

LAKE POINTE MUNICIPAL UTILITY DISTRICT

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS

July 8, 2021

The Board of Directors of Lake Pointe Municipal Utility District (the "District") met in person in a regular session on July 8, 2021 at 7:00 p.m., open to the public. The District posted a copy of the notice of meeting, attached as "Exhibit A."

President Knuff called the meeting to order at 7:04.

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 except Director Salgo, who joined the meeting via videoconferencing. Also, in attendance were William Swanks with TUMCO; Josiah Longbons and Blake Foree of Landscape Resources; Randall Wilburn and Grayson McDaniel with The Carlton Law Firm; Bob Habibi with The Pointe HOA; Cathy Michell with Jones|Carter; and Pat Sinnott and Jim Norris.

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. 11

Item No. 11 was to discuss, consider, and take action as necessary regarding the Boundary Fence project within the Lake Pointe Subdivisions. Josiah Longbons of Landscape Resources addressed the Board regarding the landscaping and irrigation portion of the Pointe wall project. Mr. Foree had received comments from District residents about the Pointe wall, including requests for the Board to take into consideration ways to keep children safe who wait for the school bus at the bus stop near the fence.

Landscape Resources created a concept for the landscaping and irrigation part of the Pointe

wall project, noting that the concept can change as the materials are evaluated and as the project moves on. Their concept proposes using gravel along the fence to prevent erosion, and to accentuate areas throughout for beautification. Mr. Longbons said there would first need to be a preparatory work phase, involving grading, removal of uneven soil, and preparing a base around the perimeter of the wall. Next, the hardscaping and building phase would be completed, and finally, a third phase involving adding plant material.

Mr. Wilburn asked Mr. Longbons whether the concept had been presented to the Board, and Mr. Habibi, representing the Pointe HOA, said that it had. Mr. Wilburn asked Mr. Longbons and Mr. Habibi about financing the project. Mr. Habibi stated he thought that since the Pointe HOA was taking the expense for constructing the Pointe wall, then the District would pay for the landscaping and irrigation, which Landscape Resources quoted as approximately \$59,765.

As an aside, Director Hansel asked if the tree stumps to be removed as part of the Pointe wall project were included in the \$16,000 quote received for tree-stump removal due to winter storm damage that had been presented at the last regular meeting. Landscape Resources responded that the two projects addressed different trees.

President Knuff moved to approve the proposal for \$59,765 for Landscape Resources' concept for landscaping around the Pointe as part of the Pointe wall project. Director Rew-Hunter asked whether there was a total amount agreed on, and President Knuff said confirmed that amount as \$50,000. Director Rew-Hunter seconded President Knuff's motion. The Directors continued to discuss the motion.

President Knuff asked Mr. Longbons whether irrigation was included in the \$59,765 concept. Mr. Longbons said irrigation is part of the estimated cost, as irrigation will be moved and replaced as needed to irrigate the new landscaping.

Director Handsel asked if there were any plans for seating for children waiting for the bus included in Landscape Resources' concept. Mr. Habibi said there were a couple of stone benches and a cubby included for that purpose.

Director Salgo stated that the District may desire to have an ownership interest in the boundary-fence area. Mr. Habibi noted that the landscaping and irrigation would be located in a common area or within the landscape easements. Mr. Habibi said whatever money the Pointe HOA had on hand for the project was spent on the wall reconstruction.

President Knuff said that the original request was to repair the entire wall, and that the Pointe HOA had done everything that the District had requested. President Knuff said that he thought a third was way too low.

Director Salgo asked if the Board was agreeing to the \$50,000. President Knuff said yes. Director Salgo asked whether the Pointe HOA would pay the remaining balance of \$9,765 and stated that he would agree to that if so moved.

Mr. Habibi asked for reconsideration of the \$59,765, explaining that \$50,000 had been a ballpark estimate and the actual cost would be \$59,765. He stated that the understanding between the Pointe HOA and the District was to pay for a specific project, not for a specific dollar amount.

President Knuff then amended his prior motion, proposing that the District approve the landscaping and irrigation project and pay \$54,882.50, which is an amount halfway between \$50,000 and \$59,765. Director Salgo asked where the figure came from, and President Knuff explained that he chose the amount that was halfway between \$50,000 and \$59,765. Director Rew-Hunter seconded the amended motion, and the motion **PASSED** unanimously.

Mr. Swanks asked how the District proposed to fund the \$54,882.50 for the landscaping and irrigation for the project. Director Rew-Hunter noted that the District is a third of the way through the fiscal year and a lot of budgeted money remained. Mr. Swanks noted that there were wall beautification funds that could be allocated and landscaping funds could be allocated. He proposed assigning the funds spent on the project to "Subdivision Improvements." The Board took no further action.

Next, Cathy Mitchell with Jones|Carter made a presentation regarding the Resaca Boulevard fence replacement to the Board. Kent O'Brien was not present as he is on vacation. Ms. Mitchell noted that using a design-build method for the Resaca Boulevard fence replacement was discussed at the last regular meeting, but that Mr. Wilburn was correct that the District was not permitted to use design-build under Texas law.

Ms. Mitchell proposed that the District use an alternate construction method. She proposed that the Board consider soliciting both a "bid as designed" and a "bid as an alternate construction" from vendors. "Bid as designed" is very specific, while "bid as an alternate construction" would include design parameters but allow for more leeway for design and pricing. Director Rew-Hunter asked Ms. Mitchell what the alternative construction method would be. Ms. Mitchell explained that with the first method, each design is the same. With the second, the designs can vary along certain lines.

Pat Sinnott said that she was very supportive of the "bid as an alternate construction" approach. Ms. Sinnott is in favor of getting a high-end and low-end type bids to give the District additional options to consider. Mr. Wilburn then explained some ways that the alternate construction method can allow for use of different designers.

Ms. Mitchell stated that at the last regular meeting, she and Mr. O'Brien proposed that the District solicit bids for the landscaping and irrigation part of the project separately. Director Salgo agreed and stated that he hoped that the phases could run concurrently so that they were completed at about the same time. He also stated that coordination language would be needed to be included in the bidding documents, and that the District, as the paying party, would need to be involved in creating the bid documents, so that the vendors would not be surprised by there being more than one vendor working on the project at the same time. Ms. Mitchell agreed with the need to be specific at the outset.

Director Salgo asked Ms. Mitchell if there was already a specific design for irrigation and landscaping. Ms. Mitchell said that there was for landscaping and that the irrigation design was being prepared.

Director Salgo asked for feedback from Landscaping Resources. Mr. Foree said they were working with Director Salgo to discuss whether there would be trenching along the fence, noting that including lateral waterlines would make sense. Director Salgo said that providing diagrams in the bid documents would be helpful, and suggested providing that information to Jason, former project engineer with Jones|Carter. Director Salgo suggested including diagrams as informational in the bid documents.

Mr. Longbows said that it would be helpful to receive the improvement design to facilitate the design of the irrigation. He noted that the points mentioned by Mr. Foree are basic, but without a design, estimating a firm price would still be too difficult. Ms. Mitchell said she would have the landscape architect send the landscape design to Landscape Resources.

Director Salgo said he is prepared to meet with Jones|Carter and Landscape Architects to prepare the bid documents and proposed doing that next week. Ms. Mitchell agreed. Director Salgo said the landscape designer should be part of the meeting, too. Ms. Mitchell proposed sending the information she had to Director Salgo and Landscape Resources to make the meeting productive and concise, and Mr. Longbows agreed.

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 landscape services within the Lake Pointe subdivision. The Board received a report from Mr. Longbows about status of current projects. Mr. Longbows noted that one area had been without irrigation for a year but was now being irrigated. Mr. Longbows reported that he and Mr. Foree needed guidance for fine-tuning irrigation in that area, but all other projects were up to date.

Mr. Foree reported that the tree-removal project relating to winter storm damage was scheduled for next week, likely beginning Wednesday and ending Thursday. He and Mr. Longbows noted that the Board had wanted to wait until after July 1 to remove the trees, so that is why they scheduled the project at that time.

Mr. Foree also told the Board that work had been done on Resaca. Mr. Foree said Landscape Resources was going to schedule cleanup on the pond in the next week. Mr. Longbows provided the Board with an update spreadsheet of ongoing landscaping tasks. Director Salgo asked if the updated spreadsheet could be included in each monthly meeting package. President Knuff asked Mr. Swanks to add the link to the spreadsheet to the Board emails.

President Knuff asked Mr. Foree about bamboo-removal. Mr. Foree said the bamboo in

question extended beyond the property line of a resident and was removed but could grow back. Mr. Swanks asked what could be done to treat the bamboo chemically. Mr. Longbows and Mr. Foree said they could research it, but the Board had to consider chemical runoff that could run into the creek.

Mr. Foree asked if the Board planned to repair the gabion wall, and the Board said it would look into the issue.

Director Handsel complimented the mowing. Ms. Sinnott asked about the mowing schedule for the common area between Bayton and Normandy Ridge, as it looked unkempt. The Landscape Resources representatives said they would investigate it. Ms. Sinnott said one area they mowed near Arven looked good.

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

Item No. 9

Item No. 9 was to discuss, consider, and take action as necessary regarding the Preserve. Jim Norris addressed the Board regarding the work of Stephen Hawkins with Aqua Permits. Mr. Norris stated Mr. Hawkins had the site plan for the dock almost finished, and he would meet with Mr. Hawkins to review it. Mr. Norris said mailing Mr. Hawkins his \$5,000 retainer fee was fine, if the Board has sufficient information to pay the retainer. Mr. Hawkins did not attend the meeting.

President Knuff noted that posts on the website Nextdoor.com stated that a couple of residents had cut their feet on zebra mussels on the current dock, and that his daughter had cut her feet on mussels there, as well. President Knuff had mentioned this concern to Mr. Wilburn, and Mr. Wilburn said he and Ms. McDaniel would research the District's potential liability for such incidents, if any. President Knuff suggested adding a sign by the dock warning of the hazard of zebra mussels there. Ms. Sinnott noted that there was a chemical being put in the water near an intake to prevent zebra mussels, so the Board should also find out what chemicals were being included in the water. President Knuff and Mr. Norris proposed considering if the mussels could be removed by grinding them down or otherwise. President Knuff asked Mr. Swanks to work with Ms. McDaniel on the sign language for the next meeting.

Mr. Norris said he would update the Board on the work Mr. Hawkins was doing on the dock design at the next meeting.

Director Handsel asked President Knuff what Mr. Norris's role was in the dock project. President Knuff said Mr. Norris was doing the work to get a city permit in place to present both a swim platform and a swim platform with a boat dock for future consideration by the community. Mr. Norris began the group "Friends of the Preserve" about six years ago and realized they could potentially do something to improve the existing dock. He had worked on the idea since that time. Mr. Norris was a prior board member of MUD 3 and of Lake Pointe MUD.

Director Salgo said the Board needed to have a public hearing before moving forward with plans on the dock. President Knuff agreed.

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

Item No. 4

Item No. 4 was to review and approve minutes of the June 10, 2021 regular meeting. President Knuff made a motion to approve the minutes. Director Salgo seconded the motion. President Knuff asked if there were any revisions to be made. Director Handsel noted a typo on page 1. President Knuff called the vote, and the motion **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. Mr. Swanks stated the only bills to be considered were in the meeting packet. President Knuff made a motion to pay the invoices as presented. Director Rew-Hunter 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 Stormwater Basin Maintenance Project.

Operations Manager Swanks stated that the landscapers were preparing to begin work on the project approved a couple of months ago. DigDug would start work on the District Pond Maintenance Project ponds on Monday.

Operations Manager Swanks stated that the project for San Benito would likely be pushed to next year. Operations Manager Swanks said that he asked the County about putting steel bollards at the end of San Benito Court to prevent drivers running off the road.

Operations Manager Swanks installed all signs for oak wilt advising when tree-trimming would minimize the spread of oak wilt. He talked with Steve Jones of Murphy Engineering today regarding removing the silt fence along the PUA raw water line project. The county did not say whether the contractor could remove the sit fence. Steve Jones left it with Cash Engineering to say whether to pull out the silt fence but has not heard from them on whether they will do that.

President Knuff asked if the irrigation controller in the area needed to be turned on and off, and Operations Manager Swanks said they did. Operations Manager Swanks said it's a highway right of way that the District waters and maintains, but the District may not be able to ask peach sellers not to park there, though the grass will not grow while they do.

Ms. Sinnott asked if Cash Construction was going to power-wash the boundary wall for Bee Cave. President Knuff said he could ask Jennifer to do this when Cash left.

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

Item No. 8

Item No. 8 was to discuss, consider, and act as necessary regarding ongoing activities of the West Travis Co Public Utility Agency ("PUA"). President Knuff stated that he did not have any update from Mr. Bethke.

Director Salgo said he was concerned that Mr. Bethke was not representing the District's interests. The PUA is considering significant capital improvements, and Director Salgo hoped that the PUA's board was interested, and that Mr. Bethke was being a forceful advocate for the MUD's interests. He noted that Mr. Bethke has not attended the last four or five board meetings. Director Salgo asked President Knuff to ask Mr. Bethke if he was attending the PUA meetings and report back.

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. 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 2021-22 District budget and tax rate. The Board postponed the discussion until the next Board meeting. 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. Director Salgo proposed considering the budget for next year at the next meeting, and the directors agreed. The Board took **NO ACTION** on this item.

Item No. 14

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

The meeting was adjourned at 8:37 p.m.

PASSED, APPROVED, AND ADOPTED this 12th day of August 2021.


Frederick W. Goff, Secretary

(DISTRICT SEAL)

