

LAKE POINTE MUNICIPAL UTILITY DISTRICT

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS

December 10, 2020

The Board of Directors of Lake Pointe Municipal Utility District (the "District") met in a regular session, open to the public, on December 10, 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 Jason Rew-Hunter

All of the members of the Board were present. Also, in attendance were William Swanks with TUMCO; Josiah Longbons and Blake Foree of Landscape Resources; Randall Wilburn with Gilbert Wilburn PLLC; and Jason Bethke from the West Travis Co PUA; Chris Lupton and Pat Sinnott.

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. 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 provided an update to the Board regarding the PUA. He noted that the PUA was in good financial shape and had paid significant amount toward reducing the PUA debt. Mr. Bethke noted that the PUA had initiated a new billing system. He explained that the PUA Board's position continued to support growth only when the developer paid for the growth in full. Mr. Bethke gave a brief overview of the pending litigation.

Director Salgo expressed his concerns with the pending settlement between the litigating developers and the PUA, and he strongly opposed the proposed settlements. Pat Sinnott asked about the PUA's growth strategy. Mr. Bethke replied that the PUA's position was

that development should pay its full cost for connecting to the PUA system.

At 7:56 p.m., President Knuff announced that the Board of Directors would convene in Executive Session to receive legal advice from counsel pursuant to Texas Government Code Section 551.071.

At 8:55 p.m., President Knuff reconvened the Board meeting in open session, announcing that no votes were taken and no decisions were made.

At this point, Director Salgo made a motion to adopt the following resolution:

The Board of Directors of Lake Pointe Municipal Utility District asks the Board of Directors of the WTCPUA to allow the federal complaint, filed in the Western District of Texas on March 15, 2019 by John and Sandra Hatchett and JPH Capital LTD against the WTCPUA and various members of its board of directors and the general manager, to run its course in federal court and not settle the case; and

The Board of Directors of Lake Pointe Municipal Utility District asks the Board of Directors of the PUA to continue to deny retail water service for 1,137 additional LUEs to Masonwood HP, Ltd. for the Provence development, unless Masonwood HP, Ltd pays full impact fees for 1,837 connections and pays any costs associated with all upgrades or expansions of WTCPUA facilities necessary to provide any service to Masonwood HP, Ltd

President Knuff seconded the motion.

Director Rew-Hunter stated that the Lake Pointe Board Members were not the litigants and did not have all of the facts regarding the case or the legal reasoning for any settlement. Director Goff stated that he thought it was a reasonable approach to the issue. Director Salgo stated that all of the Lake Pointe MUD Board Directors had great respect and confidence for Jason Bethke, that the Board expected him to consider all of the facts and to make the best decision for the Lake Pointe community and the PUA. He stated that the resolution was simply an expression of the Board's opinion.

President Knuff then called the vote, and the motion to adopt the resolution **PASSED** 3-1, with Director Rew-Hunter voting against.

Director Knuff then provided an update regarding the PUA's placement of mulch as cover over the raw water line trench. He stated that the County's position was it was ok as long as the Lake Pointe Board found the proposal acceptable as permanent erosion control.

The Board took **NO ADDITIONAL ACTION** on this item.

Item No. 3

Item No. 3 was to receive an update from the Lake Pointe Homeowners' Association. The Board took **NO ACTION** on this item.

Item No. 4

Item No. 4 was to review and approve minutes of the November 12, 2020. Director Salgo asked about the spelling of Mr. Koerner's name in the minutes, and Counsel Wilburn noted that he had already made the change. Director Salgo made a motion to approve the minutes as amended. Director Knuff seconded the motion, and it **PASSED** 4-0.

Item No. 7

Item No. 7 was to discuss, consider, and take action as necessary regarding landscape services within the Lake Pointe Subdivision. Josiah Longbons with Landscape Resources informed the Board that landscape work was ramping down due to the season, and his firm was working to winterize the landscaping. He also noted that Landscape Resources had completed its work on trees along Sonoma Drive and Resaca Boulevard. 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 updated the Board on the progress of the project. He stated that the team had received environmental oversight comments from Travis County, and he did not find anything unusual in the comments. Travis County had also asked for the submittal of a fiscal surety to cover the erosion control aspect of the project, and he was working to obtain a waiver from this requirement. To date, Jones|Carter had yet to receive any comments from Travis County Engineering. Mr. Baze noted that Design Concepts did provide a sample wall and sent out emails to the community regarding the mock-up wall. The Board took **NO ACTION** on this item.

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 – a water bill from the PUA and an invoice from Jones|Carter for the wall project. President Knuff made a motion to pay the invoices as presented. Director Salgo seconded the motion, and it **PASSED** unanimously.

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. Operations Manager Swanks noted that DigDug had completed the additional work for the pond project. He also asked about the proposed installation of additional benches in the Preserve. President Knuff asked that he put together a proposal for submittal to the Board at the next meeting. 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. President Knuff reported that over 15 people volunteered for the cleanup day within the subdivision, including areas around the Community Center. He also reported on the ongoing discussions with Austin Energy regarding issuance of an easement to enable the District to obtain electrical service for a future dock. 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. President Knuff noted that he was working to add Director Rew-Hunter's biography and photograph to the website. 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 to discuss, consider, and take action as necessary regarding the appointment of a Director to fill the unexpired term of Marci O'Connell. President Knuff nominated Chris Lupton to fill the position. Director Rew-Hunter seconded the nomination. Mr. Lupton addressed the Board and noted that he and his family had lived in the neighborhood since 2003 and in their current home since 2006. Hearing no other nominations, the Board **APPROVED** the appointment of Christopher Lupton to fill the director's position.

Item No. 13

Item No. 13 was to discuss Future Agenda items. The Board did not have any additional items to propose for future agendas.

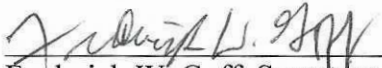
Item No. 14

Item No. 14 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 14th day of January 2021.



(DISTRICT SEAL)


Frederick W. Goff, Secretary