

**LAKE POINTE MUNICIPAL UTILITY DISTRICT**  
**Minutes**  
**September 8, 2022**

The Board of Directors of Lake Pointe Municipal Utility District held a regular meeting, open to the public, at 7:00 pm on Thursday, September 8, 2022, inside the boundaries of the District, at the Lake Pointe Community Center, 11700 Sonoma Drive, Austin, Texas 78738, for the following purposes:

President Salgo called the meeting to order at 7:01 p.m. The following members of the Board were present:

Robert Salgo	President	Present
Penny Handzel	Vice-President	Present
Jody Flaws	Secretary/Treasurer	Present; left meeting at 9 p.m.
Terry Elam	Director	Present
Jason Rew-Hunter	Director	Absent

Also in attendance were William Swanks with TUMCO, Kelli Carlton with The Carlton Law Firm, Josiah Longbons and Blake Foree with Landscape Resources, and members of public.

**PUBLIC COMMENT**

**Item No. 1. Receive communications from the public on items not listed on the posted agenda.** No public comment.

**Item No. 2. Public comment on agenda items.** No public comment.

**PUBLIC HEARING AND TAX RATE ADOPTION**

**Item No. 3. Conduct a public hearing on the District's proposed tax rate.** President Salgo formally called the public hearing to order at 7:02 p.m. There were no public comments regarding the proposed tax rate. President Salgo then moved to close the public hearing, and Director Elam seconded. The public hearing was closed at 7:03 p.m.

**Item No. 4. Discuss and consider taking action regarding the District's budget.** The Board discussed the proposed budget at length and amended the proposed budget. Director Flaws moved to approve the amended budget at \$1,076,000.00 and the Resolution Adopting Budget. Director Elam seconded. The motion carried 4-0.

**Item No. 5. Discuss and consider the District's 2022 tax rate, adopt an Order Levying Taxes, and authorize filing the Order with Travis County Tax Assessor/Collector.** Director Flaws moved to approve \$0.15076/\$100 as the Maintenance and Operations tax rate. Director Elam seconded. The motion carried 4-0. Director Elam moved to approve \$0.045/\$100 for the

MUD5 debt tax rate. Director Flaws seconded. The motion carried 4-0. Director Flaws moved to approve the Order Levying Taxes and authorize the filing of the Order Levying Taxes and Information Forms. Director Handsel seconded. The motion carried 4-0.

## REPORTS AND COMMITTEE MATTERS

**Item No. 6. Receive landscape maintenance report and discuss, consider, and take action as necessary regarding landscape services, including:**

- a. Execution of the FY23 landscape services contract.** No action
- b. Discussion on proposed contract.** The Board discussed the proposed contract with Josiah Longbons. Kelli Carlton suggested an amendment to the current contract that would also contain required Government Code sections. Discussion followed regarding the budget line item for landscape work. Ms. Carlton stated the FY22 budget can be amended at the next meeting.

Tabled. This item will be considered at the October meeting.

- c. Boundary wall repairs along Bee Cave Road.** Discussed in Item 9 below.

Landscape Resources, Inc. (LRI) provided several proposals for landscaping work.

1. Director Elam moved to approve the tree uplift proposal for the Napa Pond area for \$1,400.00. President Salgo seconded. The motion carried 4-0.
2. Director Elam moved to approve the Napa Pond clean-up proposal for \$3,845.00. Director Salgo seconded. The motion carried 4-0.
3. Director Elam discussed the removal of a diseased tree and stump near Carlsbad Pond and raising the canopy of trees at the pond. Director Handsel asked if the diseased tree could be saved, and there was discussion regarding saving the tree. Director Elam moved for the Facilities subcommittee chair to work with LRI toward saving the tree, at an amount not to exceed \$4,250. President Salgo seconded. The motion carried 4-0.
4. Director Elam recommended removing the grapevines from the chain link fencing at all ponds in the District. Director Elam moved to approve the \$1,400.00 proposal for the removal of the grapevine from the chain link fence. President Salgo seconded. The motion carried 4-0.

The Board then discussed at length a proposal for landscaping work at Napa Pond. Mr. Longbons provided a conceptual sketch of the proposed work. The Board discussed proposed requirements for projects exceeding \$25,000.00 with Ms. Carlton. The Board discussed the need for irrigation to be included with the landscaping proposal. President Salgo suggested engaging a landscape architect to create documents for bidding. Discussion followed regarding engaging a landscape

architect and preparing a Request for Qualifications for a landscape architect to help with District landscaping projects.

Director Elam moved to pay LRI for the conceptual design work completed in an amount not to exceed \$1,000. Director Flaws seconded. The motion carried 4-0. Director Handsel moved to create a Request for Qualifications for a landscape architect for District landscaping projects. Director Flaws seconded. The motion carried 4-0.

**Item No. 7. Receive update from the Lake Pointe Homeowners' Association ("HOA") and take action as necessary.** Report in meeting packet. No additional report.

**Item No. 8. Receive report from West Travis County Public Utility Agency ("PUA") representative and take action as necessary, including.**

**a. Appointment of members to the PUA.** Discussion on the nominations and bylaws of the PUA. Ms. Carlton provided information to the Board on the proposed reappointments of Scott Roberts and George Garza to the PUA. The Board discussed the reappointments. President Salgo moved to approve the reappointments of Scott Roberts and George Garza. Director Flaws seconded. Additional discussion followed on the nomination and the bylaws of the PUA. The motion carried 3-0-1. Director Handsel abstained.

**Item No. 9 Receive report from committees and discuss, consider, and take action as necessary regarding committees, committee structure and assignments, committee responsibilities, and any proposals presented by the committees, including:**

**a. Facilities Committee**

**i. General maintenance.** Director Salgo presented pictures of a section of wall that needs maintenance and described the repairs that are shown in the pictures in the packet. Director Salgo stated that one wall located at the school property is deteriorated and has missing rocks along the bottom. Two companies responded to the proposals, one bid of \$10,500 from Edward Dominguez and one from Jim Connally for \$5,500. Director Elam moved for Board to approve the bid of \$5,500.00 for repairs to the wall. President Salgo seconded. The motion carried 3-0.

The Board then discussed replacing the irrigation pump for the raw water system. The irrigation pump failed. William Swanks said a replacement pump is \$3,427.31 if ordered or an additional \$2,000 for a pump that is currently in stock. Director Elam moved to authorize Mr. Swanks to find the best solution for getting water to the landscaping at an amount not to exceed \$5,500.00. President Salgo seconded. The motion carried 3-0.

Mr. Swanks noted runoff behind the community center and proposed adding additional dirt to address the erosion. Mr. Swanks will ask LRI for a proposal for that work.

**ii. Lighting proposal for Resaca entrance;** Discussion on the location of conduit for lighting and whether there is enough conduit for new lights. Director Elam moved approval of the landscaping lighting proposal by Outdoor Lighting Perspectives not to exceed the amount of \$4,295. President Salgo seconded. The motion carried 3-0.

**iii. Ongoing Stormwater Basin Maintenance Project;** Repairs will be completed in FY2023. This item will remain on the agenda for future Board discussion.

**b. Finance Committee.** No report.

**c. Preserve Committee**

**i. Issues affecting the Preserve;** No report.

**ii. Roadway access and permit renewal;** No report

**d. Communication Committee**

**i. District's Google account;**

**ii. District's website;**

**iii. Retaining an IT consultant to assist the District with technology issues;**

**iv. Streaming the Board meetings via YouTube or other services;**

Director Elam provided a report for the Communications Committee. The IT consultant's proposal in the agenda packet would cover Items (d) (i-iv) for the District. The IT consultant would help maintain and upgrade the District's website and stream the board meetings. Shay would be used for communications.

Director Elam stated that the IT consultant's proposal is for 10-12 hours per month at \$99 per hour for September 8, 2022 through December 31, 2022. President Salgo moved to approve the IT consultant's proposal through December 31, 2022. Director Handsel seconded. The motion carried 3-0.

Director Elam stated there will also be hardware costs, including a webcam, microphones, lapel microphones, a sound board, and a tripod for a camera. Director Elam moved for approval of the hardware purchase at a cost not to exceed \$2,000. President Salgo seconded. The motion carried 3-0.

## **ELECTION**

**Item No. 10. See Supplemental Agenda for election items.**

**Supplemental Agenda Item 1. Consider approval of an Order Declaring Election of Unopposed Candidates and Canceling November 8, 2022, Director Election; Ms.**

Carlton explained the election-related documents to the Board. Director Elam moved to approve Order Declaring Election of Unopposed Candidates and Canceling November 8, 2022, Director Election. Director Flaws seconded. The motion carried 4-0.

**Supplemental Agenda Item 2. Any other matters in connection with the District’s November 8, 2022, Director Election.** None discussed.

### CONSENT ITEMS

**Item No. 11. Review and approve minutes of the August 11, 2022, regular meeting.** The modifications to the August 11, 2022, minutes are as follows: add “Norris” after Jim’s name in Item No. 15; change “sensor” to “panel cover” in Item No. 14; and change line item 71212 from \$300,000 to \$305,000 in Item No. 8 on the proposed budget. President Salgo moved to approve the minutes as modified above. Director Elam seconded. The motion carried 3-0.

**Item No. 12. Discuss, consider, and take action as necessary regarding the District’s financial reports and payment of the District’s bills and invoices;** Mr. Swanks presented the invoices in the packet and added the following invoices:

1. Aqua Permits	\$10,000 (balance owed on contract amount)
2. PUA	\$1,197.60
3. Travis County	\$516.37
4. Travis County	\$724.07
5. AT&T	\$7,527.00
6. LCRA – Raw water	\$5,010.67
7. The Carlton Law Firm	\$10,999.09
	\$6,053.87
	<u>\$2,791.00</u>
	\$32,867.94

President Salgo moved for approval of the financial report and payment of the invoices as presented and amended by Mr. Swanks. Director Elam seconded. The motion carried 3-0.

### OTHER MATTERS

**Item No. 13. Discuss, consider, and take action as necessary on LCRA approval of “Lake Pointe Boat Docks,” including creating an agreement between the District and the HOA, and take any other related action.** The Board recognized and thanked Jim Norris for his work on the seven-year boat docks project. Ms. Carlton discussed options for moving forward on the project with the Board and Mr. Norris. President Salgo cautioned that permit expires on August 31, 2025, and to be mindful of the date. No action.

**Item No. 14. Discuss, consider, and take action as necessary on District’s historical records and records management.** Ms. Carlton discussed issues with the District’s historical records, the need to know what the records are, and to have the records indexed. This item will be added to Communications Committee section of the Agenda. No action.

**Item No. 15. Discuss, consider, and take action as necessary on an updated District Registration Form for submission.** Item tabled to November Agenda.

**Item No. 16. Discuss, consider, and take action as necessary regarding water storage issues.** Item tabled.

**Item No. 17. Discuss, consider, and take action as necessary regarding the Boundary (Resaca) Fence project within the District, including contract issues with Johnson Services.** Item tabled.

**Item No. 18. Discuss, consider, and take action as necessary regarding the District's five-year strategic plan.** Item tabled.

**Item No. 19. Receive General Counsel report, including, but not limited to, tax matters, pending contract issues, open records requests, litigation, and other legal issues, if any, and take action as needed.** Ms. Carlton provided input on the agenda items above. No additional report.

**Item No. 20. Discuss and consider items for future agenda.** The next meeting will be on October 13, 2022, at 6:00 p.m. The agenda will include an item on the gate and which Committee will be responsible for it.

**Item No. 21. Adjournment.** Director Elam moved to adjourn the meeting. Director Handsel seconded the motion, and the motion passed 3-0. The meeting adjourned at 10:23 p.m.

**ADOPTED this 19<sup>th</sup> day of October, 2022.**



  
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Jody Flaws, Secretary/Treasurer