

LAKE POINTE MUNICIPAL UTILITY DISTRICT

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS

September 10, 2020

The Board of Directors of Lake Pointe Municipal Utility District (the "District") met in a regular session, open to the public, on September 10, 2020 at 7:00 p.m., via videoconference meeting to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (COVID-19). The regular meeting, open to the public, was held virtually on zoom.com in accordance with the order of the Office of the Governor of Texas issued March 16, 2020. 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 for Director Goff. Also, in attendance were William Swanks with TUMCO; Jared Armstrong and Blake Foree of Landscape Resources; Randall Wilburn with Gilbert Wilburn PLLC; Tom Hegemier with Doucet & Associates; Pat Sinnott for the Lake Austin Lake Pointe HOA; and Jason Bethke.

Item No. 2

Item No. 2 was the public hearing on the District's advertised tax rate. President Knuff opened the hearing for comment. Counsel Wilburn confirmed publication of notice in accordance with the provisions of the Texas Water Code. No residents addressed the Board on this item. Director Knuff made a motion to close the hearing, Director O'Connell seconded the motion, and it **PASSED** unanimously.

Item No. 3

Item No. 3 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. 7

Item No. 7 was to discuss, consider, and take action as necessary regarding maintenance of the District's facilities, including the District's pond maintenance program. District Engineer Tom Hegemier updated the Board on the progress of DigDug towards

completion of the work on the ponds located at Nevada, Napa, Pointe View, and Etna. Based upon issues found in the field, he was recommending a Change Order for the project. Director O'Connell made a motion to approve the Change Order as presented. Director Norris seconded the motion, and it **PASSED** unanimously.

Counsel Wilburn informed the Board of an inquiry the District had received regarding vacation of a public utility easement behind a lot on Sterling Panorama Court. He noted his believe that the issue was with a conservation easement, not a public utility easement. Jason Baze of Jones|Carter provided the subdivision plat, which confirmed a conservation easement existed at the back of the property at issue. Director Salgo made a motion authorizing legal counsel to prepare the District's standard letter regarding vacation of the conservation easement. Director Norris seconded the motion, and it **PASSED** unanimously.

Item No. 12

Item No. 12 was to discuss, consider, and take action as necessary regarding the Boundary Fence Project within the Lake Pointe Subdivisions.

Jason Baze with Jones|Carter updated the Board on the progress of the project. He noted that the presentation development was nearing completion and would be ready for presentation at the HOA Annual Meeting. Mr. Baze noted that the design team was working with vendors to develop samples of the possible wall alternatives. The team is also working on addressing any issues with proceeding with work within the Travis County right-of-way. Pat Sinnott asked Mr. Baze to coordinate the presentation with Meghan from the HOA management company.

President Knuff provided a proposal from The Pointe HOA regarding a potential bid to perform repair work. He informed the Board that The Pointe was asking for cost participation. Director Salgo and Counsel Wilburn stated that the Board would need a wall agreement in place before expending any District funds.

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

Item No. 8

Item No. 8 was to discuss, consider, and take action as necessary regarding landscape services within the Lake Pointe Subdivision. Blake with Landscape Resources informed the Board that his firm had completed the irrigation system repairs which the Board approved during the prior meeting. He presented a proposal to make repairs to the entrance at Bayton. Director Salgo made a motion to approve the proposal as presented. Director O'Connell seconded the motion, and it **PASSED** unanimously.

Landscape Resources presented a second proposal to trim tree branches rubbing on a fence and house located at 12208 Carlsbad. Director Knuff made a motion to approve the proposal as presented. Director Salgo seconded the motion, and it passed unanimously.

Item No. 9

Item No. 9 was to discuss, consider, and take action as necessary regarding ongoing activities of the West Travis Co Public Utility Agency (“PUA”). President Knuff informed the Board that he had walked the new waterline trail to determine how well it had withstood the recent rainfall. He stated that he would be speaking with the PUA management to discuss a permanent resolution to the ongoing erosion problem along the hill behind the stormwater pond. The Board took **NO ACTION** on this item.

Item No. 4

Item No. 4 was to receive an update from the Lake Pointe Homeowners’ Association. Pat Sinnott addressed the Board. She noted that the HOA Annual Meeting was scheduled for September 21, 2020. The Board took **NO ACTION** on this item.

Item No. 5

Item No. 5 was to review and approve minutes of the July 9, 2020 regular meeting. Director O’Connell noted a typographical error in Item no. 11. She made a motion to approve the minutes 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 the District’s financial reports and payment of bills and invoices. Operations Manager Swanks presented the bills, including invoices from the Travis County Appraisal District, Land Resources, Travis County ESD, and Jones|Carter. Director O’Connell made a motion to pay the invoices as presented. Director Salgo seconded the motion, and it **PASSED** unanimously.

Item No. 10

Item No. 10 was to discuss, consider, and take action as necessary regarding the Preserve.

Operations Manager Swanks informed the Board that the Preserve firebreak maintenance program was ongoing. He noted that he had met with Lake Services to discuss repairs to the dock.

Director Norris informed the Board that he was meeting with Austin Energy to determine how to bring power to any future dock.

Director Knuff informed the Board that he had been unable to access the video camera at Vista Pointe Park, and he was working with the contractor to resolve the issue.

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 District’s website. Director Knuff updated Board on the status of the website. The Board

took **NO ACTION** on this item.

Item No. 13

Item No. 13 was to discuss, consider, and take action as necessary regarding the FY 2020-21 District Operating and Maintenance Budget. Director O'Connell made a motion to approve the District's annual budget and accompanying resolution. Director Salgo seconded the motion, and it **PASSED** unanimously.

Director Salgo made a motion authorizing the District's Operations Manager to adjust the current fiscal year's budget to actual. Director O'Connell seconded the motion, and it **PASSED** unanimously.

Item No. 14

Item No. 14 was to discuss, consider, and take action as necessary regarding the FY 2020-21 District Tax Rates, including authorization for publication of notice of public hearing. Counsel Wilburn and District Operations Manager Swanks presented the proposed tax rates. Director O'Connell made a motion to approve Order adopting the M&O tax rate of \$0.1729 per \$100 taxable value for the MUD 3 Defined Taxing Area. Director Salgo seconded the motion, and it **PASSED** unanimously. Director Norris made a motion to approve the Order adopting the M&O tax rate of \$0.1729 per \$100 taxable value and a debt service tax rate of \$0.056 per \$100 taxable value for the MUD5 Defined Taxing Area. Director Knuff seconded the motion, and it **PASSED** unanimously.

Item No. 15

Item No. 15 was to discuss, consider, and take action as necessary regarding the November 2020 election. Counsel Wilburn presented the Certificate of Unopposed Candidates. He also presented an Order Canceling the District's 2020 Directors Election. Director Norris made a motion to approve the Order as presented. Director Knuff seconded the motion, and it 3-0-1, with Director O'Connell abstaining from the vote.

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;
- C. Safety issues related to COVID-19; and

D. ongoing or pending litigation involving the District.

The Board did not meet in Executive Session.

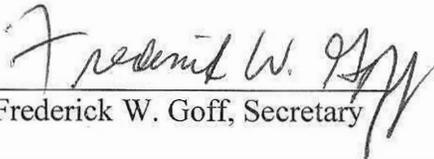
Item No. 15

Item No. 15 was items for future agendas. The Board did not have any additional items to propose for future agendas.

Item No. 16

Item No. 16 was Adjournment. President Knuff made a motion to adjourn the meeting. Director Salgo seconded the motion, and it **PASSED** unanimously.

PASSED, APPROVED, AND ADOPTED this 10th day of September 2020.


Frederick W. Goff, Secretary

(DISTRICT SEAL)

