

# LAKE POINTE MUNICIPAL UTILITY DISTRICT

## MINUTES OF A MEETING OF THE BOARD OF DIRECTORS

**March 12, 2020**

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 March 12, 2020 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, except Director Norris. Also, in attendance were William Swanks with TUMCO; Guillermo Angulo of LandCare; Randall Wilburn with Gilbert Wilburn PLLC; residents Jason Bethke, Gary Johnson, and Jessie Romero; Jared Armstrong with Landscape Resources; and District Engineer Tom Hegemier.

### **Item No. 2**

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

### **Item No. 3**

Item No. 3 was to review and approve minutes of the February 13, 2020 regular meeting. Director Salgo made a motion to approve the minutes. Director O'Connell seconded the motion, and it **PASSED** unanimously.

### **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. Operations Manager Swanks presented the bills, including three additional bills for water from the West Travis Co. Public Utility Agency ("PUA"). Director Salgo asked about the UBS Financial Services balance sheet, and he asked whether the Summary of Budget Expenditures included charges through the District's sixth budget month, which Operations Manager Swanks confirmed. Director O'Connell made a motion to pay the invoices as presented. Director Salgo seconded the motion, and it **PASSED** unanimously.

The Board discussed authorizing the President and the Operations Manager to pay bills in months when the Board did not meet. Director Knuff made a motion to authorize the President and Operations Manager to review and approve the bills for payment during months when the Board did not or could not meet. 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 maintenance of the District's facilities, including the District's pond maintenance program.

Engineer Tom Hegemier presented his updated plans to the Board. He talked about possible options for reducing future maintenance issues with the Pointe View Pond, which included the need for some additional investigation. Director O'Connell made a motion to authorize Eco Services to investigate the outfall at the Pointe View Pond for \$2,000. Director Salgo seconded the motion, and it **PASSED** unanimously.

Director Salgo presented his comments and questions to Engineer Hegemier regarding the proposed plans for the pond maintenance program. The Board discussed the coordination and contract issues with the proposed maintenance program, including how to inform the neighborhood of the construction schedule.

Mr. Swanks reported on the sidewalk proposal at the end of Lake Stone Dr. He noted that most of the contractors did not want to work on such a small project. Director Knuff made a motion to approve the proposal for \$2575. Director O'Connell seconded the motion, and it **PASSED** unanimously.

#### **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 informed the Board that LandCare completed the chemical application three weeks ago, but he did not get the weed removal that he anticipated. He has asked that the LandCare chemical team schedule a reapplication. Mr. Angulo noted that the mulching was scheduled for April. He noted that he had looked into the highwater bill for Napa, and his landscape crew had repaired a leak between the meter and the backflow preventer at no charge to the District. William Swanks informed the Board how the District will provide temporary water service for irrigation until such time as the raw water line project is completed. Director Salgo informed the Board that there will be an Easter egg hunt April 11th. He, Mr. Angulo, and Mr. Swanks discussed whether the grass will be in place in time for the Easter egg hunt. Mr. Angulo said he would make the sod look nice, but he will need the water to ensure the sod grows. Director Salgo made a motion to authorize replanting the bare areas of the Napa Park with grass for an amount not to exceed \$5,000. Director Goff seconded the motion, and it **PASSED** unanimously.

Director Knuff asked the Board whether it was in a position to discuss landscape resources. Director Salgo made a motion to engage Landscape Resources as the District's landscape

company. Director O'Connell seconded the motion. Director Knuff asked whether there was any need for further discussion. Hearing none, Director Knuff called the vote, and the motion **PASSED** unanimously. Jared Armstrong with Landscape Resources expressed his thanks to the Board for the opportunity.

#### **Item No. 7**

Item No. 7 was to discuss, consider, and take action as necessary regarding ongoing activities of the West Travis Co Public Utility Agency ("PUA"), including the appointment of a director. President Knuff referenced the three resumes that the Board had received for appointment. Mr. Knuff asked each of the applicants to make brief statements to the Board.

Mr. Jessie Romero informed the Board of his background with the HOA Board, as a long-time resident, his experience in the military, and his lack of alliances with any particular group. He noted that the biggest issue facing the PUA was the cost of water. Director O'Connell asked whether he had the available time to attend the Board meetings and prepare for the meetings.

Mr. Gary Johnson introduced himself. He is an attorney in Austin. Mr. Johnson noted that he was relatively new to the Lake Pointe community, having purchased his home in 2018. His legal background is with the energy industry. Mr. Johnson stated he thought the main issue was balancing safe and reliable service with the cost of operations. He noted that he had the time available to attend meetings, prepare for those meetings, and report back to the Board. Director O'Connell expressed the Board's desire to ensure the Director represented the best interests of the Lake Pointe community.

Mr. Jason Bethke introduced himself. He has spent the last 20 years in the water industry, including the design and construction of water utility infrastructure. He also worked for a large investor-owned water utility in Arizona. Mr. Bethke talked about the challenges between long-time customers and new customers. He stated his belief that he could bring his experience with capital water utility projects to the PUA. Mr. Bethke stated that he had time available for attending and preparing for PUA Board meetings.

Director Salgo stated that all of the candidates were well qualified, and it would be a difficult decision. Director Goff asked what would each candidate implement to lower water rates. Mr. Romero stated he would investigate how to ensure the neighborhood did not water during rain events and whether the watering could be accomplished with reuse water. Mr. Johnson stated that the PUA Board needed to balance the costs between commercial customers versus residential customers. He also noted his concern with all of the PUA's capital improvements, as all of those improvements are paid through rates charged to the ratepayers. Mr. Bethke stated setting rates was a difficult question for utilities. Safe and reliable water was often the first emphasis of the utility. He expressed his desire to work toward ensuring rate income was more predictable while working to lower the rates for individual residential customers. Mr. Romero acknowledged the experience of the two other candidates and asked that his name be withdrawn from consideration.

Director Salgo made a motion to appoint Mr. Johnson to the PUA Board. Director Goff seconded the motion, and the motion failed by a vote of 2-2. Director Knuff made a motion to name Mr. Bethke to the PUA Board. Director O'Connell seconded the motion, and it **PASSED** unanimously.

#### **Item No. 8**

Item No. 8 was to discuss, consider, and take action as necessary regarding the Preserve, including fence boundary issues. Counsel Wilburn reported that Mr. Doherty had accepted the proposed terms, and he hired Phil Haag to prepare the lease. Operations Manager Swanks noted that he had received the boundary survey along Palisades Pointe. He noted that all of the removed trees were located on the Preserve property. Counsel Wilburn will send a letter to the homeowners regarding the cleanup behind the homes. Counsel Wilburn will prepare a draft letter to send to all homeowners that own property adjacent to the Preserve to educate the homeowners about the Preserve rules and consequences for cutting within 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 District's website. Director Knuff will put the landscape map on a webpage with more direct and easier access. 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 Boundary Fence Project within the Lake Pointe Subdivisions.

Director O'Connell informed the Board of the kickoff meeting with Jones|Carter and the geotechnical company. The HOA President had provided right-of-entry forms to the 45 homeowners, and the HOA and District representative met with 10 homeowners. The HOA is working to obtain right-of-entry forms prior to any surveying. 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 District's Solid Waste Management Contract. Director Knuff stated that he would forward the updated contract to legal counsel for final review. 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.

The Board did not meet in Executive Session.

### Item No. 12

Item No. 12 was items for future agendas. The Board did not have any additional items to propose for future agendas.

### Item No. 13

Item No. 13 was Adjournment. Director Goff made a motion to adjourn the meeting. Director O'Connell seconded the motion, and it **PASSED** unanimously.

**PASSED, APPROVED, AND ADOPTED this 9<sup>th</sup> day of April 2020.**



(DISTRICT SEAL)

  
Frederick W. Goff, Secretary

# LAKE POINTE MUNICIPAL UTILITY DISTRICT

## MINUTES OF A MEETING OF THE BOARD OF DIRECTORS

May 14, 2020

The Board of Directors of Lake Pointe Municipal Utility District (the "District") met in a regular session, open to the public, on May 14, 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 on May 14, 2020, at 7:00 p.m., 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; Helen Gilbert with Gilbert Wilburn PLLC; Jason Baze with Jones|Carter; Tom Hegemier with Doucet & Associates; HOA president Pat Sinnott; residents Darrell Thornley, Ellen Salem, Spencer Brown, Shawneen Williams, Brian Rose and Justin Schwartz; and, Jack Creveling, candidate for the West Travis Co. PUA at-large position.

### 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. 3

Item No. 3 was to review and approve minutes of the April 9, 2020 regular meeting. Director O'Connell made a motion to approve the minutes. Director Salgo seconded the motion, and it **PASSED** unanimously.

### 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. Operations Manager Swanks presented the bills, including one additional invoice from Jones|Carter. Director Norris



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. District's pond maintenance program;
- b. Security cameras;
- c. Installation of trash cans at Napa Pond and Bayton Walk Path; and
- d. Upgrading key fob system in Lake Pointe community;

Regarding pond maintenance, Mr. Hegemier updated the Board on the status of the bid process for the six ponds, including a projected schedule for the mandatory pre-bid meeting, publication and request for proposal submittals as well as contractor recommendations at the June Board meeting and an estimated time to complete construction. At Director Salgo's request, Mr. Hegemier stated he would provide the full bid package to the Board Members when available.

Ms. Sinnott requested that the District split the cost with the HOA for five security cameras to be installed on solar-powered poles at certain locations within the subdivision to cost approximately \$10,250 in the first year and \$9,000 each year thereafter. Because Ms. Sinnott emailed the Flock Safety Security Contract just prior to the Board Meeting, this item will be considered at the June Board Meeting.

Ms. Sinnott also requested that the District purchase four trash cans to be placed at various locations in the subdivision which will be emptied at no cost to the District by the HOA. Director O'Connell made a motion authorizing the purchase of the four trash cans in an amount up to but not to exceed \$2,500. Director Salgo seconded the motion, and it **PASSED** unanimously.

President Knuff updated the Board on the status of bids for the purchase and installation of a key fob system to address ingress/egress at various locations of the subdivision and Preserve and upgrading the old technology to a cloud-based system. Ms. Sinnott expressed the HOA's interest in resetting existing key pads to prevent non-residents from accessing subdivision amenities. Director O'Connell made a motion authorizing the approval of a bid for the purchase and installation of the new key fob system not to exceed the District's share of the total cost to be shared with the HOA of \$4,000. Director Norris seconded the motion, and it **PASSED** unanimously.

#### **Item No. 6**

Item No. 6 was to discuss, consider, and take action as necessary regarding landscape services within the Lake Pointe Subdivision. Mr. Armstrong and Mr. Foree with Landscape Resources addressed the Board on the status of leaf pickup, pruning, investigation of irrigation meters, water interruption due to the raw water line project and community center remodel, tree removal and maintenance, and potential alternative job

duties due to Bee Cave frontage road construction activities. The Board took **NO ACTION** on this item.

#### **Item No. 7**

Item No. 7 was to discuss, consider, and take action as necessary regarding ongoing activities of the West Travis Co Public Utility Agency (“PUA”), including the consideration of appointment of Jack Creveling to the PUA Board at-large position.

Darrell Thornley and multiple other subdivision residents noted above called in to the meeting to voice their unanimous opposition to Mr. Creveling’s appointment to the PUA Board at-large position on the grounds of potential conflict of interest and conflict with past PUA policy to appoint board members in the real estate development industry. The Board thanked Mr. Creveling for his interest but echoed the residents’ concern in their opposition to his appointment. For purposes of discussion, Director Salgo made a motion to approve Mr. Creveling’s nomination which Director Norris seconded, and it **FAILED** unanimously. President Knuff directed legal counsel to inform the City of Bee Cave of the Board’s unanimous opposition to Mr. Creveling’s nomination.

#### **Item No. 8**

Item No. 8 was to discuss, consider, and take action as necessary regarding the Preserve.

Resident Justin Schwartz addressed the Board about teenage gatherings, the presence of graffiti on the gazebo and trash, and dead trees and overgrown plants obstructing the trails. Director O’Connell noted these were long-standing issues for which that the Board had authorized Operations Manager Swanks to clean up and control with assistance from constables as necessary. President Knuff and Operations Manager Swanks also discussed fencing to address illegal motorcycle and other vehicular access to the Preserve. Mailings are still intended to go out to residents regarding illegal activity in 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 District’s website. Director Knuff updated the landscape company reference. 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 Boundary Fence Project within the Lake Pointe Subdivisions.

Messrs. Baze and Foree with Jones|Carter updated the Board on the status of surveying, boring, the forthcoming draft geotechnical report, and the continued problem of not receiving Right-of-Entry access forms expeditiously. Jones|Carter will utilize HOA easement to continue survey work in backyards. The importance of concept planning and landscaping was noted and Director O’Connell suggested a public meeting or other forum to receive residents’ feedback. 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 District's Solid Waste Management Contract. Director Knuff stated that he had emailed the District's proposed edits, but he had still not heard back from TDS. 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;
- 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. 12

Item No. 12 was items for future agendas. The Board did not have any additional items to propose for future agendas.

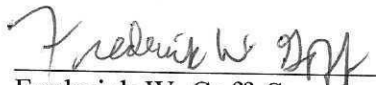
### Item No. 13

Item No. 13 was Adjournment. President Knuff made a motion to adjourn the meeting. Director Salgo seconded the motion, and it **PASSED** unanimously.

**PASSED, APPROVED, AND ADOPTED this 11<sup>th</sup> day of June 2020.**



(DISTRICT SEAL)

  
Frederick W. Goff, Secretary

# LAKE POINTE MUNICIPAL UTILITY DISTRICT

## MINUTES OF A MEETING OF THE BOARD OF DIRECTORS

**June 15, 2020**

The Board of Directors of Lake Pointe Municipal Utility District (the "District") met in a regular session, open to the public, on May 14, 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 on June 15, 2020, at 7:00 p.m., 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 except for Director Norris. 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; and Jason Bethke, Josiah Long Bons, Darrel Thornley, Jon Cobb, Adrea Willot, Liam Blank, Kara King, Julie Favese, Gene Lowenthal, Clint Garza, and Pat Sinnott.

### **Item No. 7**

Item No. 7 was to discuss, consider, and take action as necessary regarding ongoing activities of the West Travis Co Public Utility Agency ("PUA"), including the consideration of appointment of a director for the Travis County at-large position.

Darrell Thornley, Gene Lowenthal, and Pat Sinnott voiced their opposition to Bee Cave's nomination of Mr. Jon Cobb to fill the PUA Board at-large position. Mr. Cobb addressed the Board and explained his qualifications and positions on issues facing the PUA Board of Directors. President Knuff relayed to the Board his conversation with Mr. Cobb. Director Salgo read a prepared statement into the record opposing Mr. Cobb's nomination, which is attached as "Exhibit B." Director Salgo made a motion to approve Mr. Cobb's nomination, which President Knuff seconded. President Knuff called the roll, and it **FAILED** 1-3. President Knuff directed legal counsel to inform the City of Bee Cave of

the Board's failure to approve Mr. Cobb's nomination.

**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. 8**

Item No. 8 was to discuss, consider, and take action as necessary regarding the Preserve.

Liam Blank addressed the Board regarding a potential Boy Scout project in the Preserve to add signage regarding the poison oak and poison ivy within the Preserve. Mr. Blank noted that he was in the early stage of determining the scope of the project, and he would return to the Board with a more complete presentation at a later date. The Board took **NO ACTION** on this item.

**Item No. 6**

Item No. 6 was to discuss, consider, and take action as necessary regarding landscape services within the Lake Pointe Subdivision. William Swanks with TUMCO presented a proposal on behalf of Landscape Resources to remove some trees on Avenal. Director O'Connell made a motion to approve the proposal as presented. Director Salgo seconded the motion, and it **PASSED** unanimously.

Director O'Connell asked that Landscape Resources coordinate dates for pond maintenance with the District's engineer.

Operations Manager William Swanks updated the Board on the status of the irrigation system along Resaca Blvd. Landscape Resources had identified a problem with one of the irrigation controllers. Director O'Connell made a motion to authorize replacement of the problem controller with a solar-powered controller for a cost not to exceed \$1500. Director Salgo seconded the motion, and it **PASSED** unanimously.

**Item No. 3**

Item No. 3 was to review and approve minutes of the April 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. 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. Operations Manager Swanks presented the bills, including one additional invoice from Jones|Carter and one construction deposit refund. Director O'Connell made a motion to pay the invoices as presented. Director Goff 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 District's pond maintenance program. District Engineer Tom Hegemier presented the bids that the District received for maintenance of the six ponds. He noted that DigDug had scored highest on the District's scoring matrix and was the low bidder at \$142,330. Mr. Hegemier recommended that the Board award the bid to DigDug. Director O'Connell made a motion to proceed as recommended by the District's engineer. Director Salgo seconded the motion, and it **PASSED** unanimously.

#### **Item No. 9**

Item No. 9 was to discuss, consider, and take action as necessary regarding the District's website. Director Knuff updated Board on the status of the website. 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 Boundary Fence Project within the Lake Pointe Subdivisions.

Director O'Connell updated the Board on the progress of the project. She noted that the survey was near completion. 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 District's Solid Waste Management Contract. Director Knuff stated that he had finalized the contract and would execute on behalf of the District. He asked that a final version of the contract be provided to the Board. 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;
- C. Safety issues related to COVID-19; and
- D. ongoing or pending litigation involving the District.

The Board did not meet in Executive Session.