

**LAKE POINTE MUNICIPAL UTILITY DISTRICT  
MINUTES  
May 11, 2023**

The Board of Directors (“Board”) of Lake Pointe Municipal Utility District (“District”) met in person for a regular meeting on May 11, 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 6:04 p.m.

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

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

Also in attendance were William Swanks with TUMCO, Josiah Longbons 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 provided an update from the April 13, 2023, meeting regarding the persistent sewer problem that is affecting homeowners on Benecia Court. Ms. Anderson stated the West Travis County Public Utility Agency (“WTCPUA”) jetted the wastewater lines three times; however, the sewer odor continues to be a problem. Ms. Anderson stated WTCPUA came out again and tried to run a camera down the manhole located on Avenal Drive to the manhole located on Benecia Court but was only able to get the camera in about five feet because of a possible broken pipe or rock blockage. Ms. Anderson stated WTCPUA was at the site on the District’s meeting day and assured her the problem had been investigated and WTCPUA was obtaining estimates to begin repairs in June.

Joey Terrazas asked the Board if it has a plan and timeline on beautifying the entrances, specifically around Napa Drive.

- 2. Public Comment on Agenda Items.** None.

**MINUTES**

- 3. 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

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 any related action, including:**

### A. Facilities Committee

- 1) **Landscape maintenance report, including proposals for additional services and project updates.** President Elam reported on five landscaping proposals. President Elam moved to approve the Sonoma and Bayton proposal for \$4560. Director Mincey seconded the motion. The motion carried 4-0.

President Elam then explained the Bluffs island installation proposal, which is not for the entire island, but for approximately 50 percent of the island, directionally the south end. President Elam moved to approve the Bluffs island installation proposal from LRI for \$16,630. Director Mincey seconded the motion. The motion carried 4-0.

President Elam explained the Bayton entry east bed proposal. President Elam moved to approve the proposal with a do not exceed amount of \$4300 to re-landscape the Bayton entry east bed and for the Facilities Committee to work with LRI on an acceptable design. Director Mincey seconded the motion. The motion carried 4-0.

President Elam then addressed the Bayton entry west bed proposal. President Elam moved to approve the proposal with a do not exceed amount of \$7500 to re-landscape the Bayton entry west bed and for the Facilities Committee to work with LRI on an acceptable design. Director Mincey seconded the motion. The motion carried 4-0.

President Elam concluded with the proposal for the Napa entry beds, which includes both sides of the Napa Drive entrance at Bee Cave Road. President Elam moved to approve the proposal with a do not exceed amount of \$12,000 and for the Facilities Committee to work with LRI on an acceptable design. Director Mincey seconded the motion. The motion carried 4-0.

President Elam asked Mr. Longbons to take charge of the proposals spreadsheet and to keep it updated with the status of the projects.

- 2) **General maintenance.** William Swanks reported no maintenance issues.
- 3) **Ongoing Stormwater Basin Maintenance Project.** Mr. Swanks reported that the amount of the July 2022 proposal from DigDug to clean Napa Pond will remain the same. Mr. Swanks stated DigDug may be able to schedule the cleaning on the Monday after the meeting. President Elam moved to approve the DigDug proposal for cleaning out the excess debris inside Napa Pond for a total of \$1,950. Director Mincey seconded the motion. The motion carried 4-0.

- 4) **Kayak storage.** Director Mincey reported the Committee is working on the storage issues and hopes to have a plan in place in 2024. No action.
- 5) **Landscape services contract, should changes be necessary.** Tabled.

Mr. Longbons reported on discussion with the Committee regarding trees that are not rebounding after the winter. President Elam tabled further discussion to allow the Facilities Committee to review and report.

## **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.** President Elam stated Jason Bethke, the District’s WTCPUA representative, provided an update in for the Board via email. President Elam explained that WTCPUA was seeking eminent domain authority through HB 4217 and the bill had been passed the out of the Texas House committee at meeting time. President Elam stated Director Rew-Hunter was working to add an amendment to the bill. President Elam stated Director Rew-Hunter had been in touch with Rep. Vikki Goodwin’s office about the bill. The Board discussed the District’s representation at the WTCPUA. No action.
- 2) **Collaboration with the Lake Pointe Homeowners’ Association (“LPHOA”), including:**
  - a. **Receive update from LPHOA representative.** Pat Sinnott reported the LPHOA is seeking proposals to replace the Resaca wall and is performing maintenance around LPHOA properties. No action.
  - b. **Resaca and Sonoma Boundary Fence Project.** No action.
  - c. **Lake Pointe Boat Docks Project.** No action.
  - d. **Collectors’ Corners.** No action.
  - e. **Storm Remediation.** No action.
- 3) **Collaboration with other governments and private entities on issues affecting the District.** Tabled.

## **C. Finance and Audit Committee**

- 1) **Budget amendments, if any.** Director Flaws reported on the year-to-date budget line items as follows:  
Line item 71202 - Drainage Pond - shows a negative \$100 and line item 71212 - Subdivision Improvements - shows a year-to-date negative of \$148.

Line item 78030 - Audit Fees - is \$0 and Mr. Swanks confirmed the auditor has been paid.

Line item 71208 - Park Improvements - is \$5,000 and the District has spent \$6,229 to date. Director Flaws proposed increasing the budget for this line item by \$2,000, making the total for the line item \$7,000. Mr. Swanks stated the District went over budget on this item because the gate operator was replaced.

Line item 71214 - Pump Maintenance - is \$3,000 and the District has spent \$3,800 to date. Director Flaws proposed increasing the budget for this line item by \$2,000, making the total for the line item \$5,000.

Line item 71300 - Plant Utilities - is \$2,000 and the District has spent \$2,772 to date. Director Flaws proposed increasing the budget for this line item by \$2,000, making the total for the line item \$4,000.

Line item 72035 - Bank Charges - is \$500 and the District has spent \$1,228 to date. Director Flaws proposed increasing the budget for this line item by \$1,500, making the total for the line item \$2,000.

Line item 72099 - Miscellaneous Expenses - is \$1,500 and the District has spent \$2,182 to date. Director Flaws proposed increasing the budget for this line item by \$1,000, making the total for the line item \$2,500.

Director Flaws proposed taking the sum of the increases (\$8,500) from line item 71212 -Subdivision Improvements. Director Flaws moved to amend the budget by increasing the amounts in each of the five line items as discussed above (71208, 71214, 71300, 72035, and 72099) by a total of \$8,500 and decreasing the budget for line item 71212 by \$8,500. Director Lewis seconded the motion. The motion carried 4-0.

- 2) **Action regarding obtaining or renewing Directors' bonds.** Directors worked to complete the Director's bond applications. No further action.
- 3) **Consider updating resolutions regarding disbursements and signature authorization.** Director Flaws moved to amend Exhibit B to the resolution regarding disbursement and signature authorization to include Director Rew-Hunter as Vice President and provide him with signature authority. President Elam seconded the motion. The motion carried 4-0.
- 4) **Review and approve quarterly investment report for 1<sup>st</sup> Quarter 2023.** Director Flaws reported on the District's investments and obligations. Director Flaws stated the District has \$350,000 in its debt account and approximately \$380,000 in debt payments outstanding; meaning even with accrued interest, the District will be approximately \$20,000 short in the debt account. The District will seek advice on how to address this before the final debt payment is made. Director Flaws moved to approve the schedule of investments as of April 30, 2023. Director Lewis seconded the motion. The motion carried 4-0.

5) **District's five-year strategic plan.** The Board discussed the Resaca wall and boat dock projects as issues to consider as part of a five-year plan. No action.

6) **Approve the District's financial reports and payment of the District's bills, invoices and Directors' fees.** Director Flaws reported on the Travis County initial tax assessment statement. Director Flaws stated the County is raising the MUD 3 taxable value of all property by 5.3 percent and the taxable value of all property in MUD 5 by 8.3 percent.

The Board discussed the storage facility payment. Mr. Swanks stated the payment is for two months' rent. Mr. Swanks added that TUMCO has a bigger storage facility in Dripping Springs and will eventually move all current storage into that facility. Director Flaws asked about the Hilltop Securities annual report on the general obligation for the District. Ms. Selvera explained the report is part of the Public Funds Investment Act requirements that is filed annually. Mr. Swanks will obtain a copy of the annual report and share it with the Board.

Director Flaws stated he created an online account with WTCPUA to enable the Board to see the District's six WTCPUA accounts and also set up online automatic payments for the seven metered accounts. Ms. Selvera advised the Board to document any changes made to the accounts or payments. Director Flaws moved to approve the invoices totaling \$88,757.94. Director Lewis seconded the motion. The motion carried 4-0.

**D. Preserve Committee** No report. Tabled.

- 1) **Habitat Conservation Plan.**
- 2) **Issues affecting the Preserve.**
- 3) **Roadway access and permit renewal.**
- 4) **Friends of the Preserve.**

**E. Communication Committee**

- 1) **District's digital account updates, if necessary.** Director Flaws reported he is saving District invoices on the network monthly and the Committee is continuing to build the network. No action.
- 2) **District's website, IT issues, and ongoing requests.** President Elam stated the Committee needs to continue the website improvements. The Committee will discuss website improvements and bring back recommendations to the Board. No action.
- 3) **District's historical records and records management.** President Elam stated the Committee will discuss a plan to begin scanning historical records and bring

back recommendations to the Board. Director Flaws stated there are two hundred boxes in storage covering the past twenty years of MUD 3 and MUD 5. Ms. Selvera explained the requirements of the retention schedule. No action.

#### F. Procurement Committee

- 1) **Request for Qualifications for a landscape architect.** Tabled.
5. **Approve updated District Registration Form with TCEQ.** Director Flaws moved to approve the updated District Registration form. President Elam seconded the motion. The motion carried 4-0. Director Flaws asked Ms. Selvera to check with Hilltop Securities for correction regarding Chris Allen as Financial Advisor.
6. **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. Selvera asked the Board if they had any questions regarding the Travis County initial tax assessment statement for MUD 3 and MUD 5. The Board had no questions.
7. **Discuss and consider items for future agendas.** Director Flaws asks to discuss WTCPUA representation. Director Flaws stated he is working to streamline the finance side and asked to add an agenda item to discuss engaging new service providers for banking and accounting.
8. **Return to Item 6.** The Board then entered into executive session at 7:49 p.m. for the purpose of consulting with legal counsel. The Board concluded executive session and re-opened the meeting at 7:52 p.m. No action during executive session.
9. **Adjourn.** President Elam moved to adjourn the meeting at 7:52 p.m. Director Lewis seconded the motion. The motion carried 4-0.

APPROVED this the 8<sup>th</sup> day of June 2023.



  
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Jody Flaws, Secretary/Treasurer