

**LAKE POINTE MUNICIPAL UTILITY DISTRICT
MINUTES
March 21, 2024**

The Board of Directors (“Board”) of Lake Pointe Municipal Utility District (“District”) met in person for a regular meeting on March 21, 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 6:06 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
David Lewis	Director	Present
Vacant	Director	

Also in attendance were William Swanks with TUMCO; Blake Foree with Landscape Resources, Inc. (“LRI”); Doug Mains with Elite Computing, Pat Sinnott with Lake Pointe Homeowners’ Association (“LPHOA”); 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.** None.
2. **Public Comment on Agenda Items.** None.

MINUTES

3. **Review and approve minutes of the February 29, 2024 regular meeting.** The Board discussed the February 29 regular meeting minutes. Director Elam moved to approve the February minutes with minor changes. Director Lewis seconded the motion, and the motion passed 4-0.

REPORTS AND COMMITTEE MATTERS

4. **Facilities Committee – (Director Elam)**
 - A. **General Landscape Maintenance Report.** Blake Foree reported LRI applied fertilizer for turf management and as a weed preventative.
 - B. **Landscape services contract, should changes be necessary.** Tabled.
 - C. **Updated Aquatic Features contract.** Kelli Carlton discussed the updated Aquatic Features contract with the Board. Director Elam moved to approve the updated Aquatic Features contract with Ms. Carlton’s suggested changes. Director Jason Rew-Hunter seconded the motion, and the motion passed 4-0.

D. Projects.

1) Status/completion of approved. Mr. Foree had no approved projects to discuss. No action.

2) New Proposals.

- Amenity Center Granite Trail Repair. Mr. Foree presented the \$8,795 proposal to repair the granite trail at the Amenity Center. Director Elam moved to approve the proposal as presented. Director Flaws seconded the motion, and the motion passed 4-0.
- Clean up Work for Ponds. Director Elam requested new proposals for landscaping around ponds and sediment removal. William Swanks mentioned the project would be listed under the Drainage Pond budget in line item 71202. Director Elam moved to approve the proposal as presented for \$18,485. Director Flaws seconded the motion, and the motion passed 4-0.
- Resaca Entrance Construction Damage Repair. Mr. Foree and Mr. Swanks discussed the proposal to repair the damage to the Resaca entrance. Mr. Swanks mentioned the damage was caused by the Texas Department of Transportation's ("TXDoT") work on a new traffic light at the Resaca entrance. No action; pending TXDoT providing additional information to Mr. Swanks.
- Lakestone and Resaca Plant Fill-In. Director Elam requested this proposal be divided into west and east sides. Tabled.
- Resaca Entrance Island Tip Clean Up. Mr. Swanks presented a proposal for preliminary repair of the Resaca entrance island tip for damage caused by a car accident in February. Mr. Swanks said a proposal would be presented to the driver's insurance company for damage repair. The preliminary repair proposal was for interim work while the LPHOA decides whether to repair or replace the Lake Pointe monument that was damaged and removed. Director Elam moved to approve the \$2,548 proposal. Director Lewis seconded the motion, and the motion passed 4-0.
- Access Controls. Mr. Swanks presented the Access Controls proposal to repair and upgrade the District's gates at the Preserve. Director Elam moved to approve the proposal as presented for \$16,295. Director Flaws seconded the motion and the motion passed 3-0-1, with Director Lewis abstaining from the vote.

3) Stormwater basin maintenance. Mr. Swanks discussed potential effluent use with the Board. 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, including:

- 1) **Receive update from WTCPUA representative.** No update.
- 2) **Special Warranty Deed from WTCPUA;** Ms. Carlton discussed the proposed deed with the Board. Director Elam asked about the need for an easement to allow for WTCPUA’s use of the road on the property. The Board authorized Ms. Carlton to discuss the following with WTCPUA’s attorney: whether there was a need for an easement for WTCPUA’s use; whether WTCPUA would offer some protection to the District in the form of indemnity (or similar) given the proximity of the property to the wastewater treatment plant, and correcting typographical errors on the Special Warranty Deed. No action.
- 3) **PUA representative Board directives;** Tabled.
- 4) **PUA representative nomination.** Director Flaws discussed the duties of the WTCPUA representative with Jason Bethke and noted he was interested in serving in the position upon the expiration of Mr. Bethke’s term. Director Flaws proposed working with Mr. Bethke until September to provide consistency in the position. The Board discussed a potential appointment to fill this position. No action.

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

- 1) **Receive update from LPHOA representative.** Pat Sinnott, LPHOA President, discussed seeking community input on the replacement of the monument at the Resaca entrance. The Board and Ms. Sinnott discussed upgrading the District’s entrances if the District is able to secure a bond for such work. Ms. Sinnott also discussed the LPHOA upgrades to the Napa Park playscape; power washing, painting, and repairing the slats of the Resaca fence; various other repairs to be undertaken by the LPHOA; and she noted LPHOA hired a new pool management company.

The Board and Ms. Sinnott discussed shifting ownership of the Resaca entrance monument as well as other areas that have a mix of District and LPHOA ownership to the District, with LPHOA keeping and maintaining the community center, pool, and Napa Park. No action.

- 2) **Resaca fence project.** Director Flaws reported he discussed the wall issues with proposed bond counsel. Director Flaws noted bond pricing includes roughly 5% to 10% which will be included in the bond amount.

Director Lewis reported the District's engineering firm, Doucet, declined to work on the potential wall project, and the District will need to seek a new firm to address this potential project. No action.

- 3) **Collectors' Corners.** Director Elam discussed collectors' corners work and Ms. Sinnott requested fence be completed first. No action.

C. Collaboration with other governments and private entities on issues affecting the District. Tabled.

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 Lewis reported the District currently has \$3.56 million in its investment accounts. Director Flaws moved to approve invoices totaling \$11,924.85. Director Rew-Hunter seconded the motion, and the motion passed 4-0. Mr. Swanks reported receiving an invoice from Lake Travis Fire Rescue for the final fire break work prior to the meeting. Director Flaws moved to approve the Lake Travis Fire Rescue invoice as presented. Director Elam seconded, and the motion passed 4-0. Director Flaws moved to approve the Director fees in the amount of \$3,978 as presented. Director Lewis seconded, and the motion passed 4-0.

B. Budget amendments, if any. Director Flaws moved to merge "Subdivision Improvements" and "Landscape New" line items and to reduce line item 78023 by \$100,000. Director Flaws suggested the \$100,000 would go to increase Director Fees by \$23,500, Tree Care by \$18,000, and Habitat Improvement Fire Break by \$20,000, with any residual amount going into the Subdivision Improvements line item. Director Lewis seconded the motion, and the motion passed 4-0.

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

D. PNC account closure. Director Flaws moved to close the PNC bank accounts pending confirmation from Travis County of tax payments being deposited into the Frost Bank account. Director Rew-Hunter seconded the motion, and the motion passed 4-0.

E. Tax account modification with Travis County. Mr. Swanks reported the District's tax payments are being deposited into the Frost Bank account. Ms. Carlton noted Travis Central Appraisal District indicated it was working to consolidate the two former MUD 3 and MUD 5 taxing areas into one taxing area and would contact Ms. Carlton if that office needed additional information.

F. Information from District's financial advisor and possible engagement of a new advisor; No action.

G. Engage bond counsel for assistance with financing District projects; *See executive session.*

7. Preserve Committee – (Director Rew-Hunter)

A. Habitat Conservation Plan. Tabled.

B. Issues affecting the Preserve.

1) Boy Scout Eagle Project. Director Rew-Hunter mentioned he would contact Jaden Cassidy, Life Scout with Boy Scout Troop 550, for an update on his Eagle Scout project.

C. 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. Per the Board’s direction, Doug Mains purchased equipment to allow a Director to participate in a meeting remotely. Mr. Mains stated the Director would participate via Zoom and would be visible and audible to the meeting place via a Google pad and a speaker. The Board discussed with Mr. Mains updating the District’s email list to send residents information regarding the District. The Board authorized Director Elam to draft information for the LPHOA newsletter on residents joining the District’s email list.

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

D. Resident communications. *See* 8B, above. The Board authorized Director Elam to draft information regarding the WTCPUA representative opening for the District’s website. The Board authorized Director Flaws to remove former Director, Scott Mincey from the District’s website and to create a link to the Director application.

9. Procurement Committee – (Director Rew-Hunter)

A. Landscape architect and contract for same. Director Rew-Hunter reported speaking with KFM regarding landscaping uniformity for the District. Director Rew-Hunter stated he would provide the Board with a contract when he receives a proposed contract from KFM. No action.

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

A. Engineering work for swim dock; Director Lewis spoke with Doucet, the current engineering firm for the District. A Doucet representative explained that Doucet did not have experience in engineering docks. Director Rew-Hunter stated he would speak with KFM to see if KFM has experience in that area.

B. Construction requirements and construction delivery method; Tabled.

C. **Review budget.** Tabled.

D. **Review dock plans.** Tabled.

OTHER MATTERS

11. Discuss, consider and take action on Director resignation and appointment of new Director; Director Elam reported the District had received two applications for the open Director position. The Board requested all candidates apply by April 5 and attend the April meeting to speak with the Board.

12. Discuss, consider and take action on updated Drought Contingency Plan; Ms. Carlton provided an update on the drought contingency plan to be compliant with new watering restrictions.

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; No additional report to discuss in open session, but Ms. Carlton asked to speak with the Board in Executive Session.

Return to Items 5B2, 6F, 6G. The Board entered Executive Session at 8:50 p.m. to discuss Items 5B2, 6F, 6G and consult with the District's counsel on those items. The Board reconvened in regular session at 9:30 p.m. No action was taken during the Executive Session.

The Board then returned to Item 6G. Director Flaws moved to authorize himself and Director Lewis to select bond counsel for the District, with Director Elam authorized to sign an engagement letter retaining bond counsel. Director Rew-Hunter seconded the motion, and the motion passed 4-0.

The Board returned to Item 10A. Director Flaws moved to authorize himself and Director Lewis to seek and select an engineer to work with the District on the dock project, with Director Elam authorized to sign an engagement letter retaining the selected engineer. Director Rew-Hunter seconded the motion, and the motion passed 4-0.

14. Discuss and consider items for future agendas; and The Board moved April's meeting to Tuesday, April 9, 2024 at 6:00 p.m., pending availability of the community center.

15. Adjourn. Director Lewis moved to adjourn the meeting. Director Elam seconded the motion, and the motion passed 4-0. The meeting adjourned at 9:38 p.m.

SIGNED this the 9th day of April 2024.





Jody Flaws, Secretary/Treasurer