

LAKE POINTE MUNICIPAL UTILITY DISTRICT

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS

December 12, 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 December 12, 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. Vice-President Salgo called the roll of the members of the Board of Directors:

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

All of the members of the Board were present except Director Knuff. Also, in attendance were William Swanks with TUMCO; Randall Wilburn with Gilbert Wilburn PLLC; Lorenzo Hermano of LandCare; Jared Armstrong with Landscape Resources; and resident John Dougherty.

Item No. 2

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

Item No. 3

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

Item No. 4

Item No. 4 was to review and approve minutes of the November 14, 2019 regular meeting. Director Norris made a motion to approve the minutes as presented. 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 District's financial reports and payment of bills and invoices. Director Norris made a motion to pay the invoices as presented. Director O'Connell seconded the motion, and it **PASSED** unanimously.

Item No. 6

Item No. 6 was to discuss, consider, and take action as necessary regarding maintenance of the District's facilities.

The Board discussed regarding the existing fence behind 12456 Fairfax Ridge. Counsel Wilburn informed the Board of its duty to protect the District's property, to ensure that the District received fair market value for Mr. Doherty's use of the District's property, and suggested that the Board enter into a lease agreement with Mr. Doherty for the use of that property. Mr. Dougherty suggested that his attorney would come up with the lease agreement to minimize his costs. The Board suggested attaching to the minutes the methodology that Messrs. Swanks and Wilburn developed for determining the lease amount. Director O'Connell made a motion to authorize entering into a 20-year lease with Mr. Doherty at a cost of \$240 plus the costs that the District may incur to record the agreement. Director Norris seconded the motion, and it **PASSED** unanimously.

Operations Manager Swanks informed the Board that the irrigation pump was shut down during the raw water line construction. Director Salgo suggested Mr. Swanks perform any necessary maintenance on the pump while shutdown. Mr. Swanks stated that he would check the clay valves and any other items that may need additional maintenance. The Board took **NO FURTHER ACTION** on this item.

Item No. 7

Item No. 7 was to discuss, consider, and take action as necessary regarding landscape services within the Lake Pointe Subdivision. Mr. Hermano informed the Board that LandCare was focused on the pond. He also noted that LandCare should complete mowing by December 21, 2019. Director Salgo asked whether the raw water irrigation was off for the area around Napa Drive. Operations Manager Swanks stated that all raw water irrigation should be off until after completion of the WTCPUA's raw water line project.

Jared Armstrong with Landscape Resources introduced himself and his company to the Board. He asked for an opportunity to provide an unsolicited proposal to the Board for performing the District's landscape services. Director Salgo stated that Mr. Armstrong could provide such a proposal if he wished, but the Board did not have a duty to act on his proposal. The Board took **NO FURTHER ACTION** on this item.

Item No. 8

Item No. 8 was to discuss, consider, and take action as necessary regarding ongoing activities with the PUA. Operations Manager Swanks noted that the WTCPUA contractor was installing all of the preconstruction items, including the stormwater silt fencing.

Director O'Connell noted that the WTCPUA contractor had hit the light pole with the District's cameras that is located at the Pleasant Panorama Park. The Board took no action on this item.

Item No. 9

Item No. 9 was to discuss, consider, and take action as necessary regarding the Preserve. Operations Manager Swanks noted that he was waiting on bids to perform a boundary survey to determine whether the homeowner cutting behind their homes was actually located within the District's Preserve. Director O'Connell made a motion authorizing TUMCO to engage a surveyor to perform the boundary survey for a price not to exceed \$900. Director Norris seconded the motion, and it **PASSED** unanimously.

Item No. 10

Item No. 10 was to discuss, consider, and take action as necessary regarding the District's website. Operations Manager Swanks noted that he and Counsel Wilburn were working on additions to the website regarding the District's budget, audits, and existing contracts. 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 Project with the Lake Pointe Subdivisions, including the following:

- a. Discussion with Program Manager;
- b. Consideration of The Pointe HOA request for District assumption of maintenance obligation;

Director O'Connell noted that she and Director Salgo had received the Jones|Carter draft proposal on December 11, 2019, and the committee had met with representatives of Jones|Carter to discuss the project. She believed that the proposal was consistent with the committee's expectations. Director Norris made a motion to authorize the committee to approve the proposal for consultants not to exceed \$250,000. Director Goff seconded the motion, and it **PASSED** unanimously.

Item No. 12

Item No. 12 was to discuss, consider, and take action as necessary regarding the District's Solid Waste Management Contract. Director Knuff was absent from the meeting; therefore, the Board did not have any agreement revisions to review. The Board took **NO ACTION** on this item.

EXECUTIVE SESSION

The Texas Open Meetings Act, Chapter 551 of the Texas Government Code, authorizes the Board of Directors to convene in close or executive session for certain purposes, including receiving legal advice from the District's attorney (Sec. 551.071); discussing real property matters (Sec. 551.072); discussing gifts and donations (Sec. 551.073); discussing security personnel or devices (Sec. 551.076); and discussing information technology security practices (Sec. 551.089). If the Board of Directors goes into executive session to discuss any item on this agenda, the President Officer will announce that the Board will meet in Executive Session will be held, will note the time, and will identify the item to be discussed and the provision of the Open Meetings Act which authorizes the Executive Session. The District may meet in executive session on any agenda item or any item listed below:

- A. the District's Preserve;
- B. West Travis County PUA; and
- C. ongoing or pending litigation involving the District.

Item No. 13

Item No. 13 was items for future agendas. The Board did not have any additional items to propose for future agendas.

Item No. 14

Item No. 14 was Adjournment. Director Norris made a motion to adjourn the meeting. Director Goff seconded the motion, and it **PASSED** unanimously.

PASSED, APPROVED, AND ADOPTED this 8th day of January 2020.



(DISTRICT SEAL)


Frederick W. Goff, Secretary