

**LAKE POINTE
MUNICIPAL UTILITY DISTRICT**

**MINUTES OF A MEETING OF
THE BOARD OF DIRECTORS**

May 24, 2018

The Board of Directors of Lake Pointe Municipal Utility District (the "District") met in a regular session, open to the public, inside the boundaries of the District, in the Lake Pointe Community Center, 11700 Sonoma Drive, Austin, Texas 78738 on May 24, 2018 at 7:00 p.m. The District posted a copy of the notice of meeting along with associated certificates, attached as "Exhibit A."

Item No. 1

Item No. 1 was the Call to Order and Establish Quorum. Counsel Wilburn called the roll of the members of the Board of Directors:

Director Rick Arney
Director Joe Boyer
Director Jim Burgeson
Director Mike Burshnick
Director Fred Goff
Director Steven Knuff
Director Jim Norris
Director Marci O'Connell
Director Robert Salgo
Director Darrell Thornley

All of the members of the Board were present, except Director Thornley. Also, in attendance were William Swanks with TUMCO Consultants; Guillermo Angulo with LandCare, Randall Wilburn with Gilbert Wilburn PLLC, and residents Sharyl Burshnick, Jeremy Cohen, and Mrs. Chow.

Item No. 2

Item No. 2 was to administer the Statement of Officer Oath and Oath of Office to Directors. Counsel Wilburn administered the oaths to the directors that were present.

Item No. 3

Item No. 3 was the election of officers and authorization to file District Registration Form. Director Salgo nominated Steven Knuff as President and Rick Arney as Vice-President. Director O'Connell seconded the nomination. The nominations were approved unanimously.

President Knuff called for nominations for the office of secretary. Director Burgeson nominated Fred Goff to be Secretary. Director O'Connell seconded the nomination, and the nomination was approved unanimously.

Director O'Connell made a motion authorizing the filing of the District registration form with the Texas Commission on Environmental Quality. Director Burshnick seconded the motion, and it **PASSED** unanimously.

Item No. 4

Item No. 4 was to discuss future meeting dates. Director Burgeson made a motion to hold the regular meetings of the District on the second Thursday of each month. Director Norris seconded the motion, and it **PASSED** unanimously.

Item No. 5

Item No. 5 was the engagement of legal counsel for the District. Counsel Wilburn presented his engagement letter to the Board for consideration. After some discussion, Director Burgeson made a motion to approve the engagement of Gilbert Wilburn, PLLC, with said engagement to be reviewed by the Board in 90 days. Director Boyer seconded the motion, and it **PASSED** unanimously.

Item No. 6

Item No. 6 was the engagement of an accountant or bookkeeper for the District. Counsel Wilburn noted that under the Consolidation Agreement, the District is the successor in interest to all existing agreements and contracts. Director Arney made a motion to ratify the agreement with TUMCO as the District's bookkeeper. Director O'Connell seconded the motion, and it **PASSED** unanimously.

Item No. 7

Item No. 7 was the engagement of a District engineer. After much discussion, the Board authorized Directors Salgo and O'Connell to form a subcommittee to prepare and send out a Request for Qualifications to area engineers experienced in performing work on behalf of municipal utility districts.

Item No. 8

Item No. 8 was repair and maintenance of District facilities, including the area adjacent to the Lake Pointe Community Center. William Swanks with TUMCO presented photographs of the area that the residents had requested the District cleanup. The Board asked Counsel Wilburn to send Mr. Angulo a copy of the LandCare Landscape Maintenance Agreement, including the schedule map. After much discussion, Director Salgo made a motion to approve the LandCare proposal to clean the area for an amount not to exceed \$5,200, contingent upon review of the site and the landscape maintenance agreement by a Landscape Subcommittee made up of Directors Burshnick, Arney, and Salgo. Jim Norris seconded the motion, and it **PASSED** unanimously.

William Swanks then provided an update regarding the blockage of the PUA sewer connection on Resaca Blvd. He informed the Board that the District may incur some future

costs for reinstalling the sprinkler system in the area. However, the PUA has committed to repairing the facilities in the area, including the District's irrigation line.

Mr. Swanks also gave an update regarding the replacement of the canopy at the Vista Pointe Park.

Item No. 9

Item No. 9 was the website for the District. President Knuff noted that he acquired the domain for the Lake Pointe MUD website. He made a motion to obtain a bid from Big Marketing to prepare a website. Director Burgeson seconded the motion, and it **PASSED** unanimously.

Item No. 10

Item No. 10 was discussion about what items the District should address during future meetings. The Board discussed bringing forward policies, rules, and contracts for reconsideration. The Board took **NO ACTION** on this item.

At 8:45, President Knuff announced that the Board would meet in Executive Session to receive legal advice from counsel on issues regarding the District's Preserve pursuant to Section 551.071 of the Texas Government Code.

At 9:10, President Knuff reconvened the Board in open session, noting that the Board took no action and took no votes on any items in Executive Session.

Director O'Connell made a motion directing the District's legal counsel to proceed with the litigation as discussed in the Executive Session. Director Burshnick seconded the motion, and it **PASSED** unanimously.

Item No. 10, con't.

Item No. 10 was discussion about items for future agendas. Director Salgo expressed his concern regarding the stormwater issue on Lyons Club. After much discussion, the Board decided to authorize the Engineering Subcommittee to send out Request for Qualifications and obtain Statements of Qualifications for the next Board meeting.

Item No. 11

Item No. 11 was Adjournment. President Knuff made a motion to adjourn the meeting. Director O'Connell seconded the motion, and it **PASSED** unanimously.

PASSED, APPROVED, AND ADOPTED this 14th day of June 2018.

(DISTRICT SEAL)

Marci O'Connell
Marci O'Connell, Secretary

for *Frederick W. Gott*