

## LAKE POINTE MUNICIPAL UTILITY DISTRICT

### MINUTES OF A MEETING OF THE BOARD OF DIRECTORS

November 14, 2019

The Board of Directors of Lake Pointe Municipal Utility District (the "District") met in a regular session, open to the public, inside the boundaries of the District, in the Lake Pointe Community Center, 11700 Sonoma Drive, Austin, Texas 78738 on November 14, 2019 at 7:00 p.m. The District posted a copy of the notice of meeting along with associated certificates, attached as "Exhibit A."

#### Item No. 1

Item No. 1 was to Call to Order and Establish Quorum. President Knuff called the roll of the members of the Board of Directors:

Director Steven Knuff  
Director Robert Salgo  
Director Fred Goff  
Director Jim Norris  
Director Marci O'Connell

All of the members of the Board were present. Also, in attendance were William Swanks with TUMCO; Randall Wilburn with Gilbert Wilburn PLLC; Guillermo Angulo with LandCare; and resident John Douherty.

#### Item No. 2

Item No. 2 was to receive Public Comment on items not on the Agenda. The Board took **NO ACTION** on this item.

#### Item No. 3

Item No. 3 was to review and approve minutes of the October 10, 2019 regular meeting. Director Salgo asked that the Board postpone action so that he may convey his proposed edits to counsel for inclusion in the minutes. The Board took **NO ACTION** on this item.

#### Item No. 4

Item No. 4 was to discuss, consider, and take action as necessary regarding the District's financial reports and payment of bills and invoices. Director Salgo requested that TUMCO include an "as printed" date on reports presented to the Board. Director O'Connell made a motion to pay the invoices as presented. Director Salgo seconded the motion, and it **PASSED** unanimously.

## Item No. 5

Item No. 5 was to discuss, consider, and take action as necessary regarding maintenance of the District's facilities, including the following:

- a. Renewal of the LCRA Raw Water Contract;
- b. Authorization for Doucet Engineering to proceed with design and specifications for the District's proposed pond maintenance activities;
- c. Removal of dead tree(s) and AT&T debris;
- d. Existing Boundary Fence location in 12456 Fairfax Ridge; and,
- e. Issue of homeowners cutting trees in District's Preserve along Palisades Pointe.

Regarding Item No. 5.d., William Swanks of TUMCO provided background regarding the issues around the existing fence behind 12456 Fairfax Ridge. The Board discussed how to address Mr. Dougherty's property issue. Director Salgo suggested that the District ask the landowner to cover cost of legal expenses to address the issue. Counsel Wilburn suggested a need to research legal questions associated with the issues.

Regarding Item No. 5.a., Director Salgo had questions regarding the information included in the LCRA Raw Water Contract. Operations Manager Swanks and Counsel Wilburn addressed Director Salgo's questions regarding the changes in the contract since the last contract. Operations Manager Swanks noted that irrigation system-related information came from actual usage. Director Salgo made a motion to authorize President Knuff to execute the contract on behalf of the District. Director Norris seconded the motion, and it **PASSED** unanimously.

Regarding Item No. 5.b., Director O'Connell noted that the Board had discussed the items during the prior meeting. She wanted to know whether the District could complete two additional ponds during the District's fiscal year. Director O'Connell also discussed the scheduling of work during the summer of 2020 to avoid the rain season. Director Norris made a motion to authorize Doucet to proceed with pond maintenance for the ponds located at Nevada Drive (Rim Rock), Napa Drive, Etna Drive (Community Center), Pointe View Drive (Resaca), and San Mateo Drive (Normandy Ridge) plus complete work on Lyons Club. Director Salgo seconded the motion, and the motion **PASSED** unanimously.

Regarding Item No. 5.e., Operations Manager Swanks conveyed his discovery of homeowners cutting trees in the Preserve behind their homes along Palisades Pointe. He noted that the homeowners had cleared back 75 feet from the property lines. The Board stated it wanted to receive legal advice from counsel on how to proceed.

Operations Manager Swanks also stated that he had made repairs to the electrical system for the District's irrigation pump.

Director Salgo asked about inclusion of contracts on the District's websites. Counsel Wilburn recommended inclusion of summaries, and he also recommended inclusion of the Boards' packet, less confidential materials, on the website. The Board asked Counsel

for the District's website.

**Item No. 6**

Item No. 6 was to discuss, consider, and take action as necessary regarding landscape services within the Lake Pointe Subdivision. Mr. Angulo presented a proposal to remove fallen trees near the stormwater pond located at the Community Center. He also asked for the authority to adjust the visitation scheduled based upon the need for landscape maintenance. Mr. Angulo asked that he split the two remaining visitations into four small maintenance visits based on the need for maintenance. He also noted that he will cease irrigating until Spring. The Board agreed to his requests regarding the change in visitation and irrigation schedule. Director O'Connell made a motion to approve the proposal for tree removal as presented. Director Norris seconded the motion, and it **PASSED** unanimously.

Director Knuff then discussed the proposal from The Pointe HOA for improvements to the landscaping at the entrance to The Pointe. The Board had a long discussion about whether the District will be responsible for landscape improvements. Director Knuff stated that he would let The Pointe know that the District would not replace the landscaping, but The Pointe HOA could proceed with any revisions if desired. The Board took **NO FURTHER ACTION** on this item.

**Item No. 7**

Item No. 7 was to discuss, consider, and take action as necessary regarding ongoing activities with the PUA. Director Knuff noted he had not received any new information from PUA Director Eileen Brzoska. He also noted that the construction for the raw water line had begun. Director Knuff showed the Board the links created on the HOA and District websites regarding the raw water line construction. He asked the Board for input on items to include on the website. Director Salgo asked for inclusion of the agreement between the HOA and the PUA. Director Salgo also asked that Director Knuff add the General Notes from the construction plans to the website. Director Knuff conveyed a discussion with a homeowner regarding high water bills. He stated he would be sending out his annual letter regarding the need for residents to turn off sprinklers during the PUA's period for wastewater averaging. Director Knuff suggested adding the General Notes from the raw water line construction plans as a link on the District's website. The Board took **NO ACTION** on this item.

**Item No. 8**

Item No. 8 was to discuss, consider, and take action as necessary regarding the Preserve. Director Norris noted that getting electrical power to the new dock would be difficult. Director O'Connell asked about whether the District should continue with the Friends of the Preserve. The Board took **NO ACTION** on this item.

**Item No. 9**

Item No. 9 was to discuss, consider, and take action as necessary regarding the Boundary Fence Project with the Lake Pointe Subdivisions, including the following:

- a. Discussion with Program Manager;
- b. Consideration of The Pointe HOA request for District assumption of maintenance obligation;

Director O'Connell noted that the Jones|Carter had received notice of the Board's approval. She also noted that District had asked representatives of Jones|Carter to meet with her and Director Salgo at the site to discuss the project. Counsel Wilburn noted that Jones|Carter was working to complete the necessary affidavits and forms for contracting with the District. The Board took **NO ACTION** on this item.

**Item No. 10**

Item No. 10 was to discuss, consider, and take action as necessary regarding the District's Solid Waste Management Contract. Director Knuff noted that he was working with representatives of TDS and District counsel regarding revisions to the agreement. The Board took **NO ACTION** on this item.

**EXECUTIVE SESSION**

The Texas Open Meetings Act, Chapter 551 of the Texas Government Code, authorizes the Board of Directors to convene in close or executive session for certain purposes, including receiving legal advice from the District's attorney (Sec. 551.071); discussing real property matters (Sec. 551.072); discussing gifts and donations (Sec. 551.073); discussing security personnel or devices (Sec. 551.076); and discussing information technology security practices (Sec. 551.089). If the Board of Directors goes into executive session to discuss any item on this agenda, the President Officer will announce that the Board will meet in Executive Session will be held, will note the time, and will identify the item to be discussed and the provision of the Open Meetings Act which authorizes the Executive Session. The District may meet in executive session on any agenda item or any item listed below:

- A. the District's Preserve;
- B. West Travis County PUA; and
- C. ongoing or pending litigation involving the District.

At 8:46, President Knuff announced that the Board would meet in Executive Session to receive legal advice from counsel pursuant to Section 551.071 of the Texas Government Code.

At 9:05, President Knuff reconvened the Board in open session, noting that the Board took no action and took no votes on any items discussed in Executive Session.

**Item No. 5.e., con't.**

Regarding the issue of homeowners cutting trees within the District's Preserve behind Palisades Pointe, Director O'Connell made a motion authorizing Operations Manager Wheeler to determine the size and types of trees that the homeowners removed from the Preserve and authorizing Counsel Wilburn to send a demand letter to the homeowners. Director Knuff seconded the motion, and it **PASSED** unanimously.

**Item No. 11**

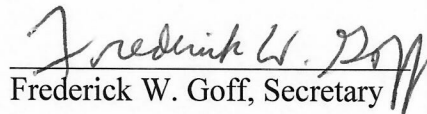
Item No. 19 was items for future agendas. The Board did not have any additional items to propose for future agendas. Director O'Connell asked that the website maintenance be placed on the next Board agenda.

**Item No. 12**

Item No. 12 was Adjournment. Director O'Connell made a motion to adjourn the meeting. Director Norris seconded the motion, and it **PASSED** unanimously.

**PASSED, APPROVED, AND ADOPTED this 12<sup>th</sup> day of December 2019.**



  
Frederick W. Goff, Secretary

(DISTRICT SEAL)