

**LAKE POINTE MUNICIPAL UTILITY DISTRICT  
MINUTES  
October 19, 2022**

The Board of Directors of Lake Pointe Municipal Utility District (“District”) met in person in regular session on October 19, 2022, at 6:00 p.m., in a meeting open to the public. The District posted a copy of the notice of the meeting as required.

President Salgo called the meeting to order at 6:01 p.m.

The following Board Members were present, thus constituting a quorum:

Robert Salgo	President	Present
Penny Handsel	Vice President	Present
Jody Flaws	Secretary/Treasurer	Absent
Terry Elam	Director	Present
Jason Rew-Hunter	Director	Present

Also in attendance were William Swanks with TUMCO; Josiah Longbons and Blake Foree with Landscape Resources; Doug Mains with Elite Computing; Pat Sinnott with the Lake Pointe Homeowners’ Association; incoming Director Scott Mincey; Kelli Carlton with The Carlton Law Firm; and members of the public.

**PUBLIC COMMENT**

1. **Receive communications from the public on items not listed on the posted agenda.** No public comment.
2. **Public Comment on Agenda Items.** No public comment.

**REPORTS AND COMMITTEE MATTERS**

3. **Receive landscape maintenance report and discuss and consider landscape services, including:** Director Elam presented a proposal to replace the mulch at the monument at the Resaca entrance. Josiah Longbons described the project, stated the plant material at the entrance is sustainable, and the proposed amount to finish the entry island work at Resaca is \$9,315.

Director Elam then presented a proposal for Phase One of the Bluffs entry and exit in the amount of \$9,640. Mr. Longbons provided background on the project and the plant material selected. The Board discussed the cost and square footage of the project, number of plants used, and irrigation. President Salgo asked for the square footage of landscaping projects in the future so the Board will know the price per square foot, and Director Elam concurred.

Director Elam moved to approve the two proposals from Landscapes Resources discussed above. President Salgo seconded the motion, and the motion carried 4-0. The Board considered the budget line item for these proposals and determined the Landscaping - New line item was the appropriate budget item.

Board discussion followed on Landscape Resources mowing along Sonoma and being mindful of irrigation heads. Mr. Longbons stated treatment on the Ball Cypress at Carlsbad Pond seems to be working and the tree appears to be rebounding. A follow up treatment on the tree may be necessary in the Spring.

Director Elam reported on additional projects completed, including the completion of the Napa Pond cleanup and the trimming/uplifting of both the oak tree at Napa Pond and the trees at Carlsbad Pond.

**A. FY23 landscape services contract;** The Board discussed the contract addendum. Ms. Carlton provided clarification regarding the contract amounts per Mr. Longbons' email on the corrected annual fees for services and landscape maintenance monthly prorated fee. President Salgo asked for line items for total yearly irrigation cost, monthly irrigation cost, and irrigation overages.

Director Elam moved for approval of the Addendum with corrected pricing, and President Salgo seconded. The motion carried 4-0.

4. **Receive update from the Lake Pointe Homeowners' Association ("HOA") and take action as necessary, including;** Pat Sinnott provided the report for the HOA. The HOA's annual meeting was in September and the HOA elected new officers -Tim Pickering, President; Michael Husband, Vice President; John Harrod, Secretary; and Michael Burshnick, Treasurer. The HOA would like to coordinate with the District on LED light replacement. Ms. Sinnott stated the HOA wants to keep dialogue open with the District on upgrading and improving the Resaca Fence. Ms. Sinnott stated the HOA will fix the leaks at the pool and is considering both using park area for Pickleball and replacing the kids' playscape. Director Handsel asked who handled the lottery for the kayak storage locker at the Preserve and Ms. Sinnott stated the HOA hosted the lottery event in the past but was not responsible for the drawing itself. Ms. Sinnott noted the HOA picks up the trash from trash cans in the Preserve as a courtesy to the District. Director Elam explained the lottery system for kayak storage.

No action.

**A. Coordination between the District and HOA regarding new construction and remodeling review and deposit process;** Director Elam explained the coordination between the District and the HOA regarding the new construction and remodeling review and deposit process. President Salgo stated he created a flow chart for this process earlier in the year. President Salgo will resubmit the flow chart to the HOA for review and consideration.

No action.

5. **Receive report from committees and discuss and consider committees, committee structure and assignments, committee responsibilities, and any proposals presented by the committees, including;** Director Elam moved to create a Procurement Committee with Director Rew-Hunter as Chairperson. Director Rew-Hunter seconded, and the motion carried 4-0.

## A. Facilities Committee

- 1. General maintenance.** Director Elam asked about the wall repair that was approved in September and would like a quality assurance procedure instituted on projects. William Swanks reported he contacted the chosen vendor to fix and finish the project. Mr. Swanks stated the irrigation pump was replaced, and that he irrigated using a water tank and hand pump until the irrigation pump was replaced. Mr. Swanks stated the District is back to voluntary status on watering restrictions and irrigation could be increased in some areas if needed. Mr. Swanks stated the damage to the gate was repaired, the electronics connected, and the cameras are working. Mr. Swanks stated he will send a bill to G Creek Construction to reimburse the District for the camera work done at the gate. Mr. Swanks stated there were some issues with the gate control operator before the gate was hit and he was in the process of getting proposals for those repairs. Mr. Swanks received two proposals to repair the gate control operator – one for \$5,535 for a complete replacement of the gate control operator, and a second for \$2,640 for a partial replacement of the gate control operator. Director Elam moved for the approval of a complete replacement of the gate control operator for \$5,535. Director Handsel seconded, and the motion carried 3-1 with President Salgo against.
- 2. Ongoing Stormwater Basin Maintenance Project.** No report.

## B. Finance Committee

- 1. FY2022 and/or FY2023 budget amendments, if any.** No report.
- 2. Review and approve quarterly investment report for 3<sup>rd</sup> quarter.** Item not addressed. Item will return in November.

## C. Preserve Committee

- 1. Issues with replacement trees.** President Salgo discussed the needed replacement of the now dead replacement trees planted pursuant to a settlement agreement with the homeowner. Director Salgo moved that general counsel send a demand letter to the homeowner to replant and maintain the trees (including watering the trees) for one year. Director Rew-Hunter seconded, and the motion carried 4-0.

Mr. Swanks stated that the District did work on other trees and has an invoice for that homeowner. President Salgo moved for general counsel to send a demand letter to the homeowner responsible to pay the \$1,750 invoice for the work done by the District on the homeowner's behalf. Director Elam seconded, and the motion carried 4-0.

- 2. Issues affecting the Preserve.** Mr. Swanks reported the brush clearing work began at one end of Fairfax, around and up the hill to the back of the mailboxes on San Mateo and started on Adelanto Court going around the backside of that area. Mr. Swanks stated it is a slow process because the brush clearing has not been done in several years. The brush clearing in the Preserve will continue until

March 1, 2023.

- 3. Roadway access and permit renewal.** Ms. Carlton stated she will review the issues and will report at the November meeting.

#### **D. Communication Committee**

- 1. District's Google account.** No discussion.
- 2. District's website and IT issues.** Director Elam noted the District has a new resident distribution list. The District will be pushing out the monthly meeting notices and other updates to the neighborhood through the distribution list. Director Elam stated he would like to have a monthly key decision summary document on the website for residents' information between meetings and approval of minutes. Director Elam moved to approve posting a monthly key decision summary of Board action at a meeting (with a disclaimer that the summary is informational and not a replacement for the approved minutes) on the District's website. Director Rew-Hunter seconded, and the motion carried 4-0.
- 3. Streaming the Board meetings via YouTube or other services.** Doug Mains was live streaming the meeting and will archive the meeting on the website.
- 4. District's historical records and records management.** Item not addressed.

#### **CONSENT ITEMS**

- 6. Review and approve minutes of September 8, 2022, regular meeting.** The Board discussed minor changes to the minutes. President Salgo moved to approve the September 8, 2022, minutes as revised. Director Elam seconded, and the motion carried 4-0.
- 7. Discuss and consider the District's financial reports and payment of the District's bills and invoices.** Mr. Swanks stated he will hold Jim Connally's check until all work is completed. Mr. Swanks stated he didn't charge the District to do the watering when the irrigation pump failed, so he will keep the equipment he purchased for the watering as his payment for that work. Mr. Swanks added Elite Computing's invoices for \$1,177 and \$990, totaling \$2,167, to the invoices to be paid. Elite Computing's and Shay Wright's invoices totaled \$3,906. Ms. Carlton discussed her invoices with the Board. President Salgo moved to approve the invoices as presented. Director Elam seconded, and the motion carried 4-0.

#### **OTHER MATTERS**

- 8. Discuss and consider a Request for Qualifications for a landscape architect.** President Salgo sent Director Elam examples of Requests for Qualifications (RFQ). Director Rew-Hunter stated he also reviewed the examples. Director Elam and Director Rew-Hunter discussed options with the Board. President Salgo will provide RFQ information to the Procurement Committee.

No action taken.

- 9. Discuss and consider the gate to the Preserve and determine which subcommittee will address gate issues.** Gate repair discussed above; no additional action taken.

10. **Discuss and consider water storage issues.** Director Handsel asked the Board to discuss the District’s position on water management for the community. Director Handsel suggested that this item be brought back for Board discussion in the future. President Salgo stated the aim would be to provide the PUA representative with information and direction.

No action taken.

11. **Discuss and consider the Boundary (Resaca) Fence project within the District, including contract issues with Johnson Services.** President Salgo suggested the Board communicate with the HOA on the wall. Director Elam stated the Facilities Committee will handle the initial interface with the HOA. President Salgo will approach Jones Carter and Quiddity Engineering to obtain the District’s documents on the wall project.

No action taken. Item to return for November meeting.

12. **Discuss and consider “Lake Pointe Boat Docks” and any further action on the project.** The Board discussed the swim dock and its history, a future swim dock, usage, access, and the future boat dock HOA. President Salgo reminded the Board that the City of Austin’s dock construction permit expires on August 31, 2025. There was additional Board discussion regarding the kayak rack. Director Handsel will speak with Steven Knuff regarding past issues with the kayak rack. Director Rew-Hunter stated he would like the Board to decide what to do regarding the dock. Director Handsel stated much depends on the access and clarification on allowable activity in the Preserve. Ms. Carlton will review the issues regarding roadway access.

No action taken. Item to return for November meeting.

13. **Discuss and consider the District’s five-year strategic plan.** Director Rew-Hunter initiated discussion on the framework for a five-year strategic plan. Items discussed for the strategic plan include: boat dock, walls, irrigation, pond maintenance and improvements, Resaca Pond, Preserve fire break work, and Vista Pointe Park. Director Rew-Hunter stated a committee should be created to discuss the five-year plan further.

14. **Receive General Counsel report, including, but not limited to, tax matters, pending contract issues, open records requests, litigation, and other legal issues, if any, and take action as needed.** Ms. Carlton provided input on the items above. No additional report.

15. **Discuss and consider items for future agendas.** The Board will address the third quarter investment report, the roadway access and permit renewal for the Preserve, the Resaca Fence project, and the Lake Pointe boat dock at the November board meeting.

16. **Adjournment.**

Director Elam moved to adjourn the meeting. President Salgo seconded, and the motion carried 4-0. The meeting adjourned at 9:45 p.m.

Approved November 10, 2022.



  
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Jody Flaws, Secretary