

LAKE POINTE MUNICIPAL UTILITY DISTRICT

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

August 12, 2021

The Board of Directors of Lake Pointe Municipal Utility District (the “District”) met in person in a regular session on August 12, 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 7:04.

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 Fred Goff
Director Jason Rew-Hunter
Director Penny Handsel

Also in attendance were William Swanks with TUMCO, Josiah Longbons of Landcape Resources, Cathy Mitchell with Jones|Carter, and Randall Wilburn 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. 11

Item No. 11 was to discuss, consider, and take action as necessary regarding the Boundary Fence project within the Lake Pointe subdivision. Ms. Mitchell explained to the Board that she met with Director Salgo and Mr. Longbons after the July regular board meeting and they developed a draft plan for the Resaca Boulevard fence replacement specifications and the bidding process. Ms. Mitchell provided an overview of some terms that will be included in the project contract, like a provision for liquidated damages, rules for where workers can work, where temporary structures may be placed, and how temporary structures should be removed. The work will follow a phased plan that will prevent workers from being on both sides of the street at the same time. The bids for the project will be evaluated on price and experience of the contractor and superintendent. Ms. Mitchell stated that the plans will be adjusted after the Directors, counsel, and Operations Manager Swanks provide comments and revisions. The draft plan documents will be forwarded to the Board.

Director Salgo and Ms. Mitchell explained that the landscaping and irrigation will be separate parts of the project and would be the responsibility of the Pointe HOA. Director Salgo stated that due to the ongoing maintenance of an irrigation system, it would be best to use a contractor that does not have to bid out, and that would give Landscape Resources a chance to do the work. The District is likely to exceed its budget, likely requiring dipping into the District's cash reserves, as had been anticipated.

Director Salgo proposed accepting the bid documents in September and publishing a bid advertisement shortly thereafter, with possible bid approval for October 2021. Ms. Mitchell estimated construction would last about 180 days. Ms. Mitchell confirmed that rain days would be established for each month, and she said it did.

Director Salgo suggested possibly waiting for a special meeting to advance the contract. President Knuff asked if the Board could have a Zoom-only meeting in August, and Ms. McDaniel confirmed the Board could hold a remote meeting because the Open Meetings Act provisions suspended due to the Covid-19 pandemic will not be back in force until September 1.

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 presented to the Board—Mr. Foree could not attend this meeting due to a family emergency. A proposal to take the preemptive measure of connecting the irrigation mainline at Resaca in a completed loop. That would allow isolation of certain areas during the construction of the Resaca Boulevard fence replacement, but still have water for the District. Some complications have arisen in planning because of difficulties finding a contractor to perform the boring necessary and also do the work to connect the mainline. Open cutting can be used as an alternative to boring, but that would include road closure. Mr. Longbons has contacted numerous companies to give quotes; a number of the directional boring companies said this was too small of a scope and passed. Mr. Longbons is reviewing a proposal from one contractor and Ms. Mitchell has referred another who he will contact.

Mr. Longbons distributed to the Board a proposal for isolation valve installation along Resaca Boulevard, priced at \$7,650.00. The proposal is to install nine isolation ball valves along Resaca Boulevard with a valve box on each. The project will allow for each phase of the Resaca Boulevard fence replacement project to be isolated, while remaining irrigation can remain on. Technically, 10 isolation valves are needed but Mr. Foree discovered an existing one in Phase 3, so only need nine more. Landscape Resources also found one more existing isolation valve, but not in the area for this project. Not included in the proposal is the possible need for two additional isolation valves near Lakestone drive.

Mr. Longbons presented proposals to place kiddy mulch at both playgrounds. The proposed prices are \$4,003.50 at Napa Park and \$4,287.25 for Vista Pointe Park.

Director Salgo moved to approve all three proposals as presented. President Knuff seconded the motion. President Knuff asked if there were comments.

After some further discussion, President Knuff called a roll call vote, and the motion **PASSED** unanimously.

President Knuff said he received a request about trash around the pond and asked if that would be cleaned when the area was mowed. Mr. Longbons said it would be.

Operations Manager Swanks said that he had asked Mr. Foree to look at dying trees on two properties—one on Brittany and one on Lion Court. Mr. Longbons said he would give the Board their opinion.

Mr. Longbons proposed that Landscape Resources put together a budgetary document for review highlighting different areas in the District that might need attention for the next year. Director Salgo mentioned that the budget needed to be approved at the next meeting, so Mr. Longbons needed to bring his information at the next meeting. President Knuff and Mr. Swanks asked to have it in three weeks to have a week to review before the next meeting. Mr. Longbons agreed.

The Board took **NO FURTHER 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. 4

Item No. 4 was to review and approve minutes of the July 8, 2021 regular meeting. The Board tabled the item to return to later in the meeting.

The Board took **NO 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. Director Salgo asked what the invoice for Smart Homes of Austin was for, and Mr. Swank explained it was for a cloud-based keypad for the gate at Vista Pointe park, allocated to the District budget for "Park Improvements."

Director Salgo moved to pay the bills. President Knuff seconded the motion 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 Digdug's maintenance work on Sonoma Pond and Lake Stone Pond was complete as of today. Digdug is starting on two more ponds.

Director Salgo asked if Aquatic Features needed to be informed. Mr. Swanks said he would inform him.

President Knuff said he was pleased that DigDug has not been the source of any complaints.

The Board took **NO 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”). President Knuff said that Jason Bethke is eager to remain on the PUA board. His job requires heavy travel, so he generally cannot attend the District’s board meetings, but he consistently attends the PUA meetings. There was no PUA meeting in July.

President Knuff said it is likely that in three to five years, the PUA will require a third waterline, and that the District need to think about planning the construction project.

Operations Manager Swanks reported that he had a call with Steve Jones with Cash Construction about removing the silt fence. The County has requested that instead of Cash Construction putting up a bond on the preserve project, the County wants Cash Construction to take out a three-year maintenance bond with the PUA. Then Cash Construction can remove the silt fence.

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 discussion about coyote management. President Knuff stated that he received a text and an email about coyotes on Carlsbad Drive at night and now in the middle of the day, expressing concern that the coyote may be hungry or sick, and asking if the coyote can be relocated or captured. Mr. Wilburn explained that Texas Wildlife Control does not provide this service anymore and the individual who used to do it in Travis County does not anymore. President Knuff proposed putting out a warning about not walking animals off-leash in the Preserve and to give tips about how to scare off the coyote. President Knuff said he would put out this notice.

President Knuff received an email from an Eagle Scout who is putting up signs in the Preserve, asking if he could take his Boy Scout troop to put in signs made for the Preserve on Saturday, August 21.

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. President Knuff reported there was no update.

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 2021-22 District budget. The Board made preliminary adjustments to the draft budget as shown in the attached exhibit. The Board tabled this item to return to later in the meeting.

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

Item No. 9

President Knuff reopened this item to state that Jim Norris had communicated to ask about electricity at the day dock, which is estimated to cost \$100,000. The Board discussed the necessity of a public hearing on options for the dock once the cost of a day dock and of a boat dock have been determined. President Knuff noted that the dock project might need to be postponed until 2023.

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 2021-22 District budget. The Board returned to this item. The Board made preliminary adjustments to the draft budget as shown in the attached exhibit.

Director Salgo asked if there would be a budget reconciliation from Valerie Wheeler to vote on next month, and Operations Manager Swanks and Mr. Wilburn agreed.

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 2021-22 District tax rate. Counsel Wilburn presented the proposed tax rates. Director Salgo made a motion to advertise an M&O tax rate of 0.1617 per \$100 of taxable value and .05 for the INS. President Knuff seconded the motion and it **PASSED** unanimously.

President Knuff moved to authorize Mr. Swanks to post notice of the September 9, 2021 public hearing on the website, and in the paper, by September 2, 2021. Director Salgo seconded the motion and it **PASSED** unanimously.

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

Item No. 4

Item No. 4 was to review and approve minutes of the July 8, 2021 regular meeting. Director Salgo returned to this item told Ms. McDaniel that the July minutes were unacceptable as they were too confusing for constituents to understand. He went over the minutes and suggested several improvements, particularly focusing on the phrase "boundary fence project," which he stated was confusing. He requested the term be changed to the "Pointe wall" project. Director Salgo stated that the minutes contained references to the "Lake Pointe HO" that should be to the "Pointe HOA." There was further discussion of revisions to the minutes for clarity. Ms. McDaniel stated she would revise the minutes as requested, and Operations Manager Swanks agreed to send the July meeting recording to Ms. McDaniel to assist with revising the minutes.

Director Rew-Hunter moved to amend the minutes with Director Salgo's revisions and to approve the minutes as amended. President Knuff seconded the motion and it **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.

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. 13

Item No. 13 was to discuss future agenda items.

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

Before moving to adjourn, President Knuff announced that he would be resigning from the Board. His last meeting will be on December 9, 2021. President Knuff has been on the District Board for more than six years and has enjoyed serving very much. He encouraged the directors to inform interested District residents of the upcoming vacancy. An individual appointed to fill the vacancy in December 2021 would have to run for election in May 2022.

Item No. 14

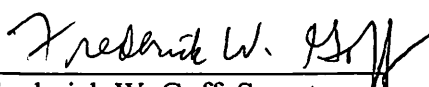
Item No. 14 was adjournment. President Knuff asked for comments before adjournment. Director Salgo said President Knuff has done a great job and will be missed. President Knuff moved to adjourn the meeting. Director Rew-Hunter seconded the motion, and it **PASSED** unanimously.

The meeting was adjourned at 9:33 pm.

PASSED, APPROVED, AND ADOPTED this 16th day of September 2021.



(DISTRICT SEAL)


Frederick W. Goff, Secretary