

**LAKE POINTE MUNICIPAL UTILITY DISTRICT
MINUTES**

January 11, 2024

The Board of Directors (“Board”) of Lake Pointe Municipal Utility District (“District”) met in person for a regular meeting on January 11, 2024, at 6:00 p.m., open to the public. The District posted a copy of the Notice of the meeting as required.

Director 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	Present
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; Pat Sinnott with Lake Pointe Homeowners’ Association; Erin Selvera 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.** John Cook commented on the Carlsbad landscaping improvements and the smell from the water treatment plant. Randy Phillips also commented on the smell from the water treatment plant and concerns of power operated motor vehicles on the trail, including bikes and golf carts.
2. **Public Comment on Agenda Items.** None.

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3. **Review and approve minutes of the December 14, 2023 regular meeting.** The Board discussed the December 14, 2023, meeting minutes. Director Elam moved to approve the December minutes with minor changes. Director Flaws seconded the motion, and the motion passed 4-0.

REPORTS AND COMMITTEE MATTERS

4. **Facilities Committee –**

- A. **General Landscape Maintenance Report.** Josiah Longbons reported LRI is making the necessary preparations for the upcoming cold weather and will be monitoring the weather. Mr. Longbons reported as a precaution, metered irrigation systems, pumps, and controllers were being shut down Sunday – Wednesday. LRI also plans to prune the plant material throughout the District when dormant.

Mr. Longbons asked William Swanks to report on winterizing precautionary steps. Mr. Swanks discussed the plan to unbolt the flanges on the meters, drain pipes prior to the freeze and replace the bolts and prime the meters once the weather warms up.

B. Landscape services contract, should changes be necessary. Tabled.

C. District's construction deposit rules. Director Elam reported on the new construction rule. The Board discussed communications to notify residents of the new rule and the January 1 effective date.

D. Projects.

1) Status/Completion of Approved. Mr. Longbons reported the enhancement spreadsheet has been updated, including last month's approved projects that are near completion. Mr. Longbons stated the Southeast and Southwest side of Carlsbad are nearing completion and temporary fencing is up.

Mr. Longbons reported the tree lifts proposal will be completed after the removal of Red Oaks, the completion of Carlsbad, and weather improvements.

2) New Proposals.

- **Bee Caves Walk Enclave Mulch.** Director Elam presented the \$3,380 proposal to install mulch. Director Elam reported the District received the mulch at no cost and the bid is for the cost of labor. Director Elam moved to approve the proposal as presented. Director Flaws seconded the motion, and the motion passed 5-0.
- **Carlsbad Sod Southeast Mailbox.** Director Elam presented the \$9,255 proposal. The Board discussed the proposal. There will be no irrigation on the Southeast side, and this proposal includes a bigger area. Director Elam moved to approve the proposal as presented. Director Flaws seconded the motion, and the motion passed 5-0.

3) Stormwater Basin Maintenance.

Mr. Swanks reported the engineer performed an inspection and there is cleanup required in Brittany Pointe, Lyons Club, and Outfalls by the pond. The spillways and basins need cleaning, weeds and grasses must be removed, and the trees should be pruned.

Mr. Swanks also reported a pipe in the trees needs to be hauled off. Director Elam requested a new LRI proposal for this and recommended reusing stored landscape edging to clean up the trails. No action.

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: Resident Amanda Foot voiced her concerns as a renter living next to the water treatment plant and issues with the smell from the water treatment plant. She stated she contacted Jennifer Reichers with WTCPUA and Pat Sinnott with LPHOA and wanted her concerns on the record with the Board, that the proposed repair was unacceptable, and the plant needs to be repaired properly. Director Rew-Hunter asked Ms. Foot when the smell was more noticeable, and Ms. Foot stated it persisted on December 8, depends on the wind, and is worse at night. Director Flaws voiced his support in filing a formal complaint with TCEQ based on it taking more than 30 days for WTCPUA to address the issue. No action.

- 1) **Receive update from WTCPUA representative.** No report.
- 2) **PUA representative Board directives.** Tabled.
- 3) **PUA representative nomination.** Director Elam reported Jason Bethke’s term is expiring. The Board discussed steps for nominating Mr. Bethke’s replacement and qualifying for position. The Board discussed adding a paragraph in the newsletter or an email to residents with a link to more information about the WTCPUA representative position. No action.

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

- 1) **Receive update from LPHOA representative.** Pat Sinnott, LPHOA President, reported the leak in the pool has been repaired. She said the LPHOA board will seek bids at the next meeting for the storage shed and to fix the drainage by the pool. Ms. Sinnott reported the playscape project was approved and ordered and asked the Board to install a Pickleball court.
- 2) **Resaca fence project.** Ms. Sinnott discussed the Resaca fence project with the Board. Three bids have been provided to LPHOA and the estimated cost of the project is approximately \$400,000.

The Board discussed options for the project, including engaging an engineer, seeking voter approval for a project that would be funded by bonds, annual cost of repairs and maintenance, LPHOA monetary participation in a District project, and revising the agreement between the District and the LPHOA that was created for the original Resaca wall project. No action.

- 3) **Collectors’ Corners.** No action.

C. Collaboration with other governments and private entities on issues affecting the District. Director Lewis reported he was meeting with the Chair of the Texas House of Representatives’ Finance Committee and asked if the Board had any issues it would like Director Lewis to raise. No action.

6. 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 reported Mr. Swanks now has Quickbooks and the District has spent \$289,000, as of December 31, 2023.

Director Elam moved that Mr. Swanks be authorized to approve LRI’s regular monthly (contract-based) invoices if there is not an excessive difference between the current invoice and last year’s invoice. Director Lewis seconded the motion, and the motion passed 5-0. Director Elam then moved to approve Mr. Swanks paying a prorated amount of the approved annual contracted amount to LRI monthly. Director Lewis seconded the motion, and the motion passed 5-0.

Director Flaws moved to approve Mr. Swanks’ paying TUMCO \$5,000 per month as per the FY24 budget for a total of \$60,000 per fiscal year. Director Elam seconded the motion, and the motion passed 5-0.

Director Elam moved for approval of checks totaling \$15,587.93 as part of the December invoices. Director Lewis seconded the motion, and the motion passed 5-0.

Director Flaws moved to approve the Director fees for December. Director Elam seconded the motion, and the motion passed 5-0.

B. Budget amendments, if any. Tabled.

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

D. Additional approval of quarterly investment report. Director Lewis provided the investment report. The Board discussed the budget and investment options that may return at a higher interest rate.

Director Flaws discussed with the Board working with general counsel and Travis County regarding closing the PNC account. Mr. Swanks mentioned outstanding tax debt and transferring funds to the new Frost Bank account. The Board also discussed merging MUD 3 and MUD 5 with Travis County and Travis Central Appraisal District.

Director Flaws moved to approve the quarterly investment schedule as of December 31, 2023. Director Rew-Hunter seconded the motion, and the motion passed 5-0.

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

A. Habitat Conservation Plan. Tabled.

B. Issues affecting the Preserve. Tabled.

1) Discuss the parameters and possible action approving a policy for removing trees and establishing fire breaks. Tabled.

2) Boy Scout Eagle Project. Tabled.

C. Friends of the Preserve. Tabled.

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

A. District’s digital account updates, if necessary. Director Elam reported no changes.

B. District’s website, IT issues, and ongoing requests. Director Flaws reported the website is working and the Board discussed having the ability for the Directors to participate remotely and the requirements to establish a quorum if participating remotely.

C. District’s historical records and records management. Director Flaws reported Mr. Swanks is beginning to review the boxed historical records. The Board discussed a retention policy and the most effective way to scan historical records electronically.

D. Resident Communications. Director Elam discussed the new construction rule and reviewing communication on the new rule prior to sending information out to residents. The Board also discussed the best way to notify residents of the new construction rule, the landscaping improvements, and the WTCPUA representative opening.

9. Procurement Committee – (Director Rew-Hunter)

Discuss and consider RFQ response received and authorize contract discussions with architect. Director Rew-Hunter reported on the RFQ response from KFM. Director Rew-Hunter noted the response reflects KFM’s experience with public works projects in various municipalities ranging from Austin, Texas to Plano, Texas and he further noted KFM has existing relationships with subcontractors for work not handled by KFM.

Director Rew-Hunter moved to accept the KFM packet of qualifications and to authorize the Procurement Committee to enter discussions and contract negotiations with KFM Engineering and Design. Director Lewis seconded the motion, and the motion passed 5-0.

10. Recreational Dock Committee – (Director Lewis, Director Flaws)

A. Construction requirements and construction delivery method. The Board discussed working with the City of Austin to amend the swim dock project. No action.

B. Review budget. No action.

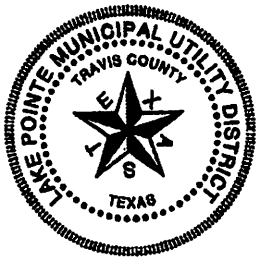
C. Review dock plans. No action.

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. The Board went into executive session under Items 5 and 6, above, at 9:28 p.m. for the purpose of receiving legal advice and counsel. The Board returned to open session at 10:15 p.m. No action was taken in executive session.

12. Discuss and consider items for future agendas. No action.

13. Adjourn. Director Elam moved to adjourn the meeting. Director Lewis seconded the motion, and the motion passed 5-0. The meeting adjourned at 10:16 p.m.

SIGNED this the 29th day of February 2024.





Jody Flaws, Secretary/Treasurer