

**LAKE POINTE MUNICIPAL UTILITY DISTRICT
MINUTES**

September 14, 2023

The Board of Directors (“Board”) of Lake Pointe Municipal Utility District (“District”) met in person for a regular meeting on September 14, 2023, at 6:00 p.m., open to the public. The District posted a copy of the Notice of the meeting as required.

Vice President Rew-Hunter called the meeting to order at 6:06 p.m.

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

Terry Elam	President	Absent
Jason Rew-Hunter	Vice President	Present
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”); and Kelli Carlton with The Carlton Law Firm.

PUBLIC COMMENT

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

PUBLIC HEARING, BUDGET AND TAX RATE ADOPTION

- 3. Conduct a Public Hearing on the Tax Rate.** Director Rew-Hunter opened the public hearing at 6:08 p.m. There being no public comments, the public hearing was closed at 6:09 p.m.
- 4. Take action to adopt budget for fiscal year October 1, 2023, to September 30, 2024.** Director Flaws presented and discussed the draft budget. The Board discussed line items 71204 and 71212. The Board also discussed line item 71207 regarding fire break work. Director Flaws moved to approve the Fiscal Year 2024 budget as discussed. Director Lewis seconded the motion, and the motion passed 4-0.
- 5. Take a record vote on the District’s 2023 tax rate, adopt an Order Levying Taxes, authorize filing the Order with the Travis County Tax Assessor/Collector.** Director Rew-Hunter proposed adopting \$0.1402 as the District’s tax rate. Director Lewis seconded the motion, and the roll call vote was: Director Lewis - aye, Director Flaws - aye, Director Mincey - aye, and Director Rew-Hunter - aye. The motion passed 4-0. Director Rew-Hunter then moved to approve the Order Levying Taxes. Director Flaws seconded the motion, and the roll call vote was: Director Lewis - aye, Director Flaws - aye, Director Mincey - aye, and Director Rew-Hunter - aye. The motion passed 4-0. Director Rew-Hunter moved to authorize filing the Order with the Travis County Tax Assessor/Collector. Director Flaws seconded the motion, and the motion passed 4-0.

MINUTES

6. **Review and approve minutes of the August 10, 2023, regular meeting.** Director Flaws noted that “\$700” in item 4(C)(1) should be changed to “\$7,000.” Director Rew-Hunter moved to approve the meeting minutes with the change noted. Director Flaws seconded the motion, and the motion passed 4-0.

REPORTS AND COMMITTEE MATTERS

7. **Facilities Committee – (Director Elam, Director Mincey)**

- A. **General Landscape Maintenance Report.** Josiah Longbons said the rain and cooler temperatures will be helpful to the plants. Mr. Longbons told the Board that the irrigation issues, including the stuck valves and the leak in the main line, were addressed in August.
- B. **Landscape services contract, should changes be necessary.** No action.
- C. **District’s construction deposit rules.** Tabled.
- D. **Projects.**
 - 1) **Status/Completion of Approved.** Mr. Longbons said the tree removal project was completed.
 - 2) **New Proposals.** Mr. Longbons discussed the “NE Corner Resaca and Sonoma” improvement proposal for \$3,691.50. Mr. Longbons also discussed the “SE Corner Resaca and Sonoma” proposal for \$4,805 and the “Sonoma East of Resaca” turf strip proposal totaling \$6,892.50. Director Mincey moved to approve all three proposals as presented. Director Rew-Hunter seconded the motion, and the motion passed 4-0.

Director Mincey said the committee asked LRI to provide an additional proposal on the landscaping at Napa Drive between Bee Cave and Sonoma.

Mr. Swanks discussed a lighting proposal by Outdoor Lighting Perspectives totaling \$7,200 for Bayton, Napa, and Bee Cave Road lights which are the streetlights the District owns and maintains. Mr. Swanks noted the LPHOA owns the remainder of the streetlights. Director Rew-Hunter moved to approve the lighting proposal contingent upon meeting the requirements of the restrictive covenants. Director Lewis seconded the motion, and the motion passed 4-0. The Board noted the lighting proposal work would be entered under budget line item 71212 - Subdivision Improvements.

Mr. Swanks discussed improvements to the Preserve gate and mentioned he will obtain an updated proposal to present at October’s meeting. No action.

3) Stormwater Basin Maintenance. No action

8. Outreach Committee – (Director Elam, Director Rew-Hunter)

A. Collaboration with the West Travis County Public Utility Agency (“WTCPUA”) on water, water transmission, water storage, and related issues, including:

1) **Receive update from WTCPUA representative.** No report provided. Director Rew-Hunter noted continuing odor issues in the area in which WTCPUA did previous work, and he mentioned some community complaints as well.

B. Collaboration with the Lake Pointe Homeowners’ Association (“LPHOA”), including:

1) **Receive update from LPHOA representative.** No report.

2) **Collectors’ Corners.** No report.

C. Collaboration with other governments and private entities on issues affecting the District. No action.

9. Finance and Audit Committee – (Director Flaws, Director Lewis)

A. Approve the District’s financial reports and payment of the District’s bills, invoices and Directors’ fees. Director Flaws provided the financial reports to the Board. Director Flaws noted the total FY23 expenditures will be approximately \$400,000 under budget. The Board discussed the Director fees paid during FY23. The Board further discussed the AT&T and Appraisal District invoices, and the New York Bank of Mellon invoice regarding the bond payment. Mr. Swanks will hold the Bank of Mellon payment and follow up. Director Flaws moved to approve \$62,766.24 in invoices with the Bank of Mellon payment held subject to Mr. Swanks reviewing the Bank of Mellon invoice. Director Rew-Hunter seconded the motion, and the motion passed 4-0.

B. Budget amendments, if any. Director Flaws moved to change the name of line item 78021 from “Federal Taxes” to “Payroll Taxes.” Director Rew-Hunter seconded the motion, and the motion passed 4-0.

Director Flaws moved to amend the FY24 budget to increase the swim dock line item by \$100,000 and decrease line item 78023 by \$100,000. Director Rew-Hunter seconded the motion, and the motion passed 4-0.

C. District’s five-year strategic plan. Tabled.

D. Pay off MUD 5 bond debt. Mr. Swanks will confirm that the debt was paid in full and is waiting on the paperwork to confirm the final payment.

- E. Approve Resolution updating investment policy to add additional investment officer.** Director Flaws moved to approve the Resolution to add Director Lewis as an investment officer. Director Rew-Hunter seconded the motion, and the motion passed 4-0.
- F. Approve Resolution updating fees of office.** Ms. Carlton discussed the updated law and the new limits with the Board. Ms. Carlton will provide the Board with an amended resolution listing the maximum allowable fees and workdays allowed under the new law as approved by the Board in August. No further action.

10. Preserve Committee – (Director Rew-Hunter, Director Mincey)

- A. Habitat Conservation Plan.** Tabled.
- B. Issues affecting the Preserve.** Director Rew-Hunter mentioned a Boy Scout is proposing to do a project in the Preserve as an Eagle project. This will be added to the October meeting agenda.
 - 1) Discuss the parameters and possible action approving a policy for removing trees and establishing fire breaks.** Mr. Swanks said the Preserve fire break work performed by Balboa Services is \$1,000 per day. Balboa Services started its work on September 7. Mr. Swanks reported the fire break work performed by the fire department is \$1,800 per day. The fire department will begin work in October. The Board discussed having annual contracts for this work. The Board also discussed LRI performing regular maintenance in the fire break once Balboa Services and the fire department have completed their work. Mr. Swanks drafted tree removal rules for the Board to review. Mr. Swanks suggested the Board send a letter to homeowners asking homeowners not to dump brush in the Preserve. No action.
- C. Roadway access and permit renewal.** Tabled.
- D. Friends of the Preserve.** Director Rew-Hunter discussed reaching out to former director Penny Handsel, who was involved in the Friends of the Preserve, to better understand the Friends' role. No action.

11. Communication Committee – (Director Elam, Director Flaws)

- A. District's digital account updates, if necessary.** Director Flaws was updating the District's website to add the new Texas Disposal Systems fees and he discussed also adding a note regarding the fire break work and dumping brush in the Preserve. No action.
- B. District's website, IT issues, and ongoing requests.** No action.
- C. District's historical records and records management.** No action.
- D. Resident Communications.** No action.

12. Procurement Committee – (Director Rew-Hunter)

- A. Request for Qualifications for a landscape architect.** Mr. Swanks said only one person has shown interest in the RFQ. Director Rew-Hunter moved to resubmit the Request for Qualifications to update the closing date to December 1, 2023, with a date to open/select at the meeting on December 14, 2023. Director Flaws seconded the motion, and the motion passed 4-0.

13. Recreational Dock Committee – (Director Lewis). Director Lewis provided information on the dock and gave some history on the dock approval and current dock usage. Director Lewis proposed expanding the swim dock, with the dock partially covered and wired with electricity, and with one or two boat slips for temporary docking. Director Lewis also proposed beginning the project by having electricity run to the area. Director Lewis asked for funding to get the electrical installation underway. The Board discussed both adding and not adding boat slips. Director Lewis moved to allocate \$100,000 in the budget to get power down to the new swim dock area and to work with the architect to redraw plans for the swim dock as discussed. Director Rew-Hunter seconded the motion, and the motion passed 4-0. Director Flaws moved to authorize the Dock Committee to engage and negotiate with Austin Energy for the electrical work and to work with the architect on the plans. Director Rew-Hunter seconded the motion, and the motion passed 4-0. Director Rew-Hunter moved to add Director Flaws to the Dock Committee. Director Lewis seconded the motion, and the motion passed 4-0.

14. Adopt updated Information Form/Notice to Purchaser and approve recording in the official public records. Ms. Carlton discussed the Information Form/Notice to Purchaser with the Board. Director Flaws moved to adopt and to record the Notices to Purchaser. Director Rew-Hunter seconded the motion, and the motion passed 4-0.

15. 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.

The Board entered Executive Session at 8:11 p.m. to discuss Item 9B and consult with the District’s counsel. The Board reconvened in regular session at 8:26 p.m. No action was taken during Executive Session. The Board returned to Item 9B, making the budget amendment noted above.

16. Discuss and consider items for future agendas. The Board discussed adding the bullet points “review budget” and “review plans for dock” to Item #13.

17. Adjourn. Director Rew-Hunter moved to adjourn the meeting. Director Mincey seconded the motion. The motion carried 4-0. The meeting adjourned at 8:28 p.m.

SIGNED this the _____ day of November, 2023.





Jody Flaws, Secretary/Treasurer