

**LAKE POINTE MUNICIPAL UTILITY DISTRICT
MINUTES**

November 9, 2023

The Board of Directors (“Board”) of Lake Pointe Municipal Utility District (“District”) met in person for a regular meeting on November 9, 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 6:16 p.m.

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

Terry Elam	President	Present
Jason Rew-Hunter	Vice President	Present
Jody Flaws	Secretary/Treasurer	Present
Scott Mincey	Director	Present
David Lewis	Director	Present – via Video conference

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.

MINUTES

3. **Review and approve minutes of the September 14, 2023, regular meeting and the October 12, 2023 regular meeting.** The Board discussed the September 14, 2023, meeting minutes and noted that Ms. Carlton incorporated Director Flaws’ change on item 9A as discussed last month. Director Flaws moved to approve the September minutes as revised. Director Lewis seconded the motion, and the motion passed 4-0-1 with Director Elam abstaining.

Director Elam moved to approve the October minutes as presented. Director Flaws seconded the motion, and the motion passed 5-0.

REPORTS AND COMMITTEE MATTERS

4. **Facilities Committee – (Director Elam, Director Mincey)**
 - A. **General Landscape Maintenance Report.** Blake Foree reported LRI installed mulch in the improved areas in the District.
 - B. **Landscape services contract, should changes be necessary.** No action.

C. District's construction deposit rules. The Board discussed the amended construction deposit rules requiring owners to make a \$5,000 construction deposit for construction projects exceeding \$100,000. The Board discussed the revised rules at length, weighing the types of construction that will occur in the District and the deposit amount for construction. The Board noted the main objective of the rule is to ensure protection of groundwater to prevent runoff. Director Rew-Hunter moved to approve amending the District's construction deposit rules as presented and discussed. Director Flaws seconded the motion, and the motion passed 4-1 with Director Elam against.

D. Projects.

1) Status/Completion of Approved. Josiah Longbons reported the East and West side Napa beds were completed, save the stump grinding. The stump grindings are scheduled to take place in the week after the meeting. LRI completed the tree canopy lifts and tree removals.

The Board discussed having consistency in landscaping throughout the District. William Swanks noted Lake Pointe HOA owns the lighting on the corners in the District and the District maintains the landscaping. The Board discussed the landscaping within The Pointe Homeowners Association area.

2) New Proposals. The Board discussed the following proposals:

- **Kayak Area Cleanup.** This \$3,055 proposal was for subdivision improvements to clean the area of saplings and install mulch. Director Mincey moved to approve the proposal as presented. Director Elem seconded the motion, and the motion passed 5-0. This proposal will be paid from the "Subdivision Improvements" budget line item.
- **Resaca Second Island Sod Fill-In.** Mr. Longbons presented the \$13,245 proposal and discussed it with the Board. Director Mincey moved to approve the proposal as presented. Director Flaws seconded the motion, and the motion passed 5-0. This proposal will be paid from the "Landscape – New" budget line item.
- **Resaca Second Island Bed Extension with Asian Jasmine.** Mr. Longbons presented this proposal for \$6725, which would add Asian Jasmine under the tree canopy. He noted Asian Jasmine would be beneficial under the tree canopy because the area has a Live Oak whose canopy prevents sun light on the ground. Director Mincey moved to approve the proposal as presented. Director Rew-Hunter seconded the motion, and the motion passed 5-0. This proposal will be paid from the "Landscape – New" budget line item.
- **Bare Area Sod Installation by Resaca Retaining Wall.** The Board discussed this \$4,510 proposal with Mr. Longbons. Mr. Longbons noted the irrigation in the area was operable. Director Mincey moved

to approve the proposal as presented. Director Elam seconded the motion, and the motion passed 5-0.

- Resaca Entry East Side Plant Fill-In. The Board discussed this proposal. Director Mincey moved to approve the \$10,764 proposal as presented. Director Rew-Hunter seconded the motion, and the motion passed 5-0.
- Resaca Entry West Side Plant Fill-In. The Board discussed this proposal. Director Mincey moved to approve the \$9,653 proposal as presented. Director Elam seconded the motion, and the motion passed 5-0.
- Resaca Install Between Sidewalk and Boulders. Mr. Longbons discussed this proposal with the Board. Director Mincey moved to approve the \$7,140 proposal as presented. Director Rew-Hunter seconded the motion, and the motion passed 5-0.
- Mr. Longbons noted that LRI would begin work on all the approved proposals within two weeks following the meeting.

3) Stormwater Basin Maintenance. No Report

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.

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

1) Receive update from LPHOA representative. Director Elam reported he attended the LPHOA meeting in October. The LPHOA representative provided an update to Director Elam on LPHOA projects as follows: the Resaca fence bids are almost complete and LPHOA would like to cost share with the District on this project; LPHOA will be replacing the Napa Park playscape swings and adding mulch; the pool is closed until March for repairs; and LPHOA is considering building a storage area at the clubhouse to allow storage for extra furniture.

2) Collectors’ Corners. No report provided.

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

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

Director Flaws reported the District moved accounts from PNC to Frost Bank to allow the District to pay bills electronically. The new Frost Bank accounts are active. The District will move its accounting information to QuickBooks. Director Flaws mentioned he investigated bookkeeping services, but many were not able or willing to provide the services the District was requesting.

- A. **Approve the District’s financial reports and payment of the District’s bills, invoices and Directors’ fees.** Mr. Swanks mentioned a few checks were cut on the PNC account for November invoice payments and the remainder of the invoices would be paid electronically. Director Flaws moved to approve the bills and invoices as presented in the amount of \$94,753.18. Director Rew-Hunter seconded the motion, and the motion passed 5-0.
- B. **Budget amendments, if any.** Tabled.
- C. **District’s five-year strategic plan.** Tabled.
- D. **TDS Bulk trash pick up and Christmas tree pick up.** Director Flaws spoke with Texas Disposal Systems (“TDS”) regarding bulk trash and Christmas tree pick up. TDS could provide both services. Christmas tree collection is \$4.58 per home (\$3,820 annually) and different pick up options were discussed as well. Director Rew-Hunter moved to authorize Director Flaws to enter into a contract with TDS to collect Christmas trees in the amount of \$3,820 plus a 10% maximum increase/overage. Director Flaws seconded the motion, and the motion passed 4-1 with Director Elam against. There was no vote on the bulk trash collection proposal.

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

- A. **Habitat Conservation Plan.** No report.
- B. **Issues affecting the Preserve.** Mr. Swanks said there was no response to the proposal on gate repairs or potential upgrade from the repair company. He has had no response from the fire department on its projected start date for its work in the fire break Mr. Swanks said the fire department is aware of the project and has walked the areas it will be working in. Balboa Services has completed its fire break work. Mr. Swanks will follow up on the swim dock electrical issue to move the process along.
 - 1) **Discuss the parameters and possible action approving a policy for removing trees and establishing fire breaks.** Director Elam reviewed the draft created by Mr. Swanks and will further review with Mr. Swanks. No action.
 - 2) **Boy Scout Eagle Project.** Director Lewis connected the Boy Scout to a Golden Checker Warbler expert he knows. Tabled.
- C. **Roadway access and permit renewal.** No action; this item will be removed from the agenda.

D. Friends of the Preserve. Tabled.

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

A. District’s digital account updates, if necessary. Tabled.

B. District’s website, IT issues, and ongoing requests. Doug Mains reported the website was down again. Because this has been a recurring issue, he will discuss options with the hosting company. The Board discussed creating an entirely new website on a new platform.

C. District’s historical records and records management. Tabled.

D. Resident Communications. Director Flaws noted he would include the Christmas tree collection in his memo to residents regarding 2024 TDS fees. Director Elam requested a communication on the new construction deposit rules and that noted he would draft information on this.

9. Procurement Committee – (Director Rew-Hunter)

A. Request for Qualifications for a landscape architect. Mr. Swanks is continuing to contact landscape architects but has yet to receive a response. No action.

10. Recreational Dock Committee – (Director Lewis, Director Flaws). Director Lewis spoke informally with a dock construction company and discussed basic process and delivery of materials via barge. Ms. Carlton spoke on the Government. Code requirements for construction. Ms. Carlton and Director Lewis will discuss further.

A. Review budget. No report provided.

B. Review dock plans. No report provided.

11. 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 discussed the TCEQ permit renewal with the Board.

12. Discuss and consider items for future agendas. The Board discussed removing items 6D and 7C from the agenda. Ms. Carlton will make revisions as noted.

13. Adjourn. Director Elam moved to adjourn the meeting. Director Flaws seconded the motion, and the motion passed 5-0. The meeting adjourned at 9:43 p.m.

SIGNED this the 14th day of December, 2023.





Jody Flaws, Secretary/Treasurer