

# LAKE POINTE MUNICIPAL UTILITY DISTRICT

## MINUTES OF A MEETING OF THE BOARD OF DIRECTORS

February 21, 2019

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 February 21, 2019 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 to Call to Order and Establish Quorum. President Knuff called the roll of the members of the Board of Directors:

Director Fred Goff  
Director Steven Knuff  
Director Jim Norris  
Director Marci O'Connell  
Director Robert Salgo

All of the members of the Board were present. Also, in attendance were William Swanks with TUMCO; Randall Wilburn with Gilbert Wilburn PLLC; Guillermo Angulo with LandCare; Pat Sinnott with Lake Austin Lake Pointe HOA; PUA Board member Eileen Brzoska; and residents Jim Carpenter, Jeff Dunleavy, and Darrell Thornley

### Item No. 2

Item No. 2 was to receive Public Comment on items not on the Agenda. No members of the public addressed the Board. The Board took **NO ACTION** on this item.

### Item No. 10

Item No. 10 was to discuss, consider, and take action as necessary regarding the wall at the entrance to the Lake Pointe Section Nine Subdivision. President Knuff reminded the Board of the District's assumption of maintenance for landscaping at the entrance to the Pointe, and how the Board previously delayed any action regarding possible assumption of any maintenance obligation for the wall located at the entrance to the Pointe. Jeff Dunleavy and Jim Carpenter presented their findings regarding the ownership of the wall. Jim Carpenter noted that one-third of the wall was located in each of the Sections Seven, Eight, and Nine. Mr. Carpenter stated that the walls are located on landscape easements in favor of the Lake Pointe HOA. The wall improvements are actually located outside of the landscape easement. In Section 8, the wall improvements are built on Lot 10 within a landscape easement. Both gentlemen requested that the District assume the same responsibility for the wall as the District has assumed for the Lake Pointe Boundary Fence.

Pat Sinnott stated that the HOA attorney had reviewed the information from the Pointe HOA and noted that none of the walls were the responsibility of the HOA.

Robert Salgo suggested that the Pointe HOA resolve the ownership and easement issues and then present a proposal to the District regarding assumption of ownership and maintenance.

The Board took **NO ACTION** on this item.

**Item No. 7**

Item No. 7 was to discuss, consider, and take action as necessary regarding the ongoing activities of the West Travis County Public Utility Agency (“PUA”), including discussions regarding easements for the PUA Raw Water Line.

Eileen Brzoska, director for the PUA, provided the Board with an update regarding the ongoing activity of the PUA. She noted that the PUA authorized its engineer to put together a sludge management plan, which could include a line to transfer sludge directly to the Bohls Wastewater Treatment Plant, which would eliminate the need for sludge hauling trucks to enter into the Lake Pointe Subdivision. She also discussed the possibility of the PUA deactivating the Lake Pointe Wastewater Treatment Plant sometime in the future. Director Brzoska noted that the PUA has replaced 800 manual-read water meters with auto-read meters. She stated that the PUA had replaced the treatment media at one of the treatment plants. Director Brzoska noted that the PUA Board may need to have security attend future Board meetings due to recent threats made against members of the Bee Cave City Council. She also noted that she had attended the latest meeting of the Southwest Travis County Groundwater Conservation District. Finally, Director Brzoska briefly reviewed the PUA Board’s discussion regarding the PUA’s rate structure.

Director O’Connell noted that the PUA had deferred work on the raw waterline. The Board discussed the PUA’s false accusation that the delay was due to the Lake Pointe HOA.

Director O’Connell also noted that the PUA replaced the fence around lift station located at the Vista Pointe Park, but failed to construct the fence with any bracing.

Darrell Thornley noted the problem with the runoff from the PUA wastewater treatment plant property. He also discussed the ability of the Texas State Energy Conservation Office (“SECO”) to investigate possible efficiency improvements for the PUA. The Board discussed how to approach the other three entities to get the taxing entities to support the energy efficiency audit of the PUA.

The Board took **NO ACTION** on this item.

**Item No. 6**

Item No. 6 was to discuss, consider, and take action as necessary regarding landscape services within the Lake Pointe Subdivision. Guillermo Angulo with LandCare

noted that he had forwarded a proposed contract renewal to TUMCO, which adds the Pointe entrance landscape maintenance as well as a 2% overall cost increase. President Knuff stated that he wanted to review the contract before the next month Board of Directors' meeting.

Mr. Angulo noted that the plant cuttings were complete, and mulching will begin within the next months.

Robert Salgo expressed concerns regarding the tree trimming provisions in the contract. He also asked that TUMCO provide the Board with the mowing schedule as part of the Board packet prior to each Board meeting.

William Swanks asked why mowing was not complete in certain areas. Mr. Angulo noted that the areas were too wet and the mowers wanted to avoid leaving ruts in the grass.

Mr. Thornley asked about the cleanup of the property on the hill located north of Lake Pointe Section Six. President Knuff suggested that LandCare provide a proposal for removal of the trees.

The Board took **NO ACTION** on this item.

### **Item No. 3**

Item No. 3 was to review and approve the minutes of the January 10, 2019 Board of Directors' meeting. Director Salgo made a motion to approve the minutes as amended. Director O'Connell seconded the motion, and it **PASSED** unanimously.

### **Item No. 4**

Item No. 4 was to discuss, consider, and take action as necessary regarding the financial reports and payment of the District's bills. Operations Manager William Swanks presented the reports and bills for the Board's consideration. He also noted that he had an additional check to refund a property owner for a pool deposit. Director Salgo made a motion to approve the bills as presented. Director O'Connell also asked about the reason for the LCRA bill. Mr. Swanks noted that the bill was the raw water bill. Director O'Connell seconded the motion, and it **PASSED** unanimously.

### **Item No. 5**

Item No. 5 was to discuss, consider, and take action as necessary regarding the repair and maintenance of District facilities, including the Lyons Club stormwater system repair.

Mr. Swanks presented a property owner's request for the District to replant grass in a shady area of the property owner's yard. His suggestion was for the landowner to remove the trees on his property that are shading his lawn and preventing the growth of grass. Mr. Swanks noted that due to the shade of the landowner's trees, the grass cannot grow. The Board suggested that President Knuff respond to the landowner directly.

Directors O'Connell and Salgo updated the Board regarding the proposed repair project at Lyons Club. The Board discussed the bidding process.

Director O'Connell updated the Board regarding the Boundary Wall and possible ways to move forward with the project in a timely manner. She updated the Board regarding a meeting with former director Kirsten Dreiss. Director O'Connell informed the Board that she has met with Ms. Dreiss due to her experience with the construction of boundary-type walls in several local utility districts. Their discussion included project scope, and the process for engaging a new engineer to begin design the project. Director Salgo noted that the Board could hire a Project Management firm as well. The Board discussed how to proceed with the wall project. Director O'Connell discussed approaching Jones & Carter to handle the project as project manager, engineer, construction management, geotechnical, and surveying. Director Salgo stressed the importance of developing a scope for the project. Director O'Connell and Director Salgo agreed to review the draft scope and determine how to proceed with the project.

The Board took **NO ACTION** on this item.

#### **Item No. 8**

Item No. 8 was to discuss, consider, and take action as necessary regarding the Preserve. Director Norris noted that the Preserve Committee met and discussed possible financing options for a future dock as well as the possible scope of a dock construction project. The Committee discussed hiring a project manager to develop a scope for the project.

The Board discussed possible funding options for the future boat dock, including possible funding through sale of recreational bonds.

President Knuff asked Mr. Swanks to repaint the "no diving" signs.

The Board took **NO ACTION** on this item.

#### **Item No. 9**

Item No. 9 was to discuss, consider, and take action as necessary regarding HOA requests, including (a) a lighting proposal for the subdivision entrances and (b) access along Bee Cave Road to replace the fence in the Setting.

Pat Sinnott presented a proposal from Texas Outdoor Lighting for the installation of lights in public right-of-way at the entrances to the subdivision at a cost not to exceed \$21,940.40. Director O'Connell made a motion to approve the proposal, with the District agreeing to pay 60% of the proposal and the HOA paying the remainder. Director Salgo seconded the motion, and it **PASSED** unanimously.

Pat Sinnott requested authorization to utilize the District's property along Bee Cave Road to access the fence located on the boundary of the Setting. Director O'Connell requested that the HOA and its contractor not block access to the lift station located on the



property. Director Knuff made a motion authorizing the HOA and its contractor to temporarily access the District's property for construction of the fence. Director O'Connell seconded the motion, and it **PASSED** unanimously.

### **Executive Session**

The Board met convened into Executive Session at 9:45 p.m.

The Board reconvened in regular session at 10:00 p.m. Director Knuff made motion to proceed as discussed in Executive Session regarding the ongoing litigation. Director O'Connell seconded the motion, and it **PASSED** unanimously.

#### **Item No. 11**

Item No. 11 was items for Future Agendas. President Knuff announced that local Eagle Scouts will make a presentation for a project during next month's meeting. The Board took **NO ACTION** on this item.

#### **Item No. 12**

Item No. 12 was Adjournment. Director Knuff made a motion to adjourn the meeting. Director O'Connell seconded the motion, and it **PASSED** unanimously.

**PASSED, APPROVED, AND ADOPTED this 14<sup>th</sup> day of March 2019.**

(DISTRICT SEAL)

  
Frederick W. Goff, Secretary