

**LAKE POINTE MUNICIPAL UTILITY DISTRICT  
MINUTES  
July 31, 2023**

The Board of Directors (“Board”) of Lake Pointe Municipal Utility District (“District”) met in person for a regular meeting on July 31, 2023, at 6:00 p.m., open to the public. The District posted a copy of the Notice of the meeting as required.

President Elam called the meeting to order at 6:02 p.m.

The following Board Members were present, thus constituting a quorum:

Terry Elam	President	Present
Jason Rew-Hunter	Vice President	Present
Jody Flaws	Secretary/Treasurer	Absent
Scott Mincey	Director	Present
David Lewis	Director	Present

Also in attendance were William Swanks with TUMCO, Josiah Longbons and Blake Foree with Landscape Resources, Inc. (“LRI”); Mike Burshnick with Lake Pointe Homeowners’ Association; Kelli Carlton with The Carlton Law Firm; Jennifer Reichers, Eric Morgan and Mike Sarot with West Travis County Public Utility Association; and members of the public.

**PUBLIC COMMENT**

1. **Receive communications from the public on items not listed on the posted agenda.** None.
2. **Public Comment on Agenda Items.** None.

**MINUTES**

3. **Review and approve minutes of the June 8, 2023, regular meeting.** Director Lewis moved to approve the June 8 minutes as presented. Director Mincey seconded the motion. The motion carried 3-0-1, with Director Elam abstaining.

**REPORTS AND COMMITTEE MATTERS**

4. **Receive report from committees and provider representatives and discuss and consider reports, committees, committee structure and assignments, committee responsibilities, any proposals presented by the committees or providers, and take any related action, including:**

**A. Facilities Committee**

- 1) **Landscape maintenance report, including proposals for additional services and project updates.** Director Mincey reported reviewing the trees with Josiah Longbons to determine which trees were in 50% - 75% decline. Director Mincey

reported approximately 40 trees were at 75% decline or greater and needed to be removed. At Director Mincey's request, LRI provided a day rate proposal instead of a per tree proposal for these removals. Director Mincey then discussed a second proposal for pruning the trees at a 50% decline ("die back pruning"). Director Mincey moved to approve the two proposals from LRI. Director Elam seconded the motion, and the motion passed 4-0. Director Mincey suggested the Board assess replanting trees for those removed when the weather improves. For the accompanying budget line items, the Board determined line item "Tree Care" be assessed \$3,000 of the cost and "Subdivision Improvements" cover the remaining balance due on the two approved proposals.

- 2) **General maintenance.** Mr. Longbons discussed the proposal titled "Miscellaneous Removal" with the Board. Director Elam moved to approve the "Miscellaneous Removal" proposal. Director Lewis seconded the motion, and the motion passed 4-0. Mr. Longbons also discussed the proposal "Resaca Tree Canopy Lift" in the amount of \$4,500 with the Board. Director Mincey moved to approve the "Resaca Tree Canopy Lift" proposal. Director Elam seconded the motion, and the motion passed 4-0. Mr. Longbons stated all work approved at this meeting would take about one to one and one-half weeks to complete.

President Elam mentioned volunteers have been trimming vegetation overgrowth at the Preserve stairs.

- 3) **Ongoing Stormwater Basin Maintenance Project.** No report.
- 4) **Kayak storage.** No report, tabled.
- 5) **Landscape services contract, should changes be necessary.** No action.
- 6) **District's construction deposit rules.** Ms. Carlton will have the redrafted rules for consideration at the August meeting. Director Elam moved to maintain the current rule in the interim, but pause enforcement until a new rule is adopted and communicated to the residents. Director Rew-Hunter seconded the motion, and the motion passed 4-0.

## **B. Outreach Committee**

- 1) **Collaboration with the West Travis County Public Utility Agency ("WTCPUA") on water, water transmission, water storage, and related issues, including:** Jennifer Reichers with WTCPUA provided an update on the tower installations. Ms. Reichers presented information for towers at four lift stations. Mike Savot discussed the towers, stating that all are below 25 feet tall. He explained the towers are triangular, with an approximate 18-inch diameter and a small antenna on the top. Mr. Savot reported the tower at Lift Station #2 will be moved back to make it less visible from the street, which will then also require an eight-foot fence around the tower location and a four-by-four concrete pad for the tower. Mr. Savot mentioned work moving the tower at Lift Station #2 will begin in the middle of August. Mr. Savot then reported WTCPUA will replace the existing tower at Lift Station #3, will add a tower at Lift Station #7 at the current

location, and will add a tower at Lift Station #6. Director Rew-Hunter asked about painting the towers to blend with the surroundings and vegetation replacement around the tower locations and Mr. Savot responded he will investigate those questions.

Ms. Reichers reminded the Board that WTCPUA is at Stage 3 watering restrictions. Ms. Reichers discussed water consumption and drought issues with the Board. Director Elam suggested the District and WTCPUA investigate changing the District's watering source to treated effluent. Director Elam moved to continue the conversation with WTCPUA on irrigating with treated effluent. Director Lewis seconded the motion, and the motion passed 4-0. Ms. Reichers mentioned golf courses take the treated effluent in the summer months, so there is not a lot of extra effluent in the summer. She added that in winter, the effluent builds up, and no one takes it. Director Mincey asked about the project to address the sewer gas smell. Ms. Reichers said work is ongoing but mostly complete and asked him to call her if the smell returns.

- a. **Receive update from WTCPUA representative.** The WTCPUA representative's latest email report was in the Board packet. No additional report.
- b. **Appointing a new WTCPUA representative.** Tabled.

2) **Collaboration with the Lake Pointe Homeowners' Association ("LPHOA"), including:**

- a. **Receive update from LPHOA representative.** Mike Burshnick reported the HOA is obtaining bids to replace the playground equipment at Napa Park. Mr. Burshnick mentioned the pool will close for a few months this winter because of the lack of use, which will also save some life on the pool pumps. Mr. Burshnick informed the Board that LPHOA is discussing removing the pool showers because of non-use and high maintenance costs. Director Lewis mentioned the pool lighting is not coming on consistently.
- b. **Resaca and Sonoma Boundary Fence Project.** Mr. Burshnick discussed the progress on this project and noted a fence sample will be set up for the public to view, and asked if the District would participate in the new fence cost. No action.
- c. **Lake Pointe Boat Docks Project.** *See* item 4G, below.
- d. **Collectors' Corners.** Tabled.
- e. **Storm Remediation.** William Swanks reported the last invoice from the storm remediation was paid. The approximate total project cost was \$132,000. The District was responsible for 50% of the cost, which totaled approximately \$65,000. This item will be removed from the agenda. No action.

- 3) **Collaboration with other governments and private entities on issues affecting the District.** No action.

### C. Finance and Audit Committee

- 1) **Budget amendments, if any.** Director Elam discussed amending the budget line item for storm remediation to \$66,000 and reallocating the remaining \$34,000 in the line item to another budget line item. The item was tabled.
- 2) **Obtain or renew Directors' bonds.** Mr. Swanks reported the Director bond invoice was paid. This item will be removed from the agenda. No action.
- 3) **Obtain new service provider for banking and investing and authorize changing depository account with Travis County.** Director Lewis discussed the District's relationship with UBS and PNC Banks. Director Lewis said the committee suggests bringing investing and banking into one location at Frost Bank for convenience and to avoid charges on trades. Director Lewis moved that the District's brokerage account be moved from UBS to Frost Investments and the District's banking be moved from PNC Bank to Frost Bank. President Elam seconded the motion, and the motion passed 4-0. Director Lewis said the committee's goal is to help the District eliminate writing checks. Ms. Carlton discussed the District's investment policy, noting that Frost Bank is already listed as an approved bank on the District's investment policy.
- 4) **District's five-year strategic plan.** The Board discussed ideas for a five-year plan, including the following topics: treated effluent for irrigation; the recreational dock; playscape replacement at Vista Pointe Park and Napa Park; replacing the canopy and fence at Vista Pointe Park; adding pickleball courts; work on the firebreak; and work on the trail. No action.
- 5) **Approve the District's financial reports and payment of the District's bills, invoices and Directors' fees.** Mr. Swanks paid invoices that would have been late because of the late meeting in July. Director Elam moved to approve the bills paid by Mr. Swanks, and the remaining invoices and Director fees presented. Director Rew-Hunter seconded the motion, and the motion passed 4-0.
- 6) **Review and approve quarterly investment report for 2<sup>nd</sup> quarter.** The Board discussed the District's investments. Director Lewis mentioned the District has \$3.169 million in investments which are almost all in treasury bills. Director Lewis moved for approval of the investment report as presented. Director Elam seconded the motion, and the motion passed 4-0.
- 7) **Authorize payment of West Travis County MUD 5 bond debt due September 1, 2023 and early payoff of remaining West Travis County MUD 5 bond debt maturing September 1, 2024.** Director Lewis reported there are two payments on bonds outstanding. Mr. Swanks said approximately \$367,000 is outstanding on the original MUD 5 debt. The Board discussed the debt and the impact it has on residents. Director Lewis moved to approve early payment of the 2024 bond payment and timely payment of the 2023 bond payment with required notices for

same. Director Rew-Hunter seconded the motion, and the motion passed 4-0.

- 8) **Appointment of additional investment officer.** Ms. Carlton discussed the investment officer position with the Board. No action taken.
- 9) **Engage Maxwell Locke & Ritter to conduct the Fiscal Year 2023 Audit.** Director Elam moved to engage Maxwell Locke & Ritter for the FY2023 audit. Director Rew-Hunter seconded the motion, and the motion passed 4-0.
- 10) **Consider taking action regarding 2023-24 budget.** Ms. Carlton discussed the budget requirement with the Board. Director Lewis suggested an operating budget of \$1,050,000 up to \$1,100,000 for Fiscal Year 2024. The committee will continue to work on the budget. No action.
- 11) **Consider taking action regarding 2023 tax rate, including:**
  - a. **Establishing proposed tax rate and taking record vote.** Ms. Carlton discussed the tax rate calculations with the Board. Director Elam moved to propose a tax rate of \$0.1402 as the 2023 tax rate, which is just under the calculated Voter Approval Rate. Director Lewis seconded the motion. The record vote was: Elam -aye; Mincey - aye; Rew-Hunter – aye; and Lewis – aye. The motion passed 4-0.
  - b. **Authorizing expense and publication of “Notice of Hearing on Tax Rate” in the newspaper.** Director Lewis moved to approve publication of the Notice of Hearing on Tax Rate in the newspaper. Director Elam seconded the motion, and the motion passed 4-0.
  - c. **Acknowledging and approving posting tax notices as required.** Director Elam moved to approve posting the tax notices as required. Director Rew-Hunter seconded the motion, and the motion passed 4-0.

#### **D. Preserve Committee**

- 1) **Habitat Conservation Plan.** Tabled.
- 2) **Issues affecting the Preserve.** Director Elam reported on unauthorized access to the Preserve after hours. Individuals are vandalizing the Preserve gate to obtain access. Mr. Swanks said the signs at the Preserve gate have been replaced. The signs provide Preserve hours. The recent vandalism to the Preserve gate has been repaired, and the pickets have been replaced. Director Elam mentioned the teens responsible for the recent vandalism have performed community service in the Preserve, removing trash and trimming vegetation. Mr. Swanks said the total Preserve gate repair will be approximately \$4,850 and the District will be reimbursed by the teens’ parents. The Board discussed upgrades to the Preserve gate lock and pedestrian walkway. Mr. Swanks will obtain a proposal from Access Controls.
  - a. **Discuss the parameters and possible action approving a policy for removing trees and establishing fire breaks.** Mr. Swanks provided the current guidelines to the Board on firebreak work. Director Elam asked Mr.

Swanks for a schedule on firebreak work from September to February. No action.

- 3) **Roadway access and permit renewal.** Tabled.
- 4) **Friends of the Preserve.** Tabled.

**E. Communication Committee**

- 1) **District's digital account updates, if necessary.** Brief discussion; no action.
- 2) **District's website, IT issues, and ongoing requests.** Tabled.
- 3) **District's historical records and records management.** Tabled.

**F. Procurement Committee**

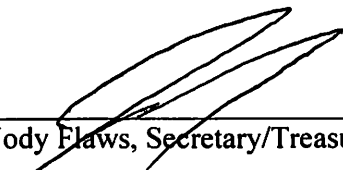
- 1) **Request for Qualifications for a landscape architect.** Director Rew-Hunter sent the final request for qualifications to Mr. Swanks on July 3. Mr. Swanks sent the request for qualifications to firms in Austin and two have declined. Mr. Swanks will follow up. No action.

**G. Recreational Dock Committee:** Director Lewis reported he is the lead on this subcommittee. Jim Norris discussed the timing on the boat dock permit and timing with the City of Austin regarding getting electrical power to the area. No action.

- 5. **Receive General Counsel report, including, but not limited to, tax matters, pending contract issues, open records requests, litigation, reporting requirements, and other legal issues, if any, and take action as needed.** Ms. Carlton participated in the items above as noted. No additional report.
- 6. **Discuss and consider service provider contract renewals and/or amendments.** Ms. Carlton and Mr. Swanks discussed their firms' agreements with the Board. No action. Mr. Swanks will update his agreement with the District.
- 7. **Discuss and consider items for future agendas.** There will be additional agenda items for: the Dell Ranch sale and tax season items.
- 8. **Adjourn.** Director Elam moved to adjourn the meeting. Director Lewis seconded the motion. The motion carried 4-0. The meeting adjourned at 9:31 p.m.

SIGNED this the 10 day of August, 2023.



  
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Jody Flaws, Secretary/Treasurer