

LAKE POINTE MUNICIPAL UTILITY DISTRICT

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS

November 8, 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 November 8, 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 to obtain the sworn statements and oaths of office from the Directors.

Item No. 2

Item No. 2 was to the Call to Order and Establish Quorum. Counsel Wilburn 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 Consultants; Randall Wilburn with Gilbert Wilburn PLLC; Lucas Brum with LandCare; Rick Rasberry; Pat Sinnott with Lake Austin Lake Pointe HOA; and resident Jeff Donnelley.

Item No. 3

Item No. 3 was the election of officers, establishment of terms, and authorize the filing of the Districts' Registration Form. Directors O'Connell and Norris voluntarily accepted the Director positions with the initial two-year terms. Directors Goff, Knuff, and Salgo will serve in Director positions with four-year terms beginning immediately.

Director Salgo nominated Director Knuff to serve as Board President. Director Norris seconded the nomination, and it **PASSED** unanimously.

Director Norris nominated Director Salgo to serve as Vice-President. Director O'Connell seconded the nomination, and it **PASSED** unanimously.

Director O'Connell nominated Director Goff to serve as Secretary/Treasurer. Director Norris seconded the nomination, and it **PASSED** unanimously.

Director O'Connell made a motion authorizing the District Counsel to file an amended District Registration Form with the Texas Commission on Environmental Quality. Director Norris seconded the motion, and it **PASSED** unanimously.

Item No. 4

Item No. 4 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. 5

Item No. 5 was to review and approve the minutes of the October 11, 2018 Board of Directors' meeting. Director O'Connell made a motion to approve the minutes as amended. Director Norris seconded the motion, and it **PASSED** unanimously.

Item No. 6

Item No. 6 was to discuss, consider, and take action as necessary regarding the District's financial reports and payment of the District's bills. Operations Manager William Swanks presented the reports and bills for the Board's consideration. Director Knuff forwarded a bill he received from Doucet & Associate for \$1,906.25 for work performed related to the Travis County inspections and review of the District's BMP. Director O'Connell made a motion to approve the bills as presented, including the additional invoice from Doucet. Director Norris seconded the motion, and it **PASSED** unanimously.

Item No. 7

Item No. 7 was to discuss, consider, and take action as necessary regarding the repair and maintenance of District facilities, including the Lyons Club stormwater system repair.

Director Salgo has asked Doucet to present a design for his and Director O'Connell's review so that Doucet may present a formal proposal to the Board for approval. Director O'Connell relayed the ongoing discussion with Doucet on how to address the concerns of the Travis County inspector.

William Swanks of TUMCO reported on his ongoing projects within the District. He presented the bids to raise the canopies along Sonoma Drive to 12 feet above the roadway. Director Salgo made a motion to approve the proposal from LandCare. Director Goff seconded the motion, and it **PASSED** unanimously.

The Board discussed putting out a request for proposal for landscape services. Directors Salgo and Knuff volunteered to serve on a subcommittee to develop the request for proposal. Director O'Connell suggested putting out the request for proposal in January 2019.

Item No. 8

Item No. 8 was to discuss, consider, and take action as necessary regarding landscape services within the Lake Pointe Subdivision, including consideration of a

proposed LandCare contract to add the entrance to the Pointe. LandCare presented one proposal for maintaining the landscaping outside the gate at the Pointe for a cost not to exceed \$3,372.18 annually. Director Salgo made a motion to approve the proposal as presented. Director O'Connell seconded the motion. The Board discussed the proposal's scope. Director Salgo expressed his concern regarding whether the maintenance included any area within the gate. Director O'Connell suggested addition of a map showing the area included within the scope of services. Director Salgo amended his motion to include the map showing the area included within the scope of services. Director O'Connell concurred to the amended motion. The amended motion **PASSED** unanimously.

Lucas Brum reported to the Board that LandCare has planted the annual color change, trimmed the trees, and removed the trees from Vista Pointe Park. Director O'Connell asked about tree removal of Vista Pointe Park. She also mentioned concern regarding the homeowner on Brittany Point. Mr. Brum noted that LandCare performed the work on Friday of the prior week.

President Knuff informed the Board that he had to spray pruning paint on trees that LandCare had trimmed behind the Community Center.

Item No. 9

Item No. 9 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. Pat Sinnott informed the Board that she has had ongoing discussions with General Manager Pugh. She noted that the HOA was still waiting on the PUA for the revised survey. 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 Preserve.

Director Norris introduced Rick Raspberry to the Board. Mr. Raspberry stated that he would provide the Board with input on his proposal for the potential dock project and the costs for the project. He discussed his proposed scope, deliverables, timelines, and the City of Austin permitting process.

The Board then discussed how to pay for the dock in the future. Director Norris noted that the next step is to determine the size and scope of any potential dock.

Director O'Connell suggested the Board name a subcommittee to work with the HOA to prepare a conceptual plan.

Director Norris noted that the work day was productive. The group cleaned the bluff area along Lake Austin.

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

Item No. 11

Item No. 11 was to discuss, consider, and take action as necessary regarding the Boundary Fence. Counsel Wilburn noted that he had heard back from the HOA President Sinnott on the revised agreement. Director Knuff made a motion to approve the agreement and to authorize the President to sign. Director O'Connell seconded the motion, and it **PASSED** unanimously.

Item No. 12

Item No. 12 was to discuss, consider, and take action as necessary regarding the engagement of the District's auditor to conduct the District's Annual Audit. Operations Manager Swanks presented a proposal from Maxwell Locke & Ritter to perform audit services for the District through the end of fiscal year 2018 at a price not to exceed \$10,000. Director O'Connell made a motion to approve the proposal. Director Norris seconded the motion, and it **PASSED** unanimously.

Item No. 13

Item No. 13 was to discuss, consider, and take action as necessary regarding coyote management within the District. Director Knuff noted that he has received a few electronic messages from residents regarding concerns about coyote sightings within the District. He asked whether the Board wanted to contact the wildlife services manager to determine the amount of activity within the neighborhood. William Swanks will contact the Ag Extension Service Biologist. The Board took **NO ACTION** on this item.

Executive Session

The Board did not meet in Executive Session.

Item No. 14

Item No. 14 was items for Future Agendas. The Board took **NO ACTION** on this item.

Item No. 15

Item No. 15 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 13th day of December 2018.


Frederick W. Goff, Secretary

(DISTRICT SEAL)

West Travis County MUD 5 Cluster Dock Proposal – Deliverables, Timelines, & Fee Structure

By Rick Rasberry November 8, 2018 (supplement to the August 17, 2018 Draft Service Agreement)

Authorization to Proceed with Service Agreement and Work Retainer Phase I (\$10,500 due)

- Mobilize to site for expanded land surveying of actual shoreline contours and conditions
- Involve site documentation and preparation of Environmental Resource Inventory Report
- Meet on site with MUD 5 representatives for structural design concepting
- Involve COA Land Status Determination, 911 Addressing, and communication with COA Enforcement Staff towards addressing and resolving Stop Work Order(s) issued at the site
- Formulate COA Site Plan Application, Exhibits, and Demonstrations for Application Submittal
- Prepare Full Site Plan and including Engineering Certifications

**** Anticipating these work processes to take 2-3 months before the first COA Completeness Check**

Formal COA Site Plan Application Package Submittal for “Completeness Check” Timelines/ % Complete

- | | |
|--|----------|
| • ARCHITECTURE, ENGINEERING, STRUCTURAL CONCEPTING | 65%-75% |
| • CITY SITE PLAN APPLICATION, EXHIBITS, AND DEMONSTRATIONS | 75%-85% |
| • PROFESSIONAL AUTOCAD DESIGN | 80%-90% |
| • SUPPLEMENTAL LAND SURVEY DATA INTEGRATIONS | 95%-100% |
| • PREPARATION OF ENVIRONMENTAL RESOURCE INVENTORY | 95%-100% |
| • ENGINEERING CERTIFICATIONS ON DRAINAGE/FLOODPLAIN | 95%-100% |
| • SECURE 911 ADDRESSING & COA LAND STATUS CERTIFICATION | 90%-100% |
| • DIGITAL PRINTING, ADMINISTRATIVE SUPPLIES, DELIVERY | 80%-100% |

**** COA Application Fees (circa 5-6K) and Phase II Service Payment (\$17,947.50) due at COA Completeness Check Submittal – Estimated to be 2-3 months from authorization to proceed**

COA Processes and Anticipated Timeframes

COA Reviews, COA Master Comment Report, Plan/Application Revisions and Corrections, Staff Meetings and Negotiations without any requested or demanded public hearings is anticipated to take 2-3 additional months after Completeness Check Submittal. Any requested (or demanded) public hearing conditions would add another 2-3 months to the overall process -- and the service fee scheduled with payment conditions for any public hearing(s) would apply per the service agreement.

Completion of Service and Final Payment

In summary, we can anticipate the whole process to involve an estimated 6-9 months for completion, with the final Phase III service payment of \$17,947.50 due at completion of service.



August 17, 2018

Name

Address

City/State

Re: Engagement of Services for Boat Dock Development Permit Consulting Lake Pointe
Subdivision on Lake Austin, Texas

Thank you for hiring me to assist you. Before accepting this assistance, I would like to clarify the terms and conditions of our engagement agreement.

It is my understanding that I am being hired by you for the limited purpose of providing strategic consulting and advocacy services to obtain the required Site Development Permit from the City of Austin to develop a new boat dock and other necessary appurtenances on Lake Austin, Texas. I am not an attorney and I am not providing legal services. If at any time the scope of my assistance is to be broadened, you agree that we will memorialize that change in writing.

Regarding fees, I will bill for my services as the items from the attached estimate are completed accordingly and I do request an original work retainer fee of (\$10,500.00). This payment can be mailed to Rick Rasberry, 2510 Cynthia Ct, Leander, TX 78641 or paid online via QuickBooks. I customarily bill at time of City Completeness Check Submittal and at completion of services. If any Board or Commission Variance is commanded by the City, then payment for processing those services would be due at the same time of City fees payment for the required variance application. You agree to pay these bills within fifteen days of receipt. If you have any questions or concerns regarding any of my invoice statements, please contact me promptly so we can discuss the matter.

For me to assist you effectively and efficiently, I expect that you will provide me with the factual information you have that relates to my engagement. I encourage you to share with me your expectations and any concerns you have regarding my services at any time during the course of my engagement. I believe that you should be actively involved in the strategy and management of this project.

Engagement of Services Boat Dock Development Permit Consulting Lake Pointe Subdivision
August 17, 2018
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You have the right at any time, as do I, to terminate this engagement. Otherwise, our relationship terminates upon the completion of the services you have engaged me to perform. In the event of termination before this matter is concluded, I will make every reasonable effort to effect an orderly transfer of the file to whomever you may designate. In the event that you do not pay my statements on a timely basis, you agree that I may cease all further work on any matter that I am handling for you until the past due amounts are paid.

I will maintain any documents you furnish to me in my files for this matter. At the conclusion of the matter (or earlier, if appropriate), you will advise me as to which, if any, of the documents in my files you wish me to turn over to you. I will retain any remaining documents in my files for a certain period of time and ultimately destroy them in accordance with my record retention program policy then in effect.

You acknowledge that I have made no guarantees as to the outcome of this representation. I make no express warranties concerning any matter for which I provide representation, and I disclaim any implied warranties. The laws of the State of Texas shall govern our agreement.

Please sign this letter, return a copy to me by email, and keep a copy for your records. Thank you for engaging me to represent you on this matter. I look forward to working with you.

Sincerely yours,

Rick Rasberry

Rick Rasberry

ACCEPTED AND AGREED TO ON AUGUST 17, 2018.

By: _____

WORK ESTIMATE FOR CITY OF AUSTIN SITE DEVELOPMENT PERMIT
APPLICATION AND CONSULTING BOAT DOCK LAKE POINTE SUBDIVISION

AUGUST 17, 2018 (PREPARED BY RICK RASBERRY – ESTIMATE GOOD FOR 30
DAYS)

CONSULTING & PRODUCTION PREPARATIONS

- ARCHITECTURE, ENGINEERING, STUCTURAL CONCEPTING \$14,895
- CITY SITE PLAN APPLICATION, EXHIBITS, AND DEMONSTATIONS \$12,950
- PROFESSIONAL AUTOCAD DESIGN \$7,400
- SUPLEMENTAL LAND SURVEY DATA INTEGRATIONS \$3,250
- PRPARATION OF ENVIRNONMENTAL RESOURCE INVENTORY \$4,575
- ENGINEERING CERTIFICATIONS ON DRAINAGE/FLOODPLAIN \$1,750
- SECURE 911 ADDRESSING & COA LAND STATUS CERTIFICATION \$825
- DIGITAL PRINTING, ADMINISTRATIVE SUPPLIES, DELIVERY \$750

CITY OF AUSTIN APPLICATION/INSPECTION FEES (SUBJECT TO CHANGE)

- \$297.44 FAIR NOTICE COMPLETENESS CHECK CITY FEE.
- \$4600-\$5800 FORMAL SITE PLAN APPLICATION CITY FEES.
- \$3000-\$4500 ENVIRONMENTAL INSPECTION FEES
- \$3400 WPD REVIEW FEES (IF APPLICABLE)

FISCAL SURETY

- WE MAY BE DEMANDED BY THE CITY TO USE SPECIFIC TEMPORARY EROSION CONTROLS AND/OR REVEGETAION CONDITIONS DURING THE DEVELOPMENT PROCESS. THE CITY MAY REQUIRE OWNER TO PUT UP FISCAL SURETY IN ESCROW FOR THE DEVELOPMENT WHICH OWNER GETS BACK (PLUS INTEREST) AT SATISFACTORY COMPLETION OF THE WORK.

BOARD/COMMISSION VARIANCE

** IT IS ANTICIPATED FROM OUR SCOPE OF WORK THAT COA BOARD AND COMMISSION VARIANCE PROCEEDINGS MAY BE DEMANDED BY THE CITY AND FEES FOR A BOARD/COMMISSION VARIANCE RANGE FROM \$4918.56 TO \$5675.56 (CURRENTLY) PER VARIANCE.

I WOULD MAKE ALL REASONABLE ATTEMPTS TO PERSUADE THE CITY THAT ANY VARIANCE WOULD NOT BE REQUIRED BY LAW/RULE. HOWEVER, IF COMMANDED BY THE CITY TO PURSUE ANY REQUIRED BOARD/COMMISSION VARIANCE HEARING THEN MY PROCESSING SERVICE FEE WOULD BE \$6,800 FOR EACH VARIANCE APPLICATION/PUBLIC HEARING REQUIRED BY THE CITY OF AUSTIN.