

## LAKE POINTE MUNICIPAL UTILITY DISTRICT

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

August 13, 2020

The Board of Directors of Lake Pointe Municipal Utility District (the "District") met in a regular session, open to the public, on August 13, 2020 at 7:00 p.m., via videoconference meeting to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (COVID-19). The regular meeting, open to the public, was held virtually on zoom.com in accordance with the order of the Office of the Governor of Texas issued March 16, 2020. 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; Jared Armstrong and Blake Foree of Landscape Resources; Randall Wilburn with Gilbert Wilburn PLLC; Tom Hegemier with Doucet & Associates; Pat Sinnott for the Lake Austin Lake Pointe HOA; and Jason Bethke.

#### Item No. 2

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

#### Item No. 11

Item No. 11 was to discuss, consider, and take action as necessary regarding the Boundary Fence Project within the Lake Pointe Subdivisions.

Jason Baze with Jones|Carter O'Connell updated the Board on the progress of the project. He noted that the survey was complete, and Jones|Carter was reviewing it. He noted that the next steps included meeting with the landscape architect regarding renderings of wall options and a possible meeting with the public in the fall to receive input. The Board took **NO ACTION** on this item.

### **Item No. 7**

Item No. 7 was to discuss, consider, and take action as necessary regarding landscape services within the Lake Pointe Subdivision. Representatives with Landscape Resources presented seven (7) proposals on behalf of Landscape Resources: Proposal No. 1 to cleanup of 11845 Sterling Panorama for \$845; Proposal No. 2 to clear brush between Sterling Panorama and Lake Stone for \$6,300; Proposal No. 3 to remove the Napa pillar tree for \$825; Proposal No. 4 to prune the Vista Pointe Park trees for \$2,600; Proposal No. 5 to make right of way improvements at 12100 Carlsbad for \$1,100; Proposal No. 6 to place additional Kiddie Cushion mulch at Napa Park for \$4,003.50; and Proposal No. 7 to place additional Kiddie Cushion mulch at the Vista Point Park for \$4,287.25. President Knuff made a motion to approve Proposal No. 3 as presented. Director Salgo seconded the motion, and it **PASSED** unanimously. Director O'Connell made a motion to approve Proposal No. 5. Director Norris seconded, and it **PASSED** unanimously. Director Salgo made a motion to approve Proposal No. 4 as presented. Director O'Connell seconded the motion, and it **PASSED** unanimously. President Knuff made a motion to approval Proposal No. 1 as presented. Director O'Connell seconded the motion, and it **PASSED** unanimously. Landscape Resources have reached an agreement with Cash Construction to replace damaged irrigation lines and wiring around the community center. Landscape Resources are in negotiations with Cash Construction to replace the system along bee caves Rd. Director Norris made a motion to replace irrigation controllers A, G, U, and Z not to exceed \$10,000.00 as presented. Director O'Connell seconded the motion and it **PASSED** unanimously.

### **Item No. 3**

Item No. 3 was to receive an update from the Lake Pointe Homeowners' Association. Pat Sinnott address the Board. She noted that the HOA is working on a new gate access system. Ms. Sinnott stated that the HOA Board had approved moving forward with a Smart Key Card System. She noted that the HOA's management company will develop a system for re-registering the homeowners' existing access cards.

### **Item No. 8**

Item No. 8 was to discuss, consider, and take action as necessary regarding ongoing activities of the West Travis Co Public Utility Agency ("PUA"). Jason Bethke addressed the Board. He noted that there have been numerous conversations regarding the existing Hamilton Pool Road waterline and whether the PUA should add new users to that system. Director Salgo asked about the impact of any additional user on the existing ratepayers. Mr. Bethke re-affirmed the PUA commitment to requiring development to pay for itself and not have a negative impact on the rates for existing users.

President Knuff read a proposed position statement to send to the PUA Board to provide guidance on future connections to the Hamilton Pool Road waterline. That statement said the following:

Lake Pointe MUD strongly supports any action that will reduce the customers' rates and the overall debt burden of the PUA, including the addition of new customers through development. As the original tenent of

the three participating entities, the District continues with its direction that all development should pay the full price for any addition to the system.

After a brief discussion, President Knuff made a motion to authorize the President to forward the District's position statement to the PUA Board of Directors. Director Salgo seconded the motion, and it **PASSED** unanimously.

**Item No. 4**

Item No. 4 was to review and approve minutes of the July 9, 2020 regular meeting. Director Salgo made a motion to approve the minutes as presented. Director O'Connell seconded the motion, and it **PASSED** unanimously.

**Item No. 5**

Item No. 5 was to discuss, consider, and take action as necessary regarding the District's financial reports and payment of bills and invoices. Operations Manager Swanks presented the bills, including two additional bills for the District's insurance and from Jones|Carter for work on the new boundary wall. President Knuff made a motion to pay the invoices as presented. Director Salgo seconded the motion, and it **PASSED** unanimously.

Operations Manager Swanks noted that he would be sending invoices for the wall activity to the HOA for payment.

**Item No. 6**

Item No. 6 was to discuss, consider, and take action as necessary regarding maintenance of the District's facilities, including the District's pond maintenance program. President Knuff relayed an email from District Engineer Tom Hegemier in which he noted that DigDug had completed work on the ponds located at Nevada, Napa, Pointe View, and Etna.

Operations Manager Swanks relayed a request from a homeowner that the District remove all Bald Cypress trees.

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 Preserve.

Operations Manager Swanks informed the Board that the Preserve firebreak maintenance program was ongoing. Director Goff noted that the ESD was doing a great job on the work so far. Mr. Swanks asked if the Board wanted the ESD to expand the cleanup to include the bench areas, and President Knuff stated yes.

Director O'Connell informed the Board that people within the Preserve had re-attached a rope swing despite the District's lengthy efforts to prevent use of a rope swing

near the gazebo. President Knuff stated he would investigate options for removal of the swing.

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 website. Director Knuff updated Board on the status of the website. Counsel Wilburn noted that items regarding the District's Director Elections is on the website. The Board took **NO ACTION** on this item.

**Item No. 12**

Item No. 12 was to discuss, consider, and take action as necessary regarding the FY 2020-21 District Operating and Maintenance Budget. The Board made preliminary adjustments to the draft budget as shown in the attached exhibit. The Board took **NO ACTION** on this item.

**Item No. 13**

Item No. 13 was to discuss, consider, and take action as necessary regarding the FY 2020-21 District Tax Rates, including authorization for publication of notice of public hearing. Counsel Wilburn and District Operations Manager Swanks presented the proposed tax rates. Director Salgo made a motion to advertise an M&O tax rate for both defined taxing areas of \$0.1729 per \$100 taxable value, a debt service tax rate of \$0.056 per \$100 taxable value for the MUD5 defined taxing area, and to authorize publication of the notice in the Lake Travis View. Director O'Connell seconded the motion, and it **PASSED** unanimously.

**Item No. 14**

Item No. 13 was to discuss, consider, and take action as necessary regarding the November 2020 election. Counsel Wilburn presented an order for the District to assign place numbers to each director position. Director Knuff made a motion to approve the Order as presented. Director O'Connell seconded the motion, and it **PASSED** unanimously. Counsel Wilburn next presented an Order Calling the District's 2020 Directors Election. Director Salgo noted some typographical errors in the presented Order. Director Knuff made a motion to approve the Order as amended. Director O'Connell seconded the motion, and it **PASSED** unanimously.

## 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;
- C. Safety issues related to COVID-19; and
- D. ongoing or pending litigation involving the District.

The Board did not meet in Executive Session.

### Item No. 15


Item No. 15 was items for future agendas. The Board did not have any additional items to propose for future agendas.

### Item No. 16

Item No. 16 was Adjournment. President Knuff made a motion to adjourn the meeting. Salgo seconded the motion, and it **PASSED** unanimously.

**PASSED, APPROVED, AND ADOPTED this 10<sup>th</sup> day of September 2020.**



  
Frederick W. Goff, Secretary

(DISTRICT SEAL)