

LAKE POINTE MUNICIPAL UTILITY DISTRICT

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS

May 13, 2021

The Board of Directors of Lake Pointe Municipal Utility District (the "District") met in a regular session, open to the public, on May 13, 2021 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
Director Penny Handsel

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 The Carlton Law Firm; Tom Hegemier with Doucet Engineering; Kent O'Brien and Carty Mitchell with Jones[Carter]; and Pat Sinnott, Jim Carpenter, Jim Norris, and Kyle Streeman.

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

Item No. 4

Item No. 4 was the Election of Officers. Director Salgo made a motion to reappoint the officers with Steven Knuff as President, Robert Salgo as Vice-President, and Fred Goff as Secretary. Director Rew-Hunter seconded the motion, and it **PASSED** unanimously.

Item No. 12

Item No. 12 was to discuss, consider, and take action as necessary regarding the

Boundary Fence Project within the Lake Pointe Subdivisions. Kent O'Brien and Cathy Mitchell with Jones|Carter updated the Board on the progress of the project. Mr. O'Brien introduced himself and Cathy Mitchell. He discussed how they would continue on behalf of Jason Baze who had left Jones|Carter for a different position.

Mr. O'Brien stated that Travis County Environmental had approved the project including the waiver from a fiscal note from the District. He stated that we are still waiting on comments from Travis County Engineering. Mr. O'Brien discussed the issues with the sight line easement at Lake Stone Drive. President Knuff noted that Director Salgo had forwarded the letter to the HOA. Director Salgo stated that he had also mailed the letter to the affected resident. President Knuff stated he would make a visit to the property owner to ensure they had received the District's letter.

Regarding the project, Design Workshop is continuing to develop the landscaping plan, and Jones|Carter is working to ensure that nomenclature is consistent between the plans. Plans should be 90% complete by May 21, 2021. Jones|Carter has a few minor questions that will be sent to the Subcommittee. Mr. O'Brien stated he believes the project will be ready for advertisement in early June.

Director Salgo directed Jones|Carter to be mindful of the sequencing for the project, including all vehicle and pedestrian traffic control.

President Knuff updated the Board on the request previously received from The Pointe HOA regarding transfer of the wall at the entrance of The Pointe, including the District's prior direction for The Pointe HOA to obtain all of the easements for the walls. Jim Carpenter with The Pointe HOA stated that The Pointe HOA is now asking the District to donate funds for landscaping restoration. President Knuff suggested that the District obtain a fire hydrant meter to use as a source of water to irrigate landscaping during the Resaca wall project. Director Salgo stated he would coordinate with Jones|Carter to ensure the landscaping is included in the Resaca wall project.

The Board discussed the District's obligation to provide landscaping in the common areas and whether the property proposed for new landscaping was within a public easement. The Board decided to wait until after the District's counsel and counsel for The Pointe can review the easement documents.

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

Item No. 7

Item No. 7 was to discuss, consider, and take action as necessary regarding maintenance of the District's facilities.

District Engineer Tom Hegemier addressed the Board regarding the District Pond Maintenance program. The advertisement in the paper has occurred, and the District is hosting a mandatory meeting next week. Engineer Hegemier stated that Doucet Engineering would make a recommendation on award of the contract at the June Board

meeting.

Operations Manager Swanks updated the Board regarding the outfall at the end of San Benito. He noted that the District had received a bid to remove the impeding brush so that the District's Engineer could investigate the issues with the outfall.

Regarding the ponds on Carlsbad, Operations Manager Swanks noted that the recirculation pump as well as the pump between the ponds had stopped working. He also noted that a homeowner trimmed trees at Fairfax Ridge within the Preserve. Director Salgo suggested that the District send a letter to the homeowner regarding the violation of the District's Preserve Rule.

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

Item No. 10

Item No. 10 was to discuss, consider, and take action as necessary regarding the Preserve, including the possible engagement of a design team for a future dock. Jim Norris presented two different proposals for the design team for the future dock, including the permit coordinator, environmental surveyor, and a structural engineer. The Board discussed the proposals as presented.

At 8:51 p.m., President Knuff announced that the Board would convene in Executive Session to receive legal advice from counsel under Section 551.071 of the Texas Government Code to receive legal advice from counsel.

At 8:57 p.m., President Knuff reconvened the meeting in open session announcing that the Board took no action and made no decisions in executive session.

President Knuff made a motion to approve engagement of the team for an amount up to \$18,500 for preparation of dock plans for submittal to the City of Austin for a permit. Without a second, the motion failed.

President Knuff asked the Board if there are any measures or information that Mr. Norris could provide the Board to move the project forward. The Board discussed the possibility of having a community discussion about replacement of the swim dock and construction of a boat dock at the next Board meeting.

President Knuff resubmitted his motion to approve the engagement of the design team for an amount not to exceed \$18,500. Director Salgo seconded the motion, and it **PASSED** 4-1 with Director Handsel voting against.

President Knuff informed the Board that someone drove on the fire road to the backside of the dam below the pond at the Community Center.

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

Item No. 8

Item No. 8 was to discuss, consider, and take action as necessary regarding landscape services within the Lake Pointe Subdivision. Blake Foree with Landscape Resources provided the Board with an update on the status of the landscaping. He stated that Landscape Resources had completed the rejuvenation projects.

He presented a proposal for clearing the brush at the end of San Benito for an amount not to exceed \$3,825 and a proposal for tree trimming at the Bayton entrance for an amount not to exceed \$400.

Director Salgo stated that there is a dead oak tree on Sonoma between Normandy Ridge Lane and Fowler Drive. President Knuff asked Landscape Resources to determine if there are other trees that need to be removed. He also asked when Landscape Resources would resume mowing the Bee Cave right-of-way. Mr. Longbons stated that Landscape Resources would resume mowing as soon as the area dries from the recent rains.

President Knuff made a motion to approve the proposals as presented. Director Salgo seconded the motion, and it **PASSED** unanimously.

Josiah Longbons mentioned continuing issues with the controller operating the landscaping along Resaca Blvd.

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

Item No. 5

Item No. 5 was to review and approve minutes of the April 8, 2021 regular meeting. President Knuff made a motion to approve the minutes. Director Salgo identified several issues that needed review and confirmation. Counsel Wilburn suggested postponing the item until next meeting so he could review the meeting recording. President Knuff withdrew his motion. The Board took **NO ACTION** on this item.

Item No. 6

Item No. 6 was to discuss, consider, and take action as necessary regarding the District's financial reports and payment of bills and invoices. Vice-President Salgo made a motion to pay the invoices as presented. President Knuff seconded the motion, and it **PASSED** unanimously.

Item No. 9

Item No. 9 was to discuss, consider, and take action as necessary regarding ongoing activities of the West Travis Co Public Utility Agency ("PUA"). President Knuff stated that Mr. Bethke could not attend due to his travels. Mr. Bethke did inform President Knuff that the PUA Board will start the planning phase for the Capital Improvement Program and the associated Impact Fees in June 2021.

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 website. President Knuff asked Director Handsel to provide a photo and biography for inclusion on the District's 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. 13

Item No. 13 was to discuss Future Agenda items. The Board also discussed the possibility of meeting in person in the future.

Item No. 14

Item No. 14 was Adjournment. President Knuff made a motion to adjourn the meeting. Vice-President Salgo seconded the motion, and it **PASSED** unanimously.

PASSED, APPROVED, AND ADOPTED this 10th day of June 2021.



(DISTRICT SEAL)

Frederick W. Goff, Secretary

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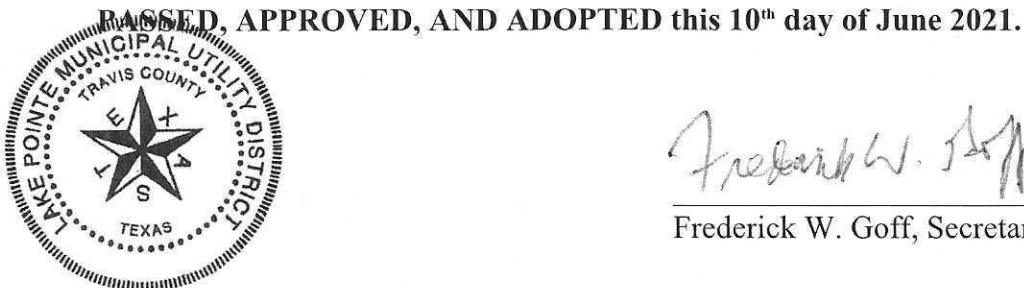
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