

**LAKE POINTE MUNICIPAL UTILITY DISTRICT
MINUTES
April 13, 2023**

The Board of Directors (“Board”) of Lake Pointe Municipal Utility District (“District”) met in person for a regular meeting on April 13, 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 6:01 p.m.

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

Terry Elam	President	Present
Vacant	Vice President	
Jody Flaws	Secretary/Treasurer	Not Present
Jason Rew-Hunter	Director	Present
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”), Douglas Mains with Elite Computing, Pat Sinnott with Lake Pointe Homeowners’ Association, Erin Selvera with The Carlton Law Firm, and members of the public.

PUBLIC COMMENTS

- 1. Receive communications from the public on items not listed on the posted agenda.** Laurie Anderson addressed a persistent sewer problem coming from a nearby water treatment plant that is affecting homeowners. Pat Sinnott stated that the WTCPUA previously put a chemical in the pipes to alleviate the fumes and odors, but the chemical had a corrosive effect on the pipes. Ms. Sinnott stated she wrote about this issue to Jennifer Reichers, General Manager at WTCPUA about one year ago.
- 2. Public Comment on Agenda Items.** None

DIRECTOR MATTERS

- 3. Approve and accept statement and oath of office for appointed Director.** President Elam moved for the Board to accept the statement and oath of office and of David Lewis executed on March 30, 2023. Director Mincey seconded the motion. The motion carried 4-0.
- 4. Discuss and consider election of officers for the Board.** President Elam noted the Board had a vacancy in the vice president position, and asked for a Director to volunteer for the position. Erin Selvera explained the role of the vice president to the Board. President Elam moved to appoint Director Rew-Hunter for the position of vice president. Director Lewis seconded the motion. The motion carried 4-0.

MINUTES

5. **Review and approve minutes of the April 13, 2023, regular meeting.** President Elam moved for approval of the April 13, 2023, minutes. Director Lewis seconded the motion. The motion carried 4-0.

REPORTS AND COMMITTEE MATTERS

6. **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 any related action, including:**

A. Facilities Committee

- 1) **Landscape maintenance report, including proposals for additional services and project updates.** President Elam reported that the two proposals for the winter storm staging areas were completed but was not sure if the District had been invoiced for that work. The third proposal for cleanup of the remaining portion of the common areas was still outstanding. President Elam stated the third proposal will be addressed at the next meeting.

President Elam presented four new proposals. The first proposal is for the remaining mulch staged at Carlsbad Pond. The proposal is to move most of the mulch to the playgrounds at both Napa Park and Vista Point Park, including the skid rental, for a total of \$6200. Director Rew-Hunter asked about the safety of that mulch for the playgrounds. Josiah Longbons stated that LRI would remove any large pieces that were not adequately mulched. President Elam moved to accept the \$6200 proposal for the mulch installation. Director Rew-Hunter seconded the motion. The motion carried 4-0.

President Elam presented a second proposal regarding Live Oak tree removal and explained two Live Oak trees on Resaca Boulevard are dead. The proposal is for removing the trees and grinding the stumps. President Elam moved to accept the proposal for the tree removal on Resaca Boulevard for \$4100. Director Rew-Hunter seconded the motion. The motion carried 4-0.

President Elam presented a third proposal regarding the Carlsbad right-of-way. President Elam explained there is Asian Jasmine planted on one side of a pass-through area between Fortuna and Carlsbad that has taken very well but the area on the other side has started to erode. The proposal is to replant the eroded area and make the area more resistant to erosion. President Elam moved to approve the Carlsbad right-of-way proposal for \$1105. Director Mincey seconded the motion. The motion carried 4-0.

President Elam presented a fourth proposal regarding moving the remaining mulch to the right-of-way along Bee Cave Road. President Elam explained there are trees along Bee Cave Road that would benefit from mulching. The proposal is for 1.25 crew days of work for \$3375. President Elam moved to approve a do not

exceed amount of \$3375 to move the mulch to the Bee Cave Road right-of-way. Director Mincey seconded the motion. The motion carried 4-0.

Mr. Swanks asked which budget line item(s) would be impacted by these approved proposals. President Elam stated the first proposal will come from the Storm Remediation line item and the second proposal will come from the Park Improvements line item. The Board will discuss amending the budget next month.

- 2) **General maintenance.** None
- 3) **Ongoing Stormwater Basin Maintenance Project.** President Elam moved to approve the Aquatic Features quote of \$2675 for removal of the Cattails to create a channel for drainage. Director Rew-Hunter seconded the motion. The motion carried 4-0.

Mr. Swanks stated he spoke with DigDug Construction, LLC regarding a proposal to clean out the silt in Napa Pond. The Board will address that proposal at the next meeting.

- 4) **Kayak storage.** Director Mincey stated he has worked on a comprehensive plan for the kayak storage and asked to discuss the plan at the next meeting. No action.
- 5) **Landscape services contract, should changes be necessary.** President Elam asked about tree maintenance within the common areas. Mr. Longbons stated LRI will complete the annual tree maintenance in the summer after July 1. President Elam discussed an email received from a homeowner on Sea Eagle regarding trees encroaching on the homeowner's property. President Elam stated the District has historically maintained that area, although the District does not own that land. Discussion followed, including discussion of whether an agreement exists to maintain that land. No action.

B. Outreach Committee

- 1) **Collaboration with the West Travis County Public Utility Agency (“WTCPUA”) on water, water transmission, water storage, and related issues, including:**
 - a. **Receive update from WTCPUA representative.** Director Rew-Hunter reported he spoke with Jason Bethke, the WTCPUA representative. There were two major events from the last meeting: 1) the WTCPUA approved its audit; and 2) the WTCPUA is advancing a bill (HB 4217) to grant WTCPUA the power of eminent domain. Additionally, the WTCPUA board discussed a possible future water line improvement that could go through Lake Pointe. Director Rew-Hunter expressed the District's reliability concerns regarding the loss of power at the WTCPUA facility during the winter storm. Mr. Bethke explained that the power station was supposed to provide power to the WTCPUA systems and was designed to never fail. When the system went down, there were either no parts to fix it or parts were not readily available for repairs. Mr. Bethke communicated

with WTCPUA staff and asked staff to start investigating ways to ensure Lake Pointe will not experience the same incident in the future. Director Rew-Hunter stated the WTCPUA does not have a backup energy supply.

Director Rew-Hunter expressed concerns about HB 4217. President Elam moved that the Board declare it is not in favor of the proposed eminent domain legislation. Director Rew-Hunter seconded the motion. The motion carried 4-0. Director Rew-Hunter moved to amend the motion to say the Board is not in favor of the eminent domain legislation similar to or as found in HB 4217 as written. President Elam seconded the motion. The motion carried 4-0.

President Elam moved to allow the Outreach Committee to do what is necessary to share the Board's position on this issue. Director Rew-Hunter seconded the motion. The motion carried 4-0.

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

a. Receive update from LPHOA representative. President Elam stated LPHOA is considering either a wooden or composite material replacement fence rather than a wall. Ms. Sinnott stated the existing wall is in disrepair. LPHOA has received many complaints about it and is working to get proposals from different vendors. Ms. Sinnott further stated the original budget for this project was \$500,000. President Elam stated one thing that leaves wide open is the agreement between the LPMUD and the LPHOA on the stone wall especially if the LPHOA is committing to using the money put aside under that agreement to replace the fence. President Elam asked Ms. Selvera about the agreement. Discussion followed. No action.

b. Resaca and Sonoma Boundary Fence Project. Ms. Selvera will provide guidance on the status of the agreement with LPHOA. No action.

c. Lake Pointe Boat Docks Project. Tabled

d. Collectors' Corners. President Elam answered questions from Director Lewis regarding collectors' corners, and the need to use the partnership with LPHOA. Tabled.

e. Storm Remediation. President Elam stated LPHOA will be getting invoices from the District for final storm remediation work. No action.

3) Collaboration with other governments and private entities on issues affecting the District. Tabled.

4) Finance and Audit Committee President Elam moved to appoint Director Lewis as a co-chair to the Finance and Audit Committee. Director Mincey seconded the motion. The motion carried 4-0. Director Lewis provided updates on the status

of bank and investment accounts and will look at other options.

- 5) **FY2022 and/or FY2023 budget amendments, if any.** Tabled.
- 6) **District's insurance policy(ies).** No action. This item will be removed from the agenda at the Board's request.
- 7) **Review and approve quarterly investment report for 1st Quarter 2023.** Director Lewis provided an update. Mr. Swanks reported that one treasury bill will mature on April 20 and he will need to move some of the treasury money into the checking account with Finance Committee input.
- 8) **District's five-year strategic plan.** Tabled.
- 9) **Approve the District's financial reports and payment of the District's bills, invoices and Directors' fees.** Mr. Swanks will pay the Directors' fees on a monthly basis after Board approval and will mail checks for January, February, and March after the meeting. President Elam moved to pay the bills, invoices and Directors' fees as presented. Director Rew-Hunter seconded the motion. The motion carried 4-0.
- 10) **Directors' bonds and Treasurer's/bookkeeper's bond or insurance.** Director Lewis will complete the directors' bond form.

C. Preserve Committee

- 1) **Habitat Conservation Plan.** No action.
- 2) **Issues affecting the Preserve.** Director Mincey reported there are no issues currently affecting the Preserve. He walked all the trails prior to the meeting to look for any branches that may have fallen on the trails.

Director Lewis inquired about the gravel behind the building in the Preserve on the way down to the lake. President Elam explained the area is being revegetated. No action.

- 3) **Roadway access and permit renewal.** Tabled.

D. Communication Committee

- 1) **District's digital account updates, if necessary.** President Elam discussed reworking the spam filter. Doug Mains stated he will look into it. Mr. Swanks received a call congratulating the Board on the District's website. President Elam discussed the invoices from Big Marketing and asked Mr. Mains to speak with Shay Wright about assuming the website hosting. No Action.
- 2) **District's website, IT issues, and ongoing requests.** President Elam discussed updating Director emails and distribution lists and asked for Mr. Mains' assistance in that endeavor. No action.

3) District's historical records and records management. Tabled.

E. Procurement Committee

1) Request for Qualifications for a landscape architect. Tabled.

7. **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.** Director Rew-Hunter and President Elam stated they had a previous discussion regarding Outreach and will need legal advice from the attorney. President Elam announced the Board will go into executive session to obtain legal advice from the attorney. The Board went into executive session at 8:09 p.m. for that purpose.

The Board returned to open session at 8:27 p.m. The Board took no action while in executive session.

No action.

8. **Discuss and consider items for future agendas.** President Elam added Friends of the Preserve to the agenda.

9. **Adjourn.** President Elam moved to adjourn the meeting. Director Lewis seconded the motion. The motion carried 4-0. The meeting adjourned at 8:29 p.m.

SIGNED this the 11 day of May, 2023.





Jody Flaws, Secretary/Treasurer