

**LAKE POINTE MUNICIPAL UTILITY DISTRICT
MINUTES**

February 29, 2024

The Board of Directors (“Board”) of Lake Pointe Municipal Utility District (“District”) met in person for a regular meeting on February 29, 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 6:01 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; Laura Jones with Maxwell Locke & Ritter (“ML&R”), Jennifer Reichers, Eric Morgan, and Blake West with West Travis County Public Utility Agency (“WTCPUA”), 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.** Mike Burshnick requested documentation from the Board on variances he believed were issued for his property. Kelli Carlton will follow up with Mr. Burshnick.
- 2. Public Comment on Agenda Items.** None.
- 3. Presentation of the FY23 audit, and take action to approve the audit and file same.** Laura Jones with ML&R presented the final Fiscal Year 2023 audit to the Board. Ms. Jones reported no significant changes and stated the audit provided an unmodified and clean opinion of the District’s finances. Ms. Jones both noted the bonds were paid in full and the audit and schedules would reflect the payoff. Director Flaws moved to approve the Fiscal Year 2023 audit as presented. Director Lewis seconded the motion, and the motion passed 4-0.

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- 4. Review and approve minutes of the January 9, 2024 special meeting and the January 11, 2024 regular meeting.** Director Elam moved to approve the January 9 special meeting minutes and the January 11 regular meeting minutes as presented. Director Flaws seconded the motion, and the motion passed 4-0.

REPORTS AND COMMITTEE MATTERS

5. Facilities Committee –

A. General Landscape Maintenance Report. Josiah Longbons reported the completion of the winter vegetation pruning and noted the new growth was robust. Mr. Longbons provided an update on the growth of the recent plantings and trees in the District. Mr. Longbons stated the Spring maintenance schedule and the turf management work would begin in March. The Board discussed seeding with wildflower seed in the Fall.

Mr. Longbons reported on the Lower Colorado River Authority’s (“LCRA”) new drought rules. Mr. Longbons plans to speak with LCRA regarding the difficulty of watering the entire District in one day as required in the new rules and will follow up with Facilities Committee. No action.

B. Landscape services contract, should changes be necessary. No action.

C. District’s construction deposit rules. No action.

D. Projects.

1) Status/Completion of Approved. Mr. Longbons reported on the completion of all approved projects.

2) New Proposals. None.

a. Pipe removal from trees and haul off. LRI completed this project and no additional work is needed. No action.

3) Stormwater Basin Maintenance. Tabled.

6. 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:

1) Receive update from WTCPUA representative. *See 6A(2) below.*

2) Receive presentation from WTCPUA on Lake Pointe lift station bypass plan. WTCPUA General Manager, Jennifer Reichers, Operations Manager Eric Morgan, and Engineer Blake West discussed the wastewater odors and WTCPUA’s project at the wastewater treatment plant with the Board. Mr. West discussed the lift station repairs were designed to both repair and increase lift station life. Mr. West reported that WTCPUA will use a bypass pump to move wastewater while the lift station is offline. The bypass pump will start Wednesday, March 6, will be monitored 24 hours per day, and will work through mid-April until the lift station repair work is completed.

The Board discussed various topics with Eric Morgan, including the use of the wastewater treatment plant, odor issues, the lift station, and decommissioning the current wastewater treatment plant. The Board and Mr. Morgan also discussed the Bohls wastewater treatment plant construction. Mr. Morgan stated it would take approximately one year to build the wastewater treatment plant once all approvals and bids were received. No action.

- 3) **PUA representative nomination.** Director Elam reported the WTCPUA representative, Jason Bethke, will continue in his role until his term ends in September 2024. The Board discussed the use of treated effluent in the District. Director Elam noted Mr. Bethke will work with the District on that idea. No action.
- 4) **PUA nomination.** The Board discussed a WTCPUA board ex officio membership possibly being filled by a District Director. No action.

B. Collaboration with the Lake Pointe Homeowners' Association ("LPHOA"), including:

- 1) **Receive update from LPHOA representative.** No report.
- 2) **Resaca fence project.** Director Flaws reported he attended the January LPHOA meeting and noted the LPHOA was receptive to the idea of the District taking on the Resaca fence project. No action.
- 3) **Potential for developing a pickleball court.** Ms. Carlton provided information on the proposed land and court dimensions for a pickleball court for review and discussion. No action.
- 4) **Collectors' Corners.** Mr. Longbons and William Swanks recently reviewed all the corners to determine boundaries. Director Elam noted there were several collectors' corners in the District with several of those on Resaca. No action.

C. Collaboration with other governments and private entities on issues affecting the District. None.

7. 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 a budget versus actual expense report to the Board. Director Flaws noted budget item 71204 "Subdivision Improvements" is currently over budget, but a related budget item is currently under budget. Director Flaws also reported budget item 72026 "Tree Care" is over budget and he would recommend budget amendments next month.

Mr. Swanks stated the LCRA raw water bill was approximately \$550 per month and he would put this bill on autopay.

Director Flaws presented the District's invoices and Directors' fees to the Board. Director Flaws moved to approve bills totaling \$84,638.71. Director Lewis seconded the motion, and the motion passed 4-0.

Director Elam moved to approve the Director fees as presented. Director Lewis seconded the motion, and the motion passed 4-0.

Director Lewis discussed the District's current investments with the Board and suggested purchasing Treasury Bills upon maturity of other investments and maintaining a maturity ladder. No action.

B. Budget amendments, if any. Tabled.

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

D. Close PNC account. Director Flaws reported the PNC account would remain open for another month and most of the District's revenue was moved to the new account with Frost Bank. Director Flaws moved to approve opening a new Frost Bank account to hold construction deposits. Director Rew-Hunter seconded the motion, and the motion passed 4-0.

E. Change tax accounts with Travis County. Director Flaws provided information on the Frost Bank tax revenue account to the Travis County Tax Office. Director Flaws moved to approve transferring the District's tax account to Frost Bank. Director Lewis seconded the motion, and the motion passed 4-0.

8. Preserve Committee – (Director Rew-Hunter)

A. Habitat Conservation Plan. Tabled.

B. Issues affecting the Preserve. Mr. Swanks reported the fire department was finalizing work in the fire break area in the Preserve. The remainder of the fire break work has been completed.

1) Discuss the parameters and possible action approving a policy for removing trees and establishing fire breaks. No action.

2) Boy Scout Eagle Project. Jaden Cassidy, Life Scout with Boy Scout Troop 550, presented his proposed project and provided an update on his work since his last presentation to the Board. Mstr. Cassidy's project will be educational in nature, providing information on the Golden Cheeked Warbler and other wildlife in the Preserve. Director Rew-Hunter moved to approve the project as presented, to sign Mstr. Cassidy's required Scouting forms, and to allow the Preserve Committee to work with Mstr. Cassidy throughout his project. Director Elam seconded the motion, and the motion passed 4-0.

C. Friends of the Preserve. Tabled.

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

- A. District’s digital account updates, if necessary.** No report.
- B. District’s website, IT issues, and ongoing requests.** Director Elam discussed videoconferencing for meetings and logistics for videoconferencing. Doug Mains suggested the use of Chrome books, Zoom, and microphones. Director Elam moved to allow up to \$500 for Mr. Mains to determine options for videoconferencing. Director Rew-Hunter seconded the motion, and the motion passed 4-0.
- C. District’s historical records and records management.** Ms. Carlton provided a memo on records retention for the Board. Mr. Swanks noted the District’s storage boxes are maintained in climate-controlled storage with fire suppression capabilities. Mr. Swanks will continue to work on the stored boxes to determine which stored documents should be retained or destroyed. No action.
- D. Resident Communications.** The Board discussed sending an email to residents regarding not driving motorized vehicles, having off-leash dogs, or leaving dog waste in the Preserve. Director Elam stated he would send language for this notice to Mr. Mains to post on the website.

10. Procurement Committee – (Director Rew-Hunter)

- A. Update on landscape architect and contract for same.** Director Rew-Hunter discussed having a meeting with the landscape architect to discuss contract terms. No action.

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

- A. Construction requirements and construction delivery method.** Director Lewis reported the City of Austin approved the revised swim dock plans with the current August 2025 permit expiration. Director Flaws moved for the Recreational Dock Committee to work with Doucet Engineering on the swim dock. Director Rew-Hunter seconded the motion, and the motion passed 4-0.
- B. Review budget.** No action.
- C. Review dock plans.** *See 11A, above.*

12. Discuss, consider and take action on Director resignation and appointment of new Director.

Director Elam reported the resignation of Director Scott Mincey. The Board discussed the length of Director Mincey’s remaining term and filling the open position. Director Elam moved that Director Flaws update the application form and provide information on the District’s committee structure, and that Director Elam post the information on the District’s website, with the Board voting to fill the vacancy during the April meeting. Director Flaws seconded the motion, and the motion passed 4-0.

13. 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 working with the Travis Central Appraisal District to consolidate the Municipal Utility District 3 area and the Municipal Utility District 5 area into one Lake Pointe Municipal Utility District area for appraisal and assessment purposes. Ms. Carlton further reported the Firm Water Contract with LCRA requires an update to the drought contingency plan to be compliant with new LCRA drought stage rules.

Return to Items 6B2, 7A, 9D and 12. The Board entered executive session at 8:36 p.m. on items 6B2, 7A, 9D, and 12 for the purpose of consulting with legal counsel. The Board concluded executive session and re-opened the meeting at 9:42 p.m. No action was taken during the executive session. In open session, Director Elam moved to authorize Ms. Carlton to communicate with the Burshnicks as discussed. Director Rew-Hunter seconded the motion, and the motion passed 4-0.

14. Discuss and consider items for future agendas. The Board discussed adding the appointment of a director, the deed on the Napa Pond property, engineering work for the swim dock, and financial advisor appointments as items for the March agenda.

15. Adjourn. Director Rew-Hunter moved to adjourn the meeting. Director Elam seconded the motion, and the motion passed 4-0. The meeting adjourned at 9:45 p.m.

SIGNED this the 21st day of March 2024.





Jody Flatts, Secretary/Treasurer