

LAKE POINTE MUNICIPAL UTILITY DISTRICT

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS

February 13, 2020

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 13, 2020 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 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 Norris. Also, in attendance were William Swanks with TUMCO; Guillermo Angulo of LandCare; Randall Wilburn with Gilbert Wilburn PLLC; and Alex Angulo.

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 January 9, 2020 regular meeting. Director O'Connell made a motion to approve the minutes as amended. Director Salgo seconded the motion, and it **PASSED** unanimously.

Item No. 4

Item No. 4 was to review and approve minutes of the January 27, 2020 special meeting. Director O'Connell made a motion to approve the minutes. Director Salgo 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. Operations Manager Swanks presented the bills, including an additional bill from the West Travis Co. Public Utility Agency ("PUA"). Director Salgo asked about the City of Austin bill for electricity, which

Operations Manager Swanks explained is for the recirculation pump on the Carlsbad Pond. Director Salgo asked that the financial reports and bills include a new cost category for the new Boundary Fence Project. Director O'Connell made a motion to pay the invoices as presented. Director Salgo 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, including the District's pond maintenance program.

Director O'Connell presented an update from Doucet & Associates on the stormwater pond maintenance program. Engineer Hegemier had forwarded draft plans and bid documents for review. Director O'Connell relayed the engineer's question regarding the timing for advertising the bid documents. The Board discussed advertising for bidding the week of May 1.

Director Knuff asked Operations Manager Swanks to prepare a bid to extend the sidewalk on Lake Stone to Lakes Edge.

Counsel Wilburn noted that he had heard from Mr. Doherty regarding the fence issue behind 12456 Fairfax Ridge. Mr. Doherty had informed Counsel Wilburn that he would like to amend his proposal to allow Mr. Doherty make payments annually, to extend the term of the least to 30 years, and to allow transfer of the easement to a future landowner. The Board was agreeable to the term extension and the transferability of the easement, but rejected the proposal to make annual payments.

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. Angulo informed the Board that LandCare was preparing to trim the shrubs in preparation for the spring. He reminded the Board that the raw water irrigation system would be off until the construction line for the raw water line was completed. The Board expressed their concerns with the loss of the irrigation system during the spring and summer. Director Knuff noted that he would be meeting with representatives of the PUA, he would bring up the issue with the PUA representatives; and he would ask the PUA how it will resolve the irrigation issue. Mr. Angulo also noted that LandCare will not be increasing rates for the year and would not be charging the District for irrigation repairs during the year due to the District's inability to irrigate the landscaping due to the PUA construction.

Director Knuff informed the Board that he and Director Salgo had contacted the references of Jared Armstrong with Landscape Resources. Director Knuff relayed his conversation with a property management company and how Mr. Armstrong was able to restore an existing, inoperable irrigation system. Director Salgo relayed from his conversations that Landscape Resources provided arbor care for his clients.

The Board discussed timing and how to change landscape services. Director Salgo recommended that the Board postpone making a decision regarding landscape services until next month. The Board took **NO ACTION** on this item.

Item No. 8

Item No. 8 was to discuss, consider, and take action as necessary regarding ongoing activities of the West Travis Co Public Utility Agency (“PUA”). The Board discussed the ongoing construction of the raw water line. Director Salgo asked Director Knuff to remind the PUA engineer of the PUA’s commitment to re-seed the Bee Cave Road right-of-way with wildflower seeds. Director Knuff relayed a resident’s complaint regarding the noise from the raw water line construction project. He also noted that Director Brzoska will likely be resigning from the PUA Board, and the Board will need to find a candidate to represent the community on the PUA Board. 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, including fence boundary issues. Operations Manager Swanks noted that he had received the boundary survey along Palisades Pointe. He noted that all of the removed trees were located on the Preserve property. Counsel Wilburn will send a letter to the homeowners regarding the cleanup behind the homes. Counsel Wilburn will prepare a draft letter to send to all homeowners that own property adjacent to the Preserve to educate the homeowners about the Preserve rules and consequences for cutting within the Preserve. 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 District’s website. Director Knuff removed the word “protect” from the description of the District’s duties listed on the website. 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 within the Lake Pointe Subdivisions.

Director O’Connell noted that because the District is responsible for the landscaping and irrigation system, the HOA asked that it not be required to contribute funds for the repair of those items as part of the project. She also informed the Board that the HOA has developed a Right of Entry letter to send to the 45 landowners along Resaca Blvd. Director O’Connell also stated that there will be a kickoff meeting with the landowners to answer questions about the project.

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

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 stated that he would forward the updated contract to legal counsel for final review. The Board took **NO ACTION** on

this item.

Item No. 13

Item No. 13 was to discuss, consider, and take action as necessary regarding coyote management. Director Knuff informed the Board that he had received reports of coyotes in the neighborhood. 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.

The Board did not meet in Executive Session.

Item No. 14

Item No. 14 was items for future agendas. The Board discussed whether to include a possible item on the next agenda regarding security within the Lake Pointe Subdivision; however, the Board decided it would wait for the HOA to discuss the matter at its next board meeting. The Board did not have any additional items to propose for future agendas.

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 12th day of March 2020.



(DISTRICT SEAL)

Frederick W. Goff
Frederick W. Goff, Secretary