

LAKE POINTE MUNICIPAL UTILITY DISTRICT

**MINUTES OF A MEETING OF
THE BOARD OF DIRECTORS**

October 14, 2021

The Board of Directors of Lake Pointe Municipal Utility District (the “District”) met in person in a regular session on October 14, 2021 at 7:00 p.m., open to the public. The District posted a copy of the notice of meeting, attached as “Exhibit A.”

President Knuff called the meeting to order at 7:03 p.m.

Item No. 1

Item No. 1 was to call to order and establish quorum. All members of the Board were present:

Director Steven Knuff
Director Robert Salgo
Director Jason Rew-Hunter
Director Penny Handsel

Also in attendance were Jody Flaws, William Swanks with TUMCO, Josiah Longbons and Blake Foree of Landscape Resources, and Grayson McDaniel with the Carlton Law Firm.

Item No. 2

Item No. 2 was to receive public comment on items not on the Agenda. No public comments were made.

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

Item No. 3

Item No. 3 was to receive an update from the Lake Pointe Homeowners’ Association. No representative of the Pointe HOA attended the meeting.

The Board took **NO 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. Longbons reported on progress on the loop interconnection project. Mr. Longbons is still waiting to hear a final start date from the boring company. Once that date is determined, then Mr. Longbons will work with Director Salgo to notify the community and put safety precautions in place. Landscape Resources plans to work in tandem with the boring company to monitor the work, which will likely take two days. Mr. Longbons estimates Landscape Resources’s

portion of the work will take four or five days, barring unforeseen complications. Director Salgo will notify the Pointe HOA when the start date for boring is available. After the boring and trenching work is done, Landscape Resources will test the valves and proceed with the isolation-valve project.

Mr. Longbons reported on a controller valve that was stuck open and a 2” mainline break that required going into the lateral line to repair. Mr. Longbons distributed a proposal for the work for a total of \$2,755.00 for the work completed on irrigation repairs from August to September 16, 2021.

Mr. Longbons reported that Landscape Resources encountered breaks in the 2” mainline due to tree roots, two lateral line breaks, several valve malfunctions, and a major 4” mainline break. Landscape Resources determined the cause of the 4” mainline break was an old metal gate valve that had been abandoned and subsequently broken by tree roots. Landscape Resources removed the broken valve and repaired the mainline. Mr. Longbons distributed a proposal for all of these issues for a total of \$4,652.35 for September to October 14, 2021, irrigation repairs.

President Knuff noted that the two proposals made up half of the “Irrigation Repairs” budget. Director Salgo commented that the old irrigation system was getting expensive. Mr. Longbons agreed and noted that the raw water also has lots of sediment that causes damage.

President Knuff made a motion to approve the two Landscape Resources proposals for a total of \$2,755.00 and \$4,652.35. Director Salgo seconded the motion. President Knuff asked for questions. Hearing none, he called for a voice vote and the motion **PASSED** unanimously.

Next, Mr. Foree distributed a proposal to the Board regarding tree cleanup and removal of two dead trees, remove dead wood from one tree, and remove dead shrubs and clean debris for a total of \$4,200.00. After some discussion, President Knuff made a motion to approve the proposal for tree cleanup and debris for \$4,200.00. Director Salgo seconded the motion. President Knuff asked for questions. After a brief discussion, President Knuff amended his motion to approve the Landscape Resources proposal for tree cleanup and debris for \$4,200.00 for Sonoma and Lyons Club, and for removal or trimming the Brittany Point tree based on Director Salgo’s review and approval. Director Rew-Hunter seconded the amended motion. President Knuff asked for questions. Hearing none, he called for a voice vote and the motion **PASSED** unanimously.

Mr. Foree noted that Landscape Resources may bring a proposal to remove steel edging and rake out the area where the silt fence was removed. Director Salgo stated that the work cannot begin until the proposal was approved by the PUA, and Landscape Resources agreed.

President Knuff asked if Landscape Resources brought an updated agreement for 2021-2022 for execution. Landscape Resources will send the updated agreement to Operations Manager Swanks. Additionally, the Landscape Resources invoice will be paid at next month’s meeting.

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

Item No. 4

Item No. 4 was to review and approve minutes of the September 16, 2021, regular meeting and the September 30, 2021, special meeting.

President Knuff made a motion to approve the minutes of the September 16, 2021, regular meeting. Director Rew-Hunter seconded the motion. Director Salgo noted that a sentence needed to be revised. Ms. McDaniel stated she would make the revision. President Knuff asked for revisions to the September 30, 2021, special meeting minutes.

Hearing none, he called for a voice vote and the motion **PASSED** unanimously.

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

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, all of which were included in the meeting packet, other than the bill from the LCRA, which he emailed to the Directors prior to the meeting.

President Knuff moved to pay the bills. Director Salgo seconded the motion. President Knuff took a voice vote and it **PASSED** unanimously.

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

Item No. 6

Item No. 6 was to discuss, consider, and take action as necessary regarding maintenance of the District's facilities, including the ongoing Stormwater Basin Maintenance Project. Operations Manager Swanks reported that the work was complete and will be reviewed by the County next Tuesday. Director Handsel asked about the small pond toward the trailhead off Carlsbad, Operations Manager Swanks explained it was not a retention pond and outside of the scope of work but that he would check to see if it needed to be cleaned out. Director Salgo and Operations Manager Swanks also discussed a pond off San Benito. Operations Manager Swanks said he would also get a price to get it cleaned up. Director Handsel suggested making the maintenance of these ponds part of the maintenance schedule. The Board made no decision on that point.

Next, Operations Manager Swanks said a homeowner reached out to TUMCO about repairing the rock wall around the playground at Vista Park. The rocks were falling off the stone wall surrounding the playscape and the proposal was to repair the stones and masonry for a total proposal of \$1,235.

President Knuff made a motion to approve the proposal to fix the wall around the playscape to protect the neighborhood children for \$1,235.00. Director Salgo seconded the motion. President Knuff called for a voice vote, and the motion **PASSED** unanimously.

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 the ongoing activities of the West Travis County Public Utility Agency ("PUA"). The PUA General Manager told President Knuff that the PUA had approved the project for raw waterline No. 2.

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 is waiting on is waiting on a price proposal for dock repair. Mr. Norris texted President Knuff prior to the meeting and has not yet heard from the City of Austin on a permit for building a dock.

Director Salgo asked about algae on the steps. President Knuff said he had inspected them, and they did not have algae, but he would check again and look into ways to remediate that.

President Knuff explained the process he has used for holding a bingo-style lottery drawing for the kayak rack at the December PUA meeting. The 16 winners submit about \$100 and file an application and then President Knuff will help the PUA how to do it this year. Director Handsel asked if it would make sense to set up a subcommittee to handle the lottery at the December POUA meeting after this year. President Knuff suggested that a volunteer could also handle it.

President Knuff said that he had not emailed the Eagle Scout about putting up the signs in the Preserve, but he would. Finally, President Knuff will inform Operations Manager Swanks of the number of updated signs for the trailheads for \$239 apiece.

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 Handsel needs to provide a biography to add to the website. Election language needs to be added to the website by November 8, 2021, a year before the November 8, 2022, election. President Knuff has the language from Ms. McDaniel and will email that to Shay Wright.

The Board discussed transitioning the website and their email addresses to Google Workspace. The cost is \$6 per email account per month and \$6 for the Lake Pointe MUD page per month, for a total of \$36 per month for five directors.

President Knuff made a motion to authorize Shay Wright of Big Marketing to convert the District website and the Directors' email addresses to Google Workspace. Director Rew-Hunter seconded the motion. President Knuff took a voice vote and the motion **PASSED** unanimously.

The Board took **NO FURTHER 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 subdivision. President Knuff provided an update from Jones Carter that Jones Carter is waiting for communication from the County regarding the permit. Jones Carter sent the contract and documents to Johnson Services Company and is awaiting their execution.

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 engagement of an auditor to conduct the District's annual audit. The District has previously used Maxwell Locke & Ritter. President Knuff asked if anyone wished to propose a different auditor, but none were proposed. President Knuff made a motion to approve Maxwell and Locke and Ritter for the auditor. Director Salgo seconded the motion. President Knuff took a voice vote and the motion **PASSED** unanimously.

Operations Manager Swanks reported \$13,000 is allocated for audit fees. The audit needs to be approved by the Board in January 2022 and submitted to the Texas Commission on Environmental Quality and the Comptroller. Ms. McDaniel will contact Maxwell Locke & Ritter to secure their engagement.

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

Item No. 13

Item No. 13 was to discuss, consider, and take action as necessary regarding the appointment of a director to the Board of Directors. President Knuff thanked Jody Flaws, who was present, for volunteering. If Mr. Flaws is appointed, he will serve in the appointed seat from January 2022 until the November 2022 election, and could choose to run for the seat in the November 2022 election. After a brief discussion, President Knuff made a motion to appoint Mr. Flaws to the Board seat that was vacant due to Fred Goff's resignation. Director Handsel suggested making an award of recognition for outstanding community service for Fred Goff's many years of service to the District, MUD 3, and the school board. The Directors all agreed. Director Salgo seconded President Knuff's motion to appoint Mr. Flaws to the Board of Directors. President Knuff asked for questions and, hearing none, called for a voice vote and the motion **PASSED** unanimously.

The Board took **NO FURTHER 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;
- C. Safety issues related to COVID-19; and

D. ongoing or pending litigation involving the District.

At 8:20, the Board retired to executive session to discuss the District's Preserve. At 8:45, the Board returned from executive session.

The Board took no action and made no motions while in Executive Session.

Item No. 9

The Board returned to this item. Director Rew-Hunter made a motion to authorize the Carlton Firm to conduct factual research and raft demand letters as appropriate to present to the Board at the next meeting regarding the unlawful cutting down of trees in the Preserve. President Knuff seconded the motion. President Knuff asked for questions and, hearing none, took a voice vote, and the motion **PASSED** unanimously.

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

Item No. 14

Item No. 14 was to discuss future agenda items.

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

Item No. 15

Item No. 15 was adjournment. President Knuff made a motion to adjourn, which was seconded by Director Rew-Hunter. President Knuff called a voice vote and the motion **PASSED** unanimously.

The meeting was adjourned at 8:54 pm.

PASSED, APPROVED, AND ADOPTED this 11th day of November 2021.



Jason Rew-Hunter, Director

(DISTRICT SEAL)