

**LAKE POINTE MUNICIPAL UTILITY DISTRICT  
MINUTES  
May 9, 2024**

The Board of Directors (“Board”) of Lake Pointe Municipal Utility District (“District”) met in person for a regular meeting on May 9, 2024, at 6:00 p.m., open to the public. The District posted a copy of the Notice of the meeting as required.

Director Flaws called the meeting to order at 6:05 p.m.

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

Terry Elam	President	Present
Jason Rew-Hunter	Vice President	Absent
Jody Flaws	Secretary/Treasurer	Present
David Lewis	Director	Present
Michael Jopling	Director	Present [arrived at 6:35 p.m.]

Also in attendance were William Swanks with TUMCO; Josiah Longbons with Landscape Resources, Inc. (“LRP”); Doug Mains with Elite Computing, Pat Sinnott with Lake Pointe Homeowners’ Association (“LPHOA”); Bart Fowler with McCall, Parkhurst & Horton; David Gray with Gray Engineering, Inc.; 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.

**DIRECTOR CANDIDATES**

3. **Swear in new Director, Michael Jopling.** Mr. Jopling was not present at the beginning of the meeting, and items 3, 4 and 5 were tabled pending his arrival. Mr. Jopling arrived at 6:35 p.m. and was sworn in by Kelli Carlton. The Board then took up Items 4 and 5, below.
4. **Accept Statement and Oath from Michael Jopling.** Director Flaws moved to accept Director Jopling’s statement and oath of office. Director Elam seconded the motion, and the motion passed 4-0.
5. **Discuss, consider, and take action on officer positions for Directors.** Director Flaws moved for the Directors to retain their current positions. Director Elam seconded the motion, and the motion passed 4-0.

## MINUTES

6. **Review and approve minutes of the April 9, 2024, regular meeting.** The Board discussed the April 9 regular meeting minutes. Director Flaws moved to approve the April minutes as presented. Director Elam seconded the motion, and the motion passed 3-0-1 with Director Jopling abstaining.

### REPORTS AND COMMITTEE MATTERS

7. **Facilities Committee – (Director Elam)**

The Board discussed adding Director Jopling to the Facilities Committee. Director Elam moved to add Director Jopling to the Facilities Committee as co-chair. Director Flaws seconded the motion, and the motion passed 4-0.

- A. **General Landscape Maintenance Report.** Tabled.

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

- C. **Projects.**

- 1) **Status/completion of approved.** Mr. Longbons reported the completion of previously approved. No action.

- 2) **New Proposals.** Tabled.

- 3) **Stormwater basin maintenance.** William Swanks reported on pending work on the Preserve gate repair. The necessary parts for the repair had not yet been delivered.

8. **Lake Pointe Wall Committee**

- A. **Engagement of an engineering firm.** David Gray presented his firm's proposal for the project and described a three-phase proposal for the wall construction. Mr. Gray discussed each phase, with the first phase being an election, the second as obtaining the Texas Commission on Environmental Quality's approval, and the third as the design and construction of the wall. Director Flaws moved to engage Gray Engineering for the wall construction project as presented. Director Lewis seconded, and the motion passed 3-0. (This item was addressed prior to Director Jopling's arrival.)

- B. **Project updates.** Tabled.

9. **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 provided. No action.

- 2) **Special Warranty Deed from WTCPUA.** Tabled.
- 3) **PUA representative Board directives.** Tabled.
- 4) **Appoint WTCPUA representative.** Tabled.

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

- 1) **Receive update from LPHOA representative.** Pat Sinnott, LPHOA President, expressed her appreciation to the Board for its work on the wall project and asked that all the current walls be included in the project. Ms. Sinnott provided an update on the LPHOA's projects, including cleaning gutters and the drainage ditch outside at the community center after the storm in April, and working with LRI to add grass to the park. Ms. Sinnott noted the LPHOA will need to undertake structure work on the pavilion soon. No action.
- 2) **Collectors' Corners.** Tabled.

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

**10. 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 presented the District's May invoices to the Board. Director Flaws moved to approve the bills and invoices as presented. Director Elam seconded the motion, and the motion passed 3-0-1 with Director Jopling abstaining.

Director Flaws presented the April Directors' fees to the Board. Director Flaws moved to approve the April Directors' fees as presented. Director Elam seconded the motion, and the motion passed 3-0-1 with Director Jopling abstaining.

- B. Quarterly investment report.** Tabled.
- C. Budget amendments, if any.** Tabled.
- D. District's five-year strategic plan.** Tabled.
- E. Tax account modification with Travis County.** This item is complete and will be removed from the agenda. No action.
- F. Information from District's financial advisor and possible engagement of a new advisor.** Director Elam moved for the Finance Committee to obtain proposals for a financial advisor. Director Flaws seconded the motion, and the motion passed 4-0.

- G. Bond counsel proposal from McCall, Parkhurst & Horton.** Bart Fowler with McCall, Parkhurst & Horton presented his firm’s bond counsel proposal to the Board. Mr. Fowler stated his firm only practices in the public finance area and provided background to the Board on a bond election and information needed to call a bond election. The Board then discussed bonds and the bond election process with Mr. Fowler. Director Lewis moved to engage McCall, Parkhurst & Horton as bond counsel as presented in Mr. Fowler’s proposal. Director Flaws seconded the motion, and the motion passed 3-0. (This item was addressed prior to Director Jopling’s arrival.)
- H. Annual review of investment policy and code of ethics and a resolution for same.** The Board briefly reviewed the investment policy and code of ethics and agreed to revisit this policy next month. No action.
- I. Bank signature authorizations to reflect director change and a resolution for same.** The Board discussed and reviewed the bank signature authorization and determined no changes were needed. No action.
- J. Workers’ Compensation, Liability, Property, and Cyber Security insurance rerate.** The Board reviewed and discussed adding the swim dock to the District’s insurance policy. Mr. Swanks will follow up with Texas Municipal League (“TML”), the District’s insurer, and provide an update next month. Director Flaws moved to approve the TML policy and re-rate, pay the premium, and authorize Mr. Swanks to add coverage as noted by the Board. Director Elam seconded the motion, and the motion passed 4-0.

**11. Preserve Committee – (Director Rew-Hunter)**

The Board discussed adding Director Jopling to the Preserve Committee. Director Elam moved to appoint Director Jopling to the Preserve Committee. Director Flaws seconded the motion, and the motion passed 4-0.

**A. Habitat Conservation Plan.** Tabled.

**B. Issues affecting the Preserve.** Tabled.

**1) Boy Scout Eagle Project.** Jaden Cassity presented an update on his Eagle Scout project. He has raised \$1,277 thus far for his project. Mstr. Cassity said the project cost will exceed \$3,000, with the cost of the signs in the Preserve totaling \$2,137. Director Flaws moved to approve purchasing signs for the Preserve, not to exceed \$2,200. Director Lewis seconded the motion, and the motion passed 3-0. (This item was considered prior to Director Jopling’s arrival.) Mr. Swanks offered that his company would donate to Mstr. Cassity’s project to make up for any deficiency in fundraising.

**C. Friends of the Preserve.** Tabled.

**12. 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.** The Board discussed updating the District’s website with Doug Mains to add Director Jopling’s information and provide Director Jopling access to the Board’s online information.
- C. District’s historical records and records management.** Mr. Swanks provided an update on the historical records and records management process and noted the review of the records is taking longer than expected. No action.
- D. Resident communications.** The Board discussed communications with residents on upcoming projects. Director Elam will send notice to the community regarding the WTCPUA representative opening after he meets with the committee. No action.

**13. Procurement Committee – (Director Rew-Hunter)**

- A. KFM proposed contract and any contract revisions for Landscape architecture work.** Director Flaws moved to authorize Kelli Carlton to work with KFM on the contract. Director Elam seconded the motion, and the motion passed 4-0.

**14. Recreational Dock Committee – (Director Lewis, Director Flaws)**

- A. Gray Engineering proposal for engineering work for swim dock.** David Gray provided the Board with information on his business, Gray Engineering. Mr. Gray stated his firm can provide civil engineering services, and has experience in building docks and wall projects, as well as experience in working with municipal utility districts and water supply corporations. Mr. Gray answered the Board’s questions on the project and bidding requirements and projected a timeline of six to eight months to complete this project. Director Flaws moved to engage Gray Engineering for the swim dock project as proposed, with an initial budget of \$26,000. Director Lewis seconded the motion, and the motion passed 3-0. (This item was considered prior to Director Jopling’s arrival.)
- B. Construction requirements and processes.** Tabled.
- C. Review budget.** Tabled.
- D. Review dock plans.** Tabled.

**OTHER MATTERS**

- 15. Discuss, consider and take action on updated Drought Contingency Plan and any updates to same.** The plan was approved last month. There was a brief discussion with Ms. Carlton about the plan. No action.
- 16. Discuss, consider, and take action on LCRA’s pro-rata curtailment requirements, including review of Customer Curtailment Plan for District and any allotment modifications.** Ms. Carlton explained the LCRA pro-rata curtailment modification plan to the Board. Director Flaws

moved to approve the LCRA pro-rata curtailment modification plan as presented. Director Lewis seconded the motion, and the motion passed 4-0. Director Flaws moved to assign Mr. Swanks as the Drought Coordinator for the District. Director Lewis seconded the motion, and the motion passed 4-0. Mr. Swanks will send the signed pro-rata curtailment modification plan to LCRA.

17. **Approve update of District Registration form for the Texas Commission on Environmental Quality.** Director Flaws moved to approve the District Registration Form as presented. Director Elam seconded the motion, and the motion passed 4-0.

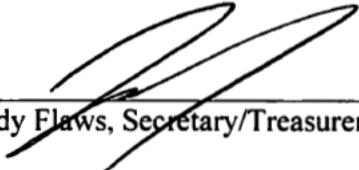
**Receive General Counsel report, including, but not limited to, tax matters, pending contract issues, open records requests, litigation, reporting requirements, and other legal issues, if any, and take action as needed.** Ms. Carlton discussed the notice received from the Travis Central Appraisal District with the Board. No action.

18. **Discuss and consider items for future agendas; and** The Board discussed adding a discussion on the FY25 budget next month. No action.

19. **Adjourn.** Director Flaws moved to adjourn the meeting. Director Jopling seconded the motion, and the motion passed 4-0. The meeting adjourned at 8:25 p.m.

SIGNED this the 13<sup>th</sup> day of June 2024.



  
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Jody Flaws, Secretary/Treasurer