

LAKE POINTE MUNICIPAL UTILITY DISTRICT

**MINUTES OF A MEETING OF
THE BOARD OF DIRECTORS**

August 26, 2021

The Board of Directors of Lake Pointe Municipal Utility District (the “District”) met in a special meeting, open to the public, over Zoom videoconference, on August 26, 2021 at 7:00 p.m. The District posted a copy of the notice of meeting along with associated certificates, attached as “Exhibit A.”

President Knuff called the meeting to order at 7:02 p.m.

Item No. 1

Item No. 1 was to Call to Order and Establish Quorum. All of the Board of Directors were present:

Director Steven Knuff
Director Robert Salgo
Director Fred Goff
Director Jason Rew-Hunter
Director Penny Handsel.

Also in attendance were William Swanks with TUMCO, Kent O’Brien with Jones|Carter, and Randall Wilburn and Grayson McDaniel with the Carlton Law Firm.

Item No. 2

Item No. 2 was to discuss, consider, and take action as necessary regarding the Boundary Fence project within the Lake Pointe Subdivisions, including possible authorization to proceed with the project bid process. Mr. O’Brien informed the Board that the Resaca Boulevard fence replacement project was ready to move forward to the bidding phase. The landscaping and irrigation will be a separate project, to be coordinated with the Pointe HOA. The next step in the Resaca Boulevard fence replacement project is to approve putting out the draft bid proposal, included in the Board packet, out for bid.

Mr. O’Brien and Director Salgo discussed the advertisement date, and Director Salgo emphasized that the advertisement should occur as soon as possible

Director Salgo asked why Jones|Carter removed the arbitration provision from the draft contract. Mr. O’Brien explained that Jones|Carter recommended removal of the arbitration provision because the provision incentivizes contractors to bring less-serious claims from the contractor because arbitration is relatively simple and inexpensive. Director Salgo also agreed that the provision would be better removed.

Mr. O’Brien noted that the Pointe HOA was committed to being the interface between the residents and the contractor, but due to the nature of the project, property owners and workers would likely interact. Mr. O’Brien suggested adding a provision to the effect

before moving to a phase that will expose a resident's yard or tear down their fence, for example, that the contractor must give the Pointe HOA notice of two weeks—or other time period—for the Pointe HOA to communicate with the resident to avoid unnecessary surprise. Director Salgo said he would work with Jones|Carter and the HOA on this issue.

Director Salgo moved to authorize Jones|Carter to move forward with bid proposal and documents with Director Salgo's comments as modified by Jones|Carter. Director Rew-Hunter seconded the motion. President Knuff asked for further comment. After no comment, President Knuff called for a vote, and the motion **PASSED** unanimously.

Mr. O'Brien and Director Salgo briefly discussed the landscaping and irrigation plans and the changes being made to those, as well as the submittals that would be made regarding the wall.

The Board took NO FURTHER 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 Boundary Fence Project.

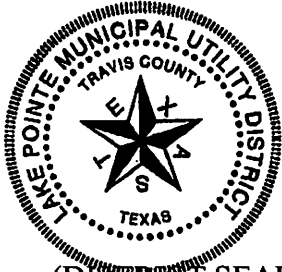
The Board did not meet in executive session.

Item No. 3


Item No. 3 was Adjournment. President Knuff moved to adjourn the meeting. Director Salgo seconded the motion. The motion **PASSED** unanimously.

The meeting was adjourned at 7:55 p.m.

PASSED, APPROVED, AND ADOPTED this 16th day of September 2021.



(DISTRICT SEAL)


Frederick W. Goff, Secretary