

**LAKE POINTE MUNICIPAL UTILITY DISTRICT
MINUTES**

October 12, 2023

The Board of Directors (“Board”) of Lake Pointe Municipal Utility District (“District”) met in person for a regular meeting on October 12, 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	Present – arrived at 6:37 p.m.
Jody Flaws	Secretary/Treasurer	Present
Scott Mincey	Director	Absent
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; Jaden Cassity, Boy Scout; 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.

MINUTES

3. **Review and approve minutes of the September 14, 2023, regular meeting.** Director Flaws noted that “\$200,000” in item 9(A) should be changed to “\$400,000.” Tabled.

REPORTS AND COMMITTEE MATTERS

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

B. Issues affecting the Preserve. (This item was taken first.)

2) Boy Scout Eagle Project. Jaden Cassity, a resident of the District and a member of Troop 550, presented his proposed Eagle Project to the Board. He proposes creating an outdoor classroom to provide information on the Golden Cheeked Warblers and Juniper Ash tree using informational signs. The Board discussed the project with Mr. Cassity and Director Elam moved to preliminarily approve the proposed Eagle project with Mr. Cassity to come back to the Board

for final approval once he has completed his research and has a sign design. Director Flaws seconded the motion, and the motion passed 3-0.

4. Facilities Committee – (Director Elam, Director Mincey)

A. General Landscape Maintenance Report. Blake Foree reported that mulch is to be installed in the improved areas in the District during the week following the October meeting. Josiah Longbons said mulch is part of the contract with the District and not part of an additional proposal. Mr. Longbons also discussed the completion of the turf treatment and reported the turf is rebounding well due to the cooler temperatures. Mr. Longbons mentioned tree losses along Sonoma Drive in unirrigated areas and along Resaca Boulevard. The declining trees along Resaca were previously showing decline. No action.

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 all the previously approved projects have been completed.

2) New Proposals. The Board noted there were no proposals in the meeting packet and discussed obtaining proposals from LRI earlier so the Board can have time to review them prior to a meeting. William Swanks provided five LRI proposals for the Board to review. The Board and Mr. Longbons discussed the following proposals:

a. Baytown/Sonoma Tree Lift. The \$4500 proposal was for routine maintenance on the trees. Director Elam moved to approve the proposal. Director Lewis seconded the motion, and the motion passed 3-0.

b. Fall Tree Assessment. This is a follow up to the Spring tree assessment. Mr. Longbons said most of trees noted in the Spring assessment and discussed in the landscape report above need to be removed. The Board discussed replanting trees. Mr. Longbons suggested that LRI create a plan regarding the location and timing for replanting and present the plan in the Spring. Mr. Longbons said the proposal includes removing 18 trees. Director Elam moved to approve the \$8,325 proposal as presented. Director Flaws seconded the motion, and the motion passed 3-0.

(Director Rew-Hunter joined the meeting at 6:37 p.m.)

c. Tree in the Pointe. Director Elam said the District maintains the vegetation in this location. Mr. Longbons noted some hazards to grinding the stump once the tree is removed, and this affects the proposal’s pricing. Mr. Foree said the tree will come down in pieces

to minimize potential damage to other things in the area. Director Elam moved to approve the \$3,750 proposal as presented. Director Flaws seconded the motion, and the motion passed 4-0.

- d. East Side and West Side Napa Beds. Mr. Longbons said the same plant material will be used on both sides of the street, but the plant locations on each side of the street will not match exactly. The Board discussed the metal edging used and the need to be consistent throughout the District. Director Elam moved to approve the \$15,950 Napa Beds West proposal as presented. Director Flaws seconded the motion, and the motion passed 4-0. Mr. Longbons said the East side has three irrigation zones to extend and is a larger area than the West side. Director Elam moved to approve the \$17,350 Napa Beds East proposal. Director Lewis seconded the motion, and the motion passed 4-0.

- 3) **Stormwater Basin Maintenance.** Mr. Swanks said the Texas Commission on Environmental Quality (“TCEQ”) requested an update on the stormwater permit and Mr. Swanks sent the request to the engineers. Mr. Swanks said the engineers completed the work, sent the requested information to TCEQ, and TCEQ approved the permit. Mr. Swanks will post the final permit publicly once received from TCEQ. No action taken.

5. 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 Elam will follow up with the WTPCA representative. Director Rew-Hunter said he still noticed some sewer odors on some mornings. Mr. Swanks says that on a cold, damp morning, the gas smell will be more noticeable. No action taken.

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

- 1) **Receive update from LPHOA representative.** No report.
- 2) **Collectors’ Corners.** No action.

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

(Due to typographical error, there were no Items 6-8 on the agenda.)

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 moved to approve the bills and

invoices as presented in the amount of \$56,960.35. Director Lewis seconded the motion, and the motion passed 4-0. Mr. Swanks said the Bank of New York Mellon said there was no charge on the bond, so he voided the \$750 check discussed last month.

- B. **Budget amendments, if any.** Director Flaws provided the budget that was approved last month and said he anticipates a total of \$1.1 million in revenue when the investments and interest are added. Director Lewis said the District would earn approximately \$17,500 per month on investments due to favorable interest rates. The Board discussed budget amendments. Director Flaws moved to increase Director Fees (line item 8020) to \$66,300 and increase Payroll Taxes (line item 8021) to \$5,000. Director Lewis seconded the motion, and the motion passed 4-0.
- C. **District's five-year strategic plan.** Tabled.
- D. **Update on payoff of MUD 5 bond debt.** Mr. Swanks confirmed the bond payment and was told the bond was paid in full, but the bank does not issue receipts for payments. The bank will send an email to Mr. Swanks indicating the bond was paid in full. No action.
- E. **Review and approve quarterly investment report.** Director Flaws provided the quarterly investment report. Director Flaws moved to approve the investment report as presented. Director Lewis seconded the motion, and the motion passed 4-0.
- F. **Approve Resolution updating fees of office.** The Board approved updated fees of office at the August meeting. Director Flaws moved to approve the Resolution for the updated fees. Director Elam seconded the motion, and the motion passed 4-0.

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

- A. **Habitat Conservation Plan.** Tabled.
- B. **Issues affecting the Preserve.** Mr. Swanks said there is no updated proposal on the preserve gate work yet. No action.
 - 1) **Discuss the parameters and possible action approving a policy for removing trees and establishing fire breaks.** Director Elam said he will work with Mr. Swanks on the draft policy.
 - 2) **Boy Scout Eagle Project.** This item was addressed above.
- C. **Roadway access and permit renewal.** Tabled.
- D. **Friends of the Preserve.** Tabled.

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

- A. District’s digital account updates, if necessary.** No action.
- B. District’s website, IT issues, and ongoing requests.** Director Flaws mentioned the website has been crashing regularly. Doug Mains reported he migrated the site to a new host and restored the back up information. Mr. Mains said the site is now working well, and he will continue to monitor it. The Board discussed the age of the site and site security. The Board also discussed updating the website postings and the Communications Committee will discuss and provide a report next month. No action.
- C. District’s historical records and records management.** No action.
- D. Resident Communications.** Director Elam noted that the residents have been complementing the new landscaping work. Director Elam said information will be provided to residents regarding the new Texas Disposal Systems fees. Director Flaws created a letter for residents on this topic and shared it with the Board.

12. Procurement Committee – (Director Rew-Hunter)

- A. Request for Qualifications for a landscape architect.** Mr. Swanks reached out to one landscape architect and received no response and spoke with another who had questions and wanted to tour the area. The Board discussed the Request for Qualifications with Ms. Carlton. No action.

13. Recreational Dock Committee – (Director Lewis). Director Lewis recapped the work that has been completed to date and said he contacted the City of Austin Electric Utility Department. Mr. Swanks said the District will need to set up a new account to access the building permit with the City of Austin and get permit updated. No action.

- A. Review budget.** Director Lewis noted the cost should decrease dramatically from the original anticipated cost. No action.
- B. Review dock plans.** Director Lewis contacted the architect who drew the original plans and left a message for him. No action.

(Due to typographical error, no Item 14 was on the agenda.)

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.

16. Discuss and consider items for future agendas. The Board discussed removing the bond item, and bringing back the September minutes for consideration. Ms. Carlton will correct the agenda numbering issue.

17. **Adjourn.** Director Elam moved to adjourn the meeting. Director Rew-Hunter seconded the motion, and the motion carried 4-0. The meeting adjourned at 8:47 p.m.

SIGNED this the _____ day of November, 2023.





Jody Flaws, Secretary/Treasurer