

LAKE POINTE MUNICIPAL UTILITY DISTRICT

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS

November 11, 2021

The Board of Directors of Lake Pointe Municipal Utility District (the “District”) met in person in a regular session on November 11, 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 Penny Handsel
Director Jody Flaws
Director Jason Rew-Hunter

Also in attendance were William Swanks with TUMCO, Josiah Longbons of Landscape Resources, Mike Scharf, Tom Hagermeyer with Doucett Engineering, and Grayson McDaniel and Randy Wilburn 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. 13

Item No. 13 was to discuss, consider, and take action as necessary regarding the Boundary Fence project within the Lake Pointe Subdivisions. Director Salgo opened the discussion about right-of-way encroachment issues in the current project design. The old boundary fence encroached in a number of areas on the County’s right-of-way, in some places only by a foot, but in others by as much as 7-8 feet. The original plan, before this issue was known, was to place the new boundary fence in the same location as the existing fence. However, to do so, the District must obtain a license to have the fence encroach upon County’s the right-of-way, which would require the District to place a sufficient amount of money in escrow with the County to cover the County’s cost of future demolition of the

portion of the fence in the County right-of-way. The license agreement would go before County Commissioners Court for approval. Generally, these agreements are placed on the Court's consent agenda and quickly approved. Cathy Mitchell, of Jones|Carter, estimated that it would take about two weeks to obtain the license after it is filed with the County.

Director Salgo presented a design drawing made by Jones|Carter to illustrate the right-of-way encroachments in the current design. He explained that he met with Ms. Mitchell to inspect the encroachments prior to the Board meeting to evaluate where the right-of-way issues could be remediated by changing the design. Director Salgo pointed out a span area near Sterling Panorama still be in the right-of-way because to move it back the required amount would require cutting down mature crepe myrtle trees. Other than that area, Director Salgo explained, most or all of the other right-of-way issues can be resolved by changing the design to move the replacement fence out of the right-of-way. Accordingly, the District will need to obtain a license, but it will be for a small span of the replacement fence. Director Salgo stated that the District would not get a permit from the County until the issue was resolved. He also explained that there would be a change order for the contractor and the contractor would respond with the value of the change, which could result in extra cost to the District.

Director Salgo stated he plans to notify the roughly 30 residents whose back yards will be affected by the design change. Mr. Wilburn noted that the right-of-way is the property line—in other words, a resident has no right to have their property line or yard extend into the right-of-way.

Director Salgo further explained that he had previously instructed Jones|Carter to not build the replacement fence within the right-of-way. As Jones|Carter failed to address the right-of-way issue, Jones|Carter will not charge the District for professional services related to this issue.

After further discussion, President Knuff made a motion that, subject to legal review, the District authorized Jones|Carter to charge up to \$5,000 to pursue the license agreement. Director Salgo seconded the motion. President Knuff took a voice vote and the motion **PASSED** unanimously.

President Knuff confirmed that the contract with Johnson Services, which was approved at a prior meeting, was ready for signature. President Knuff executed the contract. 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 maintenance of the District's facilities, including the ongoing Stormwater Basin Maintenance Project. Tom Hegemier stated that all 12 stormwater ponds were now in compliance with the County. Mr. Hegemier noted that three other ponds underwent sustained erosion damage due to heavy rain in September. He and Operations Manager Swanks met with DigDug for a proposal to restore the basins and remove cattails and debris. DigDug provided them a proposal for \$23,230.00 to restore the basins and clean the ponds.

President Knuff asked where the money would come from in the District budget. Operations Manager Swanks recommended taking from "Drainage Pond" and the balance from "Subdivision Improvements."

President Knuff made a motion to approve the proposal from DigDug for \$23,230.00. Director Salgo seconded the motion. President Knuff took a voice vote and the motion **PASSED** unanimously.

Mr. Hegemier said that Doucet would inspect the work after it was complete.

President Knuff asked Operations Manager Swanks to inspect the runoff area at the end of Carlsbad that looks like it needs to be cleaned.

Director Handsel presented ideas to the Board for a commemorative gift to former Director Goff for recognition of service. Director Salgo made a motion to authorize Director Handsel to obtain the commemorative gift for Director Goff. President Knuff 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. 9

Item No. 9 was to discuss, consider, and take action as necessary regarding landscape services within the Lake Pointe subdivision. Mr. Longbons reported that October's irrigation repairs were successful. Mr. Longbons reported that the boring contractor for the mainline loop project came on short notice and did a very professional job boring under the north and south side of Lakestone. On Monday and Tuesday, Landscape Resources performed the trenching work under two sidewalks, including moving a large boulder. Landscape Resources tested the mainline irrigation loop prior to the Board meeting and it performed fully. Landscape Resources will next cover the trenches, remove the stakes and safety items, and re-sod the area where needed. Landscape Resources will then install the isolation valves. When the work is complete, Director Salgo and Landscape Resources will negotiate the final invoice. Landscape Resources presented a proposal for remediating and cleaning the areas where the silt fence was removed, as significant erosion remediation is needed, some regrading work, and metal T-posts need to be removed. President Knuff suggested that Landscape Resources break out the proposal to reflect the portion that the PUA will pay and the amount that the District may pay.

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

Item No. 4

Item No. 4 was to discuss, consider, and take action as necessary regarding election of officers. Because the Board has appointed a new Director, Director Flaws, the Board has the opportunity to elect new officers.

President Knuff made a motion to remain President, that Director Salgo remain as Vice President, and Director Flaws fill the office of Secretary/Treasurer. Director Handsel seconded the motion. President Knuff called for a voice vote and the motion **PASSED** unanimously.

Mr. Wilburn asked if anyone had expressed interest in President Knuff's seat, which will be vacant after his December 9, 2021 resignation. The Board has 60 days from December 9 to fill his seat. Mike Scharf was in attendance to review the possibility. Director Rew-Hunter said the Board should also broadcast the upcoming vacancy.

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 District registration form with TCEQ.

President Knuff made a motion to authorize the Carlton Firm to update and file the TCEQ district registration form. Director Flaws 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. 6

Item No. 6 was to review and approve minutes of the October 14, 2021, regular meeting. Director Salgo made a motion to approve the minutes. President Knuff 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. 7

Item No. 7 was to discuss, consider, and take action as necessary regarding the District's financial reports and payment of bills and invoices. Director Salgo asked about the Aqua Permits invoice and Operations Manager Swanks explained that was for the work Aqua Permits have completed so far to obtain the permit for a new dock. President Knuff noted that in May 2021 the Board had approved an amount up to \$30,000, with up to \$9,500.00 in permits and up to \$18,500 in structural design .

Director Salgo made a motion to pay the District's bills. President Knuff seconded the motion. President Knuff called for a voice vote and the motion **PASSED** unanimously.

Operations Manager Swanks asked Director Salgo for an outline of cash flow on the fence replacement project. Director Salgo said that he would provide it.

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

Item No. 10

Item No. 10 was to discuss, consider, and take action as necessary regarding the ongoing activities of the West Travis County Public Utility Agency ("PUA"). Operations Manager Swanks reported that the wall at Resaca Boulevard is starting to sink and break down where Cash Engineering dug a waterline trench. President Knuff stated he would discuss the issue with PUA General Manager Jennifer Reciher, and he noted that the algae on the steps had been inspected and remediated by the PUA.

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 Preserve. Operations Manager Swanks presented a proposal from Lake Services to replace all of the wood on the dock with 2x6x16 planks for \$15,500. He noted that the price is high because the work requires using a boat and floating barge and is somewhat complicated. The Directors debated fixing the dock or waiting until the District can install a new dock. The Directors noted that Jim Norris may have a proposal for the December 2021 HOA meeting. Currently, the dock planks have been covered with plywood and there are screws protruding, creating a potential hazard. The Directors also considered that the water level of the lake is lowered some years. In years when the lake level is lower, it could be prudent to postpone repairing the dock until afterward, as the dock will likely be damaged from resting on the rocks in the lower water.

Director Salgo suggested fixing the dock, because it is a safety issue and the other dock will be months away. After further discussion, Director Handsel made a motion to approve the proposal for the boat dock repairs for \$15,500 to come from the District's budget for "Subdivision Improvements." Director Flaws seconded the motion. After a brief discussion, President Knuff took a voice vote and the motion **PASSED** unanimously.

President Knuff reported that he is still waiting to hear from the Eagle Scout regarding the trailhead signs. Operations Manager Swanks is waiting for the number of benches to be added at \$300 apiece. President Knuff proposed adding four new benches at \$380 each for a total of \$1520, plus concrete.

President Knuff made a motion to authorize Operations Manager Swanks four new benches at \$380.00 each for a total of \$1,520.00, plus concrete not to exceed \$2,000.00. Director Rew-Hunter seconded the motion. President Knuff called a voice vote and the motion **PASSED** unanimously.

Item No. 12

Item No. 12 was to discuss, consider, and take action as necessary regarding the District's website. President Knuff asked the Directors need to send him their bios. Mr. Wilburn and Ms. McDaniel will forward the Directors their new District email addresses from Shay Wright. President Knuff reported that Mr. Wright had updated the District's website with the 2022 election information.

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;
- C. Safety issues related to COVID-19; and
- D. ongoing or pending litigation involving the District.

At 9:04, the Board retired to executive session pursuant to Section 551.071 of the Texas Government Code to discuss ongoing or pending litigation involving the District with the District's attorney. At 9:37, the Board returned from executive session. The Board took no action and made no motions while in Executive Session.

Item No. 11

The Board returned to this item. President Knuff made a motion to authorize the Carlton Law Firm to send demand letters to the four homeowners who removed trees in the Preserve, in coordination with TUMCO. Director Salgo seconded the motion. President Knuff took a voice vote, and the motion **PASSED** unanimously.

President Knuff will send a revised notice to all homeowners regarding permitted actions in the Preserve.

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

Item No. 14

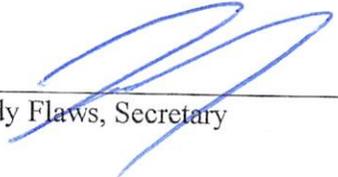
Item No. 14 was to discuss future agenda items. President Knuff mentioned that there should be an item for his resignation. The Board took **NO ACTION** on this item.

Item No. 15

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

The meeting was adjourned at 9:46 pm.

PASSED, APPROVED, AND ADOPTED this 9th day of December 2021.



Jody Flaws, Secretary

