

**LAKE POINTE MUNICIPAL UTILITY DISTRICT  
MINUTES**

**December 8, 2022**

The Board of Directors of Lake Pointe Municipal Utility District (“District”) met in person in regular session December 8, 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 Elam called the meeting to order at 6:08 p.m.

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

Terry Elam	President	Present
Penny Handsel	Vice-President	Present
Jody Flaws	Secretary/Treasurer	Present
Jason Rew-Hunter	Director	Present
Scott Mincey	Director	Present

Also in attendance were William Swanks with TUMCO, Blake Foree with Landscape Resources, Douglas Mains with Elite Computing, Jason Bethke representing West Travis County PUA, Pat Sinnott with Lake Pointe Homeowner’s Association, Kelli Carlton with The Carlton Law Firm, and members of the public.

**REPORTS AND COMMITTEE MATTERS**

- 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.
- 3. Receive landscape maintenance report and discuss and consider landscape services.**
  - A. FY23 landscape services contract, should changes be necessary.** None.
  - B. Proposals.** Blake Foree presented one proposal for the replacement of an irrigation controller. Mr. Foree has the replacement controller and will install it as soon as possible. The controllers are checked at least monthly. President Elam moved to accept the proposal from Landscape Resources, Inc. (“LRI”) for the replacement of the controller. Director Mincey seconded. The motion carried 5-0.
  - C. Project Updates.** The Resaca island car accident damage has not yet been repaired. William Swanks stated the insurance company assured him that the company has all the documentation it needed, and that the insurance company would proceed. Mr. Swanks provided two repair estimates to the insurance company. Mr. Swanks will follow up with the insurance company. Mr. Foree reported the berm and irrigation adjustments are completed to address the erosion in the area. President Elam asked Mr. Foree if the trees on both sides of Sonoma will be mulched, as only one side appeared to be mulched. Mr. Foree will look at the trees along

Sonoma to ensure LRI did not miss mulching any trees. Director Mincey stated both he and Mr. Foree looked at the tree that a homeowner reported may have Oak Wilt. Mr. Foree stated he did not find Oak Wilt, but the tree may have been stressed due to a combination of the winter freeze and high summer temperatures. Mr. Foree stated the tree on Carlsbad that was treated is looking better and will be treated again in the Spring.

4. **Discuss, consider, and take action as necessary regarding the ongoing activities of the West Travis County Public Utility Agency (“PUA”).** Jason Bethke is the District’s PUA representative. His territory includes the District and the PUA service area in the unincorporated area of Travis County. Mr. Bethke stated the PUA’s board meeting on December 8 was very straightforward and mostly financial. The PUA continues to pursue getting eminent domain rights through the legislature because public utility agencies do not have that authority. The Board discussed the eminent domain issue with Mr. Bethke. The Board will provide its concerns to Mr. Bethke and he will present those concerns to the PUA board. Mr. Bethke stated there are no updates on the installation of the towers, but added that Jennifer Reichers has committed to contacting the District before the towers go in. The Board discussed potential tower locations. Director Handsel asked about water storage. Mr. Bethke stated there is not enough storage for the water demand for irrigation during the summer, which leads to watering restrictions that have been in place for many years. Mr. Bethke will ask the PUA engineer to compile information on both the water storage issue and the PUA’s capital plan. President Elam asked Mr. Bethke to update the Board when PUA agenda items may impact the District. Mr. Bethke agreed to do so. The Board discussed the Outreach Committee creating a list of the District’s preferences, concerns and direction to provide to Mr. Bethke. No action taken.
  
5. **Receive update from the Lake Pointe Homeowners’ Association (“HOA”) and take action as necessary.** Pat Sinnott provided the report. She stated the HOA would also appreciate information on the PUA’s tower locations because of the impact on homeowners. The HOA authorized its attorney to send a letter to the homeowner whose property backs up to the Preserve but does not have a fence separating the properties. Ms. Sinnott inquired about the Resaca wall project and working with the District on that project. There is a preliminary plan for a new condominium development that is adjacent to the Preserve; however, the plans are not yet approved. Director Handsel stated that the HOA offered to host the kayak storage drawing at its January 9 meeting or later. Director Handsel stated there are 18 kayak storage slots. President Elam would like the kayak storage rules memorialized. President Elam moved for the Preserve Committee to create a plan on kayak storage for discussion and possible approval at the January meeting. Director Flaws seconded. The motion carried 5-0.
  - A. **Coordination between the District and HOA regarding new construction and remodeling review and deposit process.** Ms. Sinnott will present the flow chart that Robert Salgo created regarding home construction and remodeling at the HOA meeting in January.
  
6. **Receive report from committees and discuss and consider committees, committee structure and assignments, committee responsibilities, and any proposals presented by the committees.**
  - A. **Facilities Committee**
    - 1) **Wildflower seeding along Bee Cave Road.** President Elam stated the PUA reseeded last month and the District will reduce mowing in the area to help yield wildflowers.

- 2) **General maintenance.** Mr. Swanks stated the last trim board on the fence repair by K2 Fence will be installed by December 25, 2022. Mr. Swanks will call the insurance company regarding when work can start on the Resaca island repairs. The gate is working. The Access Controls proposal for \$595 is for a safety loop device to keep gate open and not close on a car. Director Handsel moved to accept the proposal as presented. Director Mincey seconded. The motion carried 5-0.
- 3) **Ongoing Stormwater Basin Maintenance Project.** Mr. Swanks will determine the best time to remove the Cattails.
- 4) **“Lake Pointe Boat Docks” and any further action on the project.** Board discussion. No action taken. The Facilities Committee will discuss with HOA.
- 5) **Resaca (Boundary) Fence project.** Board will continue discussion. No action taken.

#### **B. Finance Committee**

- 1) **FY2022 and/or FY2023 budget amendments.** Director Flaws worked on the budget postings for the website. Director Flaws referenced Mr. Swanks’ report of District investments as of November 30. Director Flaws moved for approval of the report on investments as presented. President Elam seconded. The motion carried 5-0.
- 2) **District’s five-year strategic plan.** No action.

#### **C. Preserve Committee**

- 1) **Habitat Conservation Plan.** Kelli Carlton provided documents regarding the Preserve to the Committee. Director Mincey will contact the PUA to get information on the engineering firm used for the PUA’s 10a (Endangered Species Act takings) permit.
- 2) **Issues with replacement trees.** The Board went into executive session at 9:54 p.m. for the purpose of receiving legal advice on this item. The executive session ended at 10:09 p.m. and the meeting was reopened. No action was taken during the executive session. President Elam then moved to authorize Ms. Carlton to send a demand letter to the homeowner needing to replace dead trees in the Preserve and to address another homeowner’s request for a payment extension for work completed by the District. Director Flaws seconded. The motion carried 5-0.
- 3) **Issues affecting the Preserve.** Director Handsel met with HOA on kayaks.
- 4) **Roadway access and permit renewal.** No action.

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

- 1) **District’s Google account updates.** Director Flaws stated the Google account has been reformatted to create a new administrative account. Director Flaws stated

that the email address “info@lakepointemud.org” will send email to all the Directors. The Board held discussion with Doug Mains regarding committee email addresses and how to add community members to committee emails.

- 2) **District’s website and IT issues.** See 3), below.
- 3) **Streaming the Board meetings.** Director Flaws is working to make access to the meetings easier by adding agenda references.
- 4) **District’s historical records and records management.** Board held discussion regarding approximately 200 file boxes in storage. The Board discussed file retention. No action.

#### **E. Procurement Committee**

- 1) **Request for Qualifications for a landscape architect.** Director Rew-Hunter stated the RFQ draft is completed and President Elam reviewed it. The Board will review the RFQ draft next month.
- 2) **Documents from Quiddity.** Director Rew-Hunter stated Quiddity sent over the documents from JonesCarter, including some CAD files.

#### **F. Outreach Committee**

- 1) **Water storage issues.** President Elam attended the December PUA meeting and then met with Mr. Bethke prior to the Board meeting. President Elam is also reviewing the documents regarding the PUA to determine and understand the relationship between the District and the PUA. Director Handsel attended the November HOA meeting. Director Handsel stated the HOA approved the District posting District agendas at the mailbox kiosk across from the community center. Discussion on posting agendas at the community center followed. No action.

### **CONSENT ITEMS**

7. **Review and approve minutes of December 8, 2022, regular meeting.** The Board discussed minor changes to the minutes. President Elam moved for approval of the minutes as amended. Director Handsel seconded. The motion carried 5-0.
8. **Discuss and consider the District’s financial reports and payment of the District’s bills and invoices.** Mr. Swanks added the The Carlton Law Firm invoice to the invoice list for approval. Mr. Swanks discussed the two years of invoices from Safe Home. The Safe Home invoices were sent to another entity and were not forwarded to the District. The Safe Home invoices are \$45 per month for the gate sensor. Mr. Swanks asked Safe Home to send him the contract with the District but has not yet received it. Mr. Swanks stated some checks were lost in the mail and he had to stop payment on the original checks and reissue checks. Mr. Swanks wanted the Board to be aware that the District was not paying those invoices twice. The PUA payments were some of the checks that were lost in the mail. Mr. Swanks stated the PUA charged a penalty on all PUA invoices because the payment was late. Director Flaws inquired about insurance for the Directors because the insurance invoice did not reflect coverage. On the Balboa Services invoice, Mr. Swanks reported that Balboa Services is

trimming behind the clubhouse and will continue trimming until March 1. The entire edge of the Preserve will be trimmed by Balboa Services and the fire department. President Elam moved to pay the bills and invoices as presented. Director Flaws seconded. The motion carried 5-0.

### OTHER MATTERS

9. **Discuss and consider update to resolution regarding disbursements and signature authorization.** The Board discussed the proposed resolution with Ms. Carlton. The Board proposed revisions. Director Flaws will check with the District's banks on their disbursement and signature rules. Director Flaws moved for approval of resolution as amended. President Elam seconded. The motion carried 5-0.
10. **Discuss and consider obtaining/renewing Directors' bonds and Treasurer's bond or insurance.** Item tabled. Item to return for January meeting.
11. **Discuss and consider updated resolution for posting District's agendas.** The Board discussed this item. No action. Item to return for January meeting.
12. **Discuss and consider updating District's Code of Ethics and Investment Policy.** Mr. Swanks completed the required investment training. The Board discussed creating an Audit Committee to comply with the proposed updated policy. Director Flaws moved to approve the Code of Ethics and as presented and asked Ms. Carlton to clarify a question on Section 3.03. Director Handsel seconded. The motion carried 5-0.
13. **Receive General Counsel report, including, but not limited to, tax matters, pending contract issues, open records requests, litigation, and other legal issues.** Ms. Carlton discussed the annual eminent domain report with the Board.
14. **Discuss and consider items for future agendas.** The Preserve Committee will create a plan on kayak storage for discussion and approval at January meeting. Tabled items will return on the January agenda. The agenda will add items to create an Audit Committee and to consider a resolution on fees of office.
15. **Adjourn.** President Elam moved to adjourn at 10:23 p.m. Director Rew-Hunter seconded, and the motion carried 5-0.

Approved January 12, 2023.



  
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Jody Flaws, Secretary/Treasurer