

**LAKE POINTE MUNICIPAL UTILITY DISTRICT
MINUTES**

September 12, 2024

The Board of Directors (“Board”) of Lake Pointe Municipal Utility District (“District”) met in person for a regular meeting on September 12, 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 6:04 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; Pat Sinott with LPHOA; Amanda Foote and Amanda Green, both residents of the District; and Kelli Carlton with The Carlton Law Firm.

PUBLIC COMMENT

- 1. Receive communications from the public on items not listed on the posted agenda.** Amanda Foote, resident, spoke regarding the persistent, and sometimes daily, unpleasant smells from the WTCPUA’s wastewater treatment plant. Ms. Foote noted she reported the recurring smell issue to the Texas Commission on Environmental Quality (“TCEQ”) last December. Amanda Green stated has lived in the neighborhood for ten years, and noted during the last two years there has been an “atrocious smell” from the treatment plant. Ms. Green has also reported the smell issue to TCEQ and is asking the District’s representative to the WTCPUA bring this issue to the WTCPUA board. Pat Sinott noted she spoke with both residents about this previously and also noted the smell has been “horrific” the last two weeks. Ms. Sinott has spoken to WTCPUA about the smell issue and was told repairs to the treatment plant will not be completed for another few weeks even though the repairs were supposed to be completed in June.
- 2. Public Comment on Agenda Items.** None.

PUBLIC HEARING

- 3. Conduct a public hearing on the 2024 tax rate;** Director Elam opened the public hearing at 6:18 p.m. No one was present to speak. Director Elam closed the hearing at 6:19 p.m.

ELECTION ITEMS

4. **See Supplemental Agenda for election items;**
 - a. **Consider approval of an Order Declaring Election of Unopposed Candidates and Canceling the November 5, 2024, Director Election;** Mrs. Carlton explained the Order, the Secretary's certificate, and the vacancy in the Place 5 position in November. Director Elam moved to approve the Order, cancel the election, and declare Director Lewis elected. Director Jopling seconded the motion, and the motion passed 4-0.
 - b. **Any other matters in connection with the District's November 5, 2024, Director Election.** No action.

MINUTES

5. **Review and approve minutes of the August 8, 2024, regular meeting.** The Board discussed the minutes and made minor changes to Items 5 B and 11 B and C. Director Elam moved to approve the minutes as amended. Director Lewis seconded the motion, and the motion passed 4-0.

REPORTS AND COMMITTEE MATTERS

6. **Facilities Committee – (Director Elam, Director Jopling)**
 - A. **General Landscape Maintenance Report.** Josiah Longbons provided an update on the Fall maintenance, turf maintenance and Fall mulching. Mulching will occur by the end of November.
 - B. **Landscape services contract should changes be necessary.** Director Elam requested additional time to discuss revising the contract with LRI. Ms. Carlton stated the parties can negotiate and if agreed, make contract effective October 1, 2024.
 - C. **Projects – proposed, new and status of approved projects;** Director Jopling presented “San Benito Underbrush” proposal. Director Jopling moved to approve the proposal as presented for \$4,600. Director Elam seconded, and the motion passed 4-0.

Director Jopling presented the “Pleasant Panorama Northwest Bed” proposal. The Board discussed the proposal with LRI. Director Jopling moved to approve the proposal as presented for \$3,210. Director Elam seconded the motion, and the motion passed 4-0.

Director Jopling presented “Pleasant Panorama SW Bed” proposal. The Board discussed this proposal with LRI. Director Jopling moved to approve the proposal as presented for \$6,820. Director Elam asked if the bed could be made smaller so it would be more manageable. Mr. Longbons noted that LRI adds metal edging to the beds to prevent any creeping of the bed's boundary. There was no second to the motion. Tabled.

William Swanks approved the Controller B replacement proposal earlier in the month, and LRI completed that work. Mr. Swanks noted he approved the Smart Homes proposal, and that work was completed. Mr. Swanks also approved an Aquatic Features proposal to replace the fountain head.

- D. Stormwater basin maintenance.** Mr. Swanks presented the pond maintenance proposal from Dig Dug to remove silt, plants, and debris. The proposal for all four ponds totaled \$16,725. Director Elam moved to approve the proposal as presented. Director Jopling seconded the motion, and the motion passed 4-0. The Board discussed trees falling into Lake Austin and whether the District should remove the trees. The Preserve Committee will explore this issue and report next month.

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

- A. Project update, including update from consultants and bond counsel for same.** Director Lewis provided an update to the Board, including his discussion with bond counsel and consultants. The completion goal for engineering and architecture work is mid-January. Director Elam again requests the engineer and architect provide a timeline for the Board. No action.
- B. Review budget and plans for proposed wall;** Tabled.
- C. Additional potential projects that may be included in bond issuance;** Tabled.

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

- A. Update on landscape architect and engineering work, bidding for swim dock, and engineer’s recommendation;** Director Lewis stated Chris Bodine, Director Lewis and Director Flaws looked at other docks on the lake so the dock redesign would blend well with the surrounding area. The Committee proposed that the boat slip design not change. The proposed redesigned dock would be approximately 100 feet long and 30 feet wide with three ladders and trapeze. Director Flaws stated the engineer will review the architect’s drawings and create a set of plans for City of Austin approval. The engineer will also assist in the bidding process for the construction. Director Flaws stated the engineering plans will help get better, more comprehensive bids from contractors. The Committee would like the new dock ready by May 1, 2025. No action.
- B. Review budget and dock plans as necessary;** 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.** Michael Barron, the applicant for the WTCPUA representative position, provided his background and work experience to the Board.

- 2) **Special Warranty Deed from WTCPUA.** Tabled.
- 3) **Easement on property subject to deed.** Tabled.
- 4) **Appointing a person to represent the District on the WTCPUA Board of Directors;** Director Elam stated one person applied for the position, Michael Barron. Director Elam moved to appoint Mr. Barron to the WTCPUA board. Director Flaws seconded, and the motion passed 4-0.
- 5) **Ratifying the appointment of Mayor Pro Tem Andrew Clark to represent the City of Bee Cave on the WTCPUA Board of Directors;** Director Elam moved to ratify the City of Bee Cave's appointment of Andrew Clark. Director Flaws seconded the motion, and the motion passed 4-0.
- 6) **Easement on Preserve access road;** Director Elam stated WTCPUA provided multiple easements dating back to 1983. There was a discussion with Ms. Carlton on the history and the attempt several years ago to create a maintenance agreement for the access road. No action.

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

- 1) **Receive update from LPHOA representative.** Pat Sinott provided the report, and stated LPHOA has retained a new management company, Cohere. Cohere starts October 1, 2024. The LPHOA manager through Cohere will be on-site. LPHOA postponed the resident meeting until November. Ms. Sinott also updated the Board on potential LPHOA projects.

C. Collaboration with other governments and private entities on issues affecting the District. The Board discussed inviting Mr. Clark, the City of Bee Cave's WTCPUA representative, to the October meeting to discuss WTCPUA issues. Director Elam will contact Mr. Clark. No action.

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 \$58,435.80 in invoices and moved to approve the invoices as presented. Director Elam seconded the motion, and the motion passed 4-0. Director Flaws presented the director fee invoices. Director Flaws moved to approve \$5,967 in Director fees. Director Elam seconded the motion, and the motion passed 4-0. Director Lewis gave a brief investment report.
- B. Budget amendments, if any;** Director Flaws presented the updated FY24 budget and noted recurring expenses are approximately \$60,000 per month. The District will finish FY24 underspending the budget by approximately \$200,000. No action.

C. Action regarding 2024 tax rate, including:

- 1) **Take action to adopt budget for fiscal year October 1, 2024 to September 30, 2025;** Director Flaws noted budget had been previously approved. Director Elam moved to approve the Resolution Adopting Budget. Director Flaws seconded, and the motion passed 4-0.
- 2) **Take a record vote on the District's 2024 tax rate, adopt an Order Levying Taxes, authorize filing the Order with the Travis County Tax Assessor/Collector;** Director Flaws moved to adopt the 2024 tax rate of \$0.1354 per \$100 assessed valuation. Director Elam seconded the motion, and the motion passed 4-0, with the following record vote: Elam – aye; Lewis – aye; Jopling – aye; Flaws – aye. Director Flaws moved to approve the Order Levying Taxes. Director Elam seconded the motion, and the motion passed 4-0.
- 3) **Authorize posting of statement regarding adopted tax rate to home page of District website;** Tabled, not required for the District.

D. District's five-year strategic plan; Tabled.

11. Preserve Committee – (Director Rew-Hunter, Director Jopling)

A. Habitat Conservation Plan. Tabled.

- B. Issues affecting the Preserve.** Director Elam updated the Board on the Preserve gate changes. Smart Homes will oversee the gate operation and report to the District. Director Elam asked Smart Homes to provide a proposal to modernize the gate and cameras.

Director Jopling provided an update on the issue of branches from a declining Preserve tree in a resident's yard. Balboa Services will cut down and chip the tree and leave any remainder in the Preserve. Mr. Swanks said Balboa Services started fire break clearing this month. No action.

- C. Volunteer Initiatives and Contributions.** Director Lewis provided pictures of the signs from the Boy Scout's Eagle Project. Director Lewis suggested the Board recognize the Boy Scout for a job well done. Director Jopling suggested opening participation in the Friends of the Preserve to all who are interested. No action.

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

- A. District's digital accounts including updates, website and IT issues;** Discussion with Mrs. Carlton regarding posting the Key Decisions Summaries for June 2024 forward.
- B. District's historical records and records management;** No update.

C. **Resident communications.** Director Flaws mentioned he occasionally receives resident complaints regarding the condition of Preserve trails. No action.

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

OTHER MATTERS

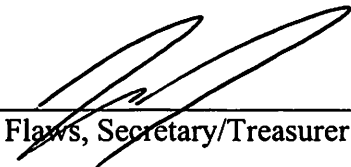
14. **Receive General Counsel report, including, but not limited to, tax matters, pending contract issues, open records requests, litigation, reporting requirements, and other legal issues, if any, and take action as needed.** No additional report. Ms. Carlton participated in the agenda items as noted above.

15. **Discuss and consider items for future agendas.** Additional October agenda items: Notice to Purchaser, dock reimbursement resolution, and approval of revised dock design. The next meeting is scheduled for October 10, 2024, at 6:00 p.m. Items tabled at this meeting will be on the October agenda.

16. **Adjourn.** Director Elam moved to adjourn the meeting. Director Jopling seconded the motion, and the motion passed 4-0. The meeting adjourned at 08:58 p.m.

APPROVED October 10, 2024.





Jody Flaws, Secretary/Treasurer