

**LAKE POINTE MUNICIPAL UTILITY DISTRICT
MINUTES**

August 10, 2023

The Board of Directors (“Board”) of Lake Pointe Municipal Utility District (“District”) met in person for a regular meeting on August 10, 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	Absent
Jody Flaws	Secretary/Treasurer	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”); Doug Mains with Elite Computing; Kelli Carlton with The Carlton Law Firm; and members of the public.

PUBLIC COMMENT

1. **Receive communications from the public on items not listed on the posted agenda.** Pat Sinnott said the signs regarding Oak Wilt have not been removed, yet people are trimming trees. Ms. Sinnott also said the lights at the Bee Cave walls are not all working and noted one set of irrigation sprinklers are not working.
2. **Public Comment on Agenda Items.** None.

MINUTES

3. **Review and approve minutes of the July 31, 2023, regular meeting.** The Board noted that “\$4,200” in item 4(D)(2) should be changed to “approximately \$4,850.” Director Elam moved to approve the meeting minutes as amended. Director Mincey seconded the motion; the motion passed 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 take any related action, including:**

A. Facilities Committee

- 1) **Landscape maintenance report, including proposals for additional services and project updates.** Mr. Longbons provided copies of three proposals: Tree at Vista Pointe Park Entrance, Turf Insect Treatment, and Irrigation Controller.

Mr. Longbons explained the tree proposal and mentioned the Live Oak in the proposal had not been trimmed in many years and needs significant pruning. Director Mincey moved to approve the tree proposal. Director Elam seconded the motion; the motion passed 4-0.

Mr. Longbons discussed the turf insect proposal. Mr. Longbons said the high temperatures stress the turf, allowing insects like chinch bugs and grubs to invade. Mr. Longbons proposed treating five and one-half District acres with two treatments. Mr. Longbons suggested the second treatment because the heat will continue after the first treatment. Mr. Longbons did not add Sonoma to the proposal because most of Sonoma is not irrigated and the turf insect product needs water to be most effective. Mr. Longbons also mentioned LRI could spray before school starts. Director Lewis moved to approve the insect proposal. Director Flaws seconded the motion; the motion passed 4-0. The budget line item for this expense is "Subdivision Improvements."

The Board discussed the irrigation controller proposal and mentioned the expenditure would be entered under line item 71200. Director Flaws moved to approve the irrigation controller proposal. Director Mincey seconded the motion; the motion passed 4-0.

Mr. Longbons mentioned that LRI has begun the tree work that was approved at the last Board meeting. There were nine trees slated for removal, but two trees showed signs of life, so those two trees will be trimmed instead of being removed.

- 2) **General maintenance.** The Board asked Mr. Longbons for an update on irrigation and water use with the various meters in the District. Director Flaws noted five water meters show no usage since October 2022. Mr. Longbons said LRI turned on all meters in June and all are running, so LRI could not opine on why some meters show no usage. The Board discussed the meters and usage with Mr. Longbons to ensure the District's areas are being watered. The Board noted that the District is not restricted on the use of raw water for irrigation. Potable water usage is under restriction (Stage 3 restrictions - one day per week between midnight and 6 a.m.). Mr. Longbons told the Board that LRI will follow the potable watering restrictions currently in place. Mr. Longbons stated the raw water watering schedule is twice per week at night. There are 18 controllers providing raw water. Mr. Longbons suggested, and the Board agreed, the irrigation system should not be turned off over the winter, but rather water usage should be reduced to keep irrigation valves moving and the system working. The Board discussed using Hydroton, a product to hold moisture in the soil for several months. Mr. Longbons will check the pricing for this product and present the information to the Facilities Committee.

- 3) **Ongoing Stormwater Basin Maintenance Project.** No action, tabled.
- 4) **Kayak storage.** No action, tabled.
- 5) **Landscape services contract, should changes be necessary.** No action, tabled.
- 6) **District's construction deposit rules.** Ms. Carlton presented the updated draft of the construction rules based on the Board's input. The Board discussed needing information from the LPHOA's Architectural Control Committee ("ACC") to know when construction may occur. Ms. Sinnott said the ACC is understaffed and does not have a mechanism in place to work with the District. The Board asked for notification via email when the ACC receives a construction request from a homeowner. The Board discussed project types (i.e., only swimming pools or only outside projects) and monetary limits to the construction rules. Mr. Swanks noted he has been able to speak with homeowners and they would comply with the District's rule after he spoke with them. The Board also discussed whether to have a \$5,000 deposit requirement. Director Lewis asked for an accounting of construction projects for the past three years. The Board will provide feedback to Ms. Carlton at the next meeting. No action.
- 7) **Potential sale of Dell Ranch and impact to District.** The Board discussed Dell Ranch; no action taken.

B. Outreach Committee

- 1) **Collaboration with the West Travis County Public Utility Agency ("WTCPUA") on water, water transmission, water storage, and related issues, including:** No representative was present. Director Flaws requested a letter from the WTCPUA on the new/replacement towers' usage, purpose, and how each tower is located within the existing easement. No action.
 - a. **Receive update from WTCPUA representative.** Tabled.
 - b. **Appointing a new WTCPUA representative.** Board discussion; no action.
- 2) **Collaboration with the Lake Pointe Homeowners' Association ("LPHOA"), including:**
 - a. **Receive update from LPHOA representative.** Ms. Sinnott said the LPHOA will meet Monday, August 14, 2023. The LPHOA discussed replacing the playscape at Napa Park, replacing the windows and doors at the community center, and undertaking pool repairs in the upcoming fiscal year. The pool's splashpad is inoperable because the pump is not functioning. The LPHOA annual meeting is September 22, 2023, and the LPHOA board is looking for LPHOA board candidates.
 - b. **Resaca and Sonoma Boundary Fence Project.** Ms. Sinnott noted public feedback on the fence proposal had not been positive and the LPHOA will explore additional ideas for the fence.

c. **Collectors' Corners.** Tabled.

d. **Storm Remediation.** 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 Flaws proposed amendments to increase the following budget line items as noted (Adjustment Number 4):

- 71205 by \$500;
- 71208 by \$7,000;
- 71214 by \$7,000 (this number is different from the number listed on the report provided);
- 72099 by \$500;
- 78000 by \$15,000;
- 78021 by \$600; and
- 78100 by \$2,000.

Director Flaws requested all these increases be funded from line item 72023, Storm Remediation, totaling \$32,600. Director Flaws moved to approve the amendments as discussed. Director Lewis seconded the motion; the motion passed 4-0.

2) **District's five-year strategic plan.** No action.

3) **Approve the District's financial reports and payment of the District's bills, invoices and Directors' fees.** Director Flaws provided financial reports for review and noted the District is significantly under budget, which allows funds to be added to the District's reserve. The Board discussed the invoices and addressed questions regarding the AT&T invoice. Director Flaws moved to approve payment of \$48,182.62 for the invoices presented. Director Elam seconded the motion; the motion passed 4-0.

4) **Pay off MUD 5 bond debt.** Mr. Swanks liquidated investments and set up a wire transfer for August 15, 2023, to pay off the \$357,950.87 remaining debt balance. No action.

5) **Appointment of additional investment officer.** Director Flaws moved to appoint Director Lewis as an additional investment officer for the District. Director Elam seconded the motion; the motion passed 4-0.

6) **Consider taking action regarding 2023-24 budget.** The Board discussed various items for the upcoming budget. Directors Flaws and Lewis will draft the FY24 budget and circulate it for Board review. No action.

7) **Consider taking action regarding 2023 tax rate.** No action.

D. Preserve Committee

- 1) **Habitat Conservation Plan.** No action.
- 2) **Issues affecting the Preserve.** Director Elam reported volunteers are clearing the vegetation at the stairs this week. Director Elam also mentioned the cameras at the Preserve's gate may need to be replaced. Teenagers are still accessing the Preserve after hours. The Board discussed maintaining security at the Preserve's gate. Mr. Swanks will obtain quotes on gate security options.
 - a. **Discuss the parameters and possible action approving a policy for removing trees and establishing fire breaks.** Mr. Swanks provided sample fire break rules. Director Elam and Mr. Swanks work on the rules. Tabled.
- 3) **Roadway access and permit renewal.** No action.
- 4) **Friends of the Preserve.** No action.

E. Communication Committee

- 1) **District's digital account updates, if necessary.** No action.
- 2) **District's website, IT issues, and ongoing requests.** Director Flaws noted the tax forms have been added to the website.
- 3) **District's historical records and records management.** Tabled.
- 4) **Creation of District newsletter.** Director Lewis suggested creating a District newsletter. The Board discussed whether to use a newsletter or the District's website for updates.

F. Procurement Committee

- 1) **Request for Qualifications for a landscape architect.** Mr. Swanks reported he has had no feedback on the Request for Qualifications. No action.

G. Recreational Dock Committee: No action.

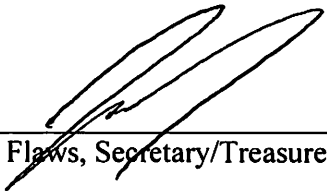
5. **Receive General Counsel report, including, but not limited to, tax matters, pending contract issues, open records requests, litigation, reporting requirements, and other legal issues, if any, and take action as needed.** Ms. Carlton participated in the items above. No additional report.
6. **Discuss and consider updating resolution adopting fees of office.** Ms. Carlton discussed the changes in the law with the Board. Director Lewis moved to approve updating the District's fees of office, tying the increase in fees to the change in the law. Director Flaws seconded the motion; the motion passed 4-0.
7. **Discuss and consider items for future agendas.** The Board discussed adding committee chair names to the agenda and numbering the committee items separately instead of using the current

number and alphabet format.

- 8. Adjourn.** Director Elam moved to adjourn the meeting. Director Lewis seconded the motion. The motion carried 4-0. The meeting adjourned at 9:03 p.m.

SIGNED this the 14 day of September, 2023.





Jody Flaws, Secretary/Treasurer