

**LAKE POINTE MUNICIPAL UTILITY DISTRICT  
MINUTES  
August 8, 2024**

The Board of Directors (“Board”) of Lake Pointe Municipal Utility District (“District”) met in person for a regular meeting on August 8, 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	Absent
Jody Flaws	Secretary/Treasurer	Present
David Lewis	Director	Present
Michael Jopling	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; David Gray with Gray Engineering; Chris Bodine with KFM Engineering and Design (“KFM”); Pat Sinott with LPHOA; 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 July 22, 2024, regular meeting.** Director Elam moved to approve the July 22, 2024, minutes with minor amendments. Director Lewis seconded the motion, and the motion passed 4-0.

**REPORTS AND COMMITTEE MATTERS**

4. **Facilities Committee – (Director Elam, Director Jopling)**
  - A. **General Landscape Maintenance Report.** Josiah Longbons reported on the weekly landscaping maintenance service. No action.
  - B. **Landscape services contract should changes be necessary.** Director Elam discussed amending the landscape services contract to add certain areas for mowing on an ad hoc basis with a cap of \$1000 per month. The Board discussed adding clarity on the cleanup of trash in the District’s approximately 15 ponds

once per month. Per William Swanks, the sediment cleanout from the ponds happens infrequently and sediment cleanup would be a separate part of the contract. This discussion will continue with the Facilities Committee. No action.

- C. Projects – proposed, new and status of approved projects;** Mr. Longbons stated the tree work was not started because LRI's chipper has been out of service, but the work will hopefully start in the week after the meeting. Director Elam asked LRI to provide future proposals in the week after the Board meeting so the Facilities Committee can discuss with LRI prior to the meeting.
- D. Stormwater basin maintenance.** Aquatic Features removed the cattails prior to the meeting and provided a proposal of \$3,000 for the work. Aquatic Features will add water plants in August. The invoice for the cattail removal will be in September's invoices.

**5. Lake Pointe Wall Committee – (Director Flaws, Director Lewis)**

- A. Project update, including update from consultants and bond counsel for same.** Director Lewis provided a brief update on the status of work to date. No action.
- B. Review budget and plans for proposed wall;** Tabled.
- C. Additional potential projects that may be included in bond issuance;** Tabled.
- D. KFM proposal for park plan work** Chris Bodine presented KFM's August 7, 2024, revised proposal. Mr. Bodine discussed various wall options, providing a cost range for various materials ranging from \$140 per linear foot to \$260 per linear foot for construction only (not including demolition of the current wall). Mr. Bodine noted the columns will cost \$2600-\$2800 each and he also discussed landscaping along the new wall. David Gray stated trying to retrofit a wall is more expensive than new construction. Mr. Gray suggested the Board work with KFM to determine all potential projects for the recreational bond issue and consider having input from residents on the various pieces. The Board discussed the timeline with Mr. Bodine and Mr. Gray to meet a May election deadline. Mr. Bodine and Mr. Gray will help develop a timeline for the Board to reference during the process. Mr. Bodine then discussed monuments for the three District entrances and matching those monuments to the wall for cohesiveness of design. Mr. Gray discussed Vista Pointe Park and potential improvements to it. The Board asked that the swim dock be added to KFM's revised proposal and Mr. Bodine confirmed the swim dock can be added to the proposal. Director Elam moved to approve the revised KFM proposal with minor amendments and with a value of \$10,000.00. Director Lewis seconded the motion, and the motion passed 4-0.

**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, including:**

- 1) **Receive update from WTCPUA representative.** None.
- 2) **Special Warranty Deed from WTCPUA.** The Board will review the deed in September. No action.
- 3) **Easement on property subject to deed.** Director Elam added one edit to the draft easement and the Board will review in September. No action.

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

- 1) **Receive update from LPHOA representative.** Pat Sinnott provided an update, noting the wall patches were finished, the storage shed construction was completed, and the Napa Park pavilion was repaired. The Board asked that Mr. Swanks be given a key to the shed. LPHOA is considering replacing the pool deck and the doors and windows at the community center. LPHOA is changing the management companies. Ms. Sinnott noted the current manager is leaving and there will be no manager on site. The LPHOA annual meeting will be postponed until a new management company is retained. Ms. Sinnott stated LPHOA is interested in helping the District with the monuments at the entrances. She noted the insurance settlement to LPHOA for the auto damage to the entrance monument is still pending.
- 2) **Collectors’ Corners.** Director Elam and Ms. Sinnott discussed which entity owns the land on the various corners and whether to engage a surveyor to help determine ownership. Ms. Sinnott said in several instances the land is in county right-of-way and suggested further discussion with the Board. No action.

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

**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 presented the Director fees and invoices with expenditure reports for July. Director Flaws expects the District will underspend its budget for FY24. Director Flaws moved to approve the payment of July director fees as presented. Director Lewis seconded the motion, and the motion passed 4-0. Director Flaws moved to approve the payment of invoices as presented. Director Lewis seconded the motion, and the motion passed 4-0. Director Flaws then moved to approve the payment of the TML insurance invoice

received on the day of the meeting. Director Lewis seconded, and the motion passed 4-0.

**B. Quarterly investment report.** No action.

**C. Amended Code of Ethics and Investment Policy.** Director Flaws moved to approve the Amended Code of Ethics and Investment Policy with amendments to Exhibits B (A)(1) and C as discussed. Director Elam seconded the motion, and the motion passed 4-0.

**D. Budget amendments, if any.** Director Flaws recommended changes to the budget and will propose amendments to the FY 25 budget at the next meeting. No action.

**E. Action regarding 2024 tax rate, including:** Director Flaws presented the tax rate calculations to the Board.

1) **Establishing proposed tax rate and taking record vote;** Director Flaws proposed the 2024 tax rate be \$0.1354/\$100. Director Elam seconded the motion, and the motion passed 4-0. The record vote was Elam – aye; Flaws – aye; Lewis – aye; Jopling – aye.

2) **Acknowledging and approving posting of the “Notice of Hearing on Tax Rate” to District website.** Director Elam moved to approve posting as required. Director Jopling seconded, and the motion passed 4-0.

**F. District’s five-year strategic plan;** Tabled.

**G. District insurance update;** This item was addressed above. No further action.

## **8. Preserve Committee – (Director Rew-Hunter, Director Jopling)**

**A. Habitat Conservation Plan.** Tabled.09

**B. Issues affecting the Preserve.** Director Jopling noted a resident’s email regarding tree limbs from a tree in the Preserve. There are two branches on the homeowner’s property; one is on the homeowner’s fence. Mr. Swanks will investigate the issue with Balboa Services after the meeting. Director Elam noted issues with teenagers jumping the fences and the gate at the Preserve. A panel on the gate was broken in another incident. Mr. Swanks will try to fix the panel damage or hire someone to fix the panel. The Board discussed after-hours gate access and updates to the gate access process. Mr. Swanks will speak with vendors on the gate access changes and will report in September. No action.

**C. Volunteer Initiatives and Contributions.** Director Elam stated Director Rew-Hunter provided him with information on the volunteer initiatives to send to the residents.

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

- A. District’s digital accounts including updates, website and IT issues;** Director Lewis asked about the District’s website availability on the Duck Duck Go browser. No action.
- B. District’s historical records and records management;** Tabled.
- C. Resident communications.** Director Elam discussed creating resident communications regarding obtaining a volunteer for the WTCPUA representative position and updating residents on the volunteer initiatives. The Board briefly discussed messaging to residents for the bond election. Director Lewis offered to will look into that issue. No action.

**10. Procurement Committee – (Director Rew-Hunter) Tabled.**

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

- A. Receive update on engineering work, bidding for swim dock, and engineer’s recommendation.** Mr. Gray provided a recap on the bids for the swim dock project, referencing his Letter of Recommendation dated July 8, 2024. Mr. Gray explained the uniqueness of this project and the construction demands due to the necessity of building on the water. Mr. Gray discussed potential cost and the impact of cost reimbursement through the recreational bonds. Mr. Gray explained the City of Austin permit requires construction to begin prior to the expiration of the permit. Mr. Gray advised that a dock redesign would trigger the need to obtain amendments to the permit from the City of Austin. Mr. Bodine estimates the cost to be \$200,000-\$300,000 to make the changes and upgrades the Board discussed.
- B. Consider bids received and take action on accepting or rejecting bids.** Director Lewis moved to reject both bids received and move forward with the swim dock redesign as discussed. Director Flaws seconded the motion, and the motion passed 4-0.
- C. Review budget and dock plans as necessary.** Mr. Bodine will work with the Recreational Dock Committee on the dock redesign as discussed. No action.
- D. Action on reimbursement resolution for swim dock expenditure.** Tabled until January.

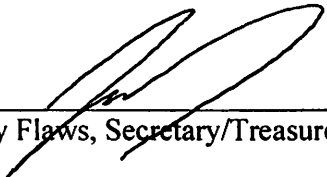
**OTHER MATTERS**

- 12. Discuss, consider and take action on revisions to Drought Contingency Plan.** Director Elam moved to approve the Drought Contingency Plan as presented. Director Lewis 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.** After discussion with Kelli Carlton, at 10:14 p.m., Director Elam moved the Board into executive session under items 8C, 9C, 12 and 13 for the purpose of consulting with the District's counsel. The executive session concluded at 10:54 p.m. No action was taken in executive session.
14. **Discuss and consider items for future agendas.** The next meeting is scheduled for September 12, 2024, at 6:00 p.m. Several items tabled at this meeting will be on the September agenda for action.
15. **Adjourn.** Director Elam moved to adjourn the meeting. Director Lewis seconded the motion, and the motion passed 4-0. The meeting adjourned at 10:55 p.m.

APPROVED this the 12th day of September 2024.



  
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Jody Flaws, Secretary/Treasurer