reach a resolution to the problem of the barking dogs. Mr. Delgado acknowledged he was in receipt of the correspondence. Director Walters pointed out that the District did not wish to sue residents, but it did wish to remove nuisances that interfered with the enjoyment of a resident's home. Director Walters stated the Board was willing to reach an accommodation but required good faith action from Mr. Delgado. Mr. Delgado estimated he would require a week to formulate a plan of action. Director Walters suggested, and the Board generally agreed, that the District suspend its prosecution of its lawsuit against Mr. Delgado to allow Mr. Delgado to submit a proposal to Mr. Williams, on behalf of the Board, in a timely manner to allow the Board to consider the proposal and prospects for reliable execution at its March 20 meeting.

The Board recessed at 7:40 p.m.

Director Walters reconvened the Board at 8:03 p.m. and announced the Board would review bids for the Indoor Recreation Center. Mr. Williams presented a bid tabulation sheet for the six lowest bids, a copy of which is attached as Exhibit "D." The Board discussed bids for alternate items. The Board determined that in-house resources could be utilized to accomplish some of the alternate items. The Board further determined that the cost of an enclosed racquetball court was prohibitive. Mr. Williams noted that the Board would be unable to award a bid because of pending issues related to the Texas Parks and Wildlife Department grant to the District. He recommended that the Board look favorably on Alternates No. 2 (covered walkway) and No. 5 (north patio). Director Howe moved, seconded by Director Smith, that the Board authorize Mr. Williams to enter into

negotiations with Wvrzel Construction Company leading to the acceptance of the bid plus Alternates No. 2 and No. 5. The motion passed unanimously.

Director Walters then announced that the Board would receive announcements from Board members. He announced that the Recreation Committee had reviewed possible rental of temporary lighting for soccer practices, a copy of which is attached as Exhibit ôE.ö The Board determined that with the arrival of Daylight Savings Time, rental of lighting would not be cost effective. The Board then considered committee assignments and made changes to its Committee roster, a copy of which is attached as Exhibit ôF.ö

Director Walters then announced that the Board would discuss pending litigation. Ms. Littlefield reported that Commercial Consolidated Inc. had offered a settlement with the District. Director Howe moved, seconded by Director Smith, approval of the settlement, and the motion passed unanimously.

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

Respectfully submitted,

__March 20, 2001__ _____

Date Joy Smith

Treasurer and Assistant

Secretary

Board of Directors

Wells Branch Municipal Utility District

(SEAL)