

**LAKE POINTE MUNICIPAL UTILITY DISTRICT
MINUTES
January 12, 2023**

The Board of Directors of Lake Pointe Municipal Utility District (“District”) met in person in regular session January 12, 2023, 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 6:00 p.m.

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

Terry Elam	President	Present
Vacant	Vice President	(Penny Handsel resigned as Vice President before the meeting)
Jody Flaws	Secretary/Treasurer	Present
Jason Rew-Hunter	Director	Present
Scott Mincey	Director	Present

Also in attendance were William Swanks with TUMCO, Josiah Lonbons and Blake Foree with Landscape Resources, Douglas Mains with Elite Computing, 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.** President Elam announced Director Penny Handsel’s resignation from her position on the Board effective January 12, 2023.
- 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 reported Landscape Resources, Inc. (“LRI”) completed the approved work to clean up brush and tree limbs blocking a stop sign at Sonoma Drive. No action.
 - C. Project Updates.** President Elam and Josiah Longbons discussed LRI providing a timeline to complete proposed work when providing the proposal for the work. Mr. Longbons discussed landscape maintenance issues arising due to the early freeze followed by Spring-like temperatures. Mr. Longbons said the plant material is “confused” and the plants are

pushing new growth early. Mr. Longbons stated LRI is working to do the best for the plants and to keep as much plant material alive as possible.

4. **Discuss, consider, and take action as necessary regarding the ongoing activities of the West Travis County Public Utility Agency (“WTCPUA”).** No report from the WTCPUA. President Elam said there was no information on the location of the towers at meeting time. Director Rew-Hunter noted the WTCPUA repaired the trail and asked about the status of the replatting process to convey land to the District. No action.
5. **Receive update from the Lake Pointe Homeowners’ Association (“LPHOA”) and take action as necessary, including.** Pat Sinnott reported there was no LPHOA meeting in December and the next meeting will be January 16, 2023. Ms. Sinnott stated the LPHOA manager again contacted the insurance company regarding repairing the monument damaged by the car accident late last year. Ms. Sinnott reported the LPHOA paid all the Smart Homes’ \$45 monthly invoices for the last year and will continue to pay the monthly invoices. Ms. Sinnott provided Robert Salgo’s construction approval diagram to the LPHOA Board and the LPHOA Board approved the diagram. LPHOA will provide the diagram to the Architectural Control Committee to aid in construction and remodeling covenant enforcement. The LPHOA offered to host the drawing for kayak storage and requested notice from the District on when to schedule the drawing. Ms. Sinnott stated the pool will be closed for repairs after the LPHOA’s January meeting and anticipates the pool being closed for the months of January and February. The Board discussed hanging a 31 x 32 enclosed message board at the community center to allow the District to post agendas notifying the public of its meeting place. Ms. Sinnott stated she will ask the LPHOA Board about this at its meeting. No action.
6. **Review and approve minutes of December 8, 2022, regular meeting.** President Elam moved for approval of the December 8, 2022, minutes without amendment. Director Flaws seconded the motion. The motion carried 4-0.
7. **Receive report from committees and discuss and consider committees, committee structure and assignments, committee responsibilities, and any proposals presented by the committees, including:**

A. Facilities Committee

- 1) **General maintenance.** Mr. Swanks reported freeze damage at the pump located at the community center pond. Mr. Swanks stated the replacement pump parts cost a little over \$3500. Mr. Swanks did not charge for his labor to replace the parts. Mr. Swanks reported he later found leaks and also repaired the leaks. Mr. Swanks stated the pump should be running as of January 13, 2023. Mr. Swanks reported the safety loop at gate had not yet been installed. Mr. Swanks further reported K2 fence was installing the trim board on the fence on January 12, 2023; however, there was no confirmation that work was completed.
- 2) **Ongoing Stormwater Basin Maintenance Project.** Mr. Swanks stated that Aquatic Features recommended spraying in May to kill the Cattails. Mr. Swanks stated the treatment will cost about \$500 and the spray treatment proposed is not harmful to aquatic wildlife. Mr. Swanks discussed the estimate for the silt work at Napa Pond is under \$5000.

B. Finance Committee

- 1) **FY2022 and/or FY2023 budget amendments.** Director Flaws presented a FY23 “Q1 Financial Report.” The District’s budget is listed on page 2 of that report. Director Flaws moved that the Board amend the budget by moving \$14,000 from budget item 71212 – Subdivision Improvements, reducing that budget line item to \$200,000, and increasing budget line item 78020 – Director’s Fees by \$14,000 for a total in that line item of \$24,500. President Elam seconded. The motion carried 4-0. Director Flaws will present additional budget amendments in future meetings as needed.
- 2) **Review and approve quarterly investment report for 4th quarter of previous year.** Board discussion regarding changing investments or changing the investment policy. Director Flaws moved for approval of the investment report. President Elam second the motion. The motion carried 4-0.
- 3) **Establish Audit Committee.** Director Flaws moved to create an Audit Committee as part of the Finance Committee and to rename the committee the Finance and Audit Committee. President Elam seconded the motion. The motion carried 4-0.
- 4) **District’s insurance policy(ies).** Mr. Swanks forwarded the District’s insurance policies to Director Flaws. Discussion followed regarding the existing policies. Director Flaws moved that he and Mr. Swanks work to obtain Director and Officer (“D&O”) insurance of one million to two million dollars coverage per director at a cost not to exceed \$10,000. Director Rew-Hunter seconded. The motion carried 4-0.
- 5) **Resolution on emergency expenditures.** The Board reviewed the proposed resolution. Director Flaws moved for approval of the resolution as written, allowing Mr. Swanks check signing approval of up to \$5000. President Elam seconded the motion. The motion carried 4-0. The Board discussed adding all the bank and investment accounts to the resolution and amending the resolution in February.
- 6) **District’s five-year strategic plan.** No update.
- 7) **Discuss and consider the District’s financial reports and payment of the District’s bills and invoices.** Mr. Swanks presented invoices for payment, followed by discussion on the Hudson Engineering invoice for \$10,000. Director Flaws moved for approval of invoice list and to pay the bills as presented. Director Rew-Hunter seconded the motion. The motion carried 4-0.

Mr. Swanks reported that the WTCPUA is not receiving the District’s check payments that have been mailed. Mr. Swanks stated he paid the District’s outstanding WTCPUA invoices with his company credit card to avoid additional late fees. Mr. Swanks asked the Board if he could pay these invoices in the future with his company credit card and submit the expense for reimbursement.

Discussion followed regarding creating an auto pay from a credit card or the District's bank account. Director Flaws stated he will meet with the bank and will research getting a District credit card or other electronic payment method.

8) Discuss and consider obtaining/renewing Directors' bonds and Treasurer's/bookkeeper's bond or insurance. No action.

C. Preserve Committee. President Elam moved for Director Rew-Hunter be appointed as co-chair of the Preserve Committee. Director Mincey seconded the motion. The motion carried 4-0.

1) Habitat Conservation Plan. No action.

2) Issues with replacement trees. At 9:15 p.m. the Board went into executive session for the purpose of receiving legal advice and counsel on this item. The executive session ended and open session resumed at 9:35 p.m. The Board took no action during executive session. Director Rew-Hunter then moved to authorize Ms. Carlton to send a certified letter as discussed in executive session. President Elam seconded the motion. The motion carried 4-0.

3) Issues affecting the Preserve. No action.

4) Roadway access and permit renewal. As noted above, the safety loop on the gate has yet to be installed. Mr. Swanks reported that the clearing for fire mitigation will begin again in February with the private company. The fire department will also begin clearing on February 1, working in another area, and the two will work toward one another to complete the fire mitigation in the Preserve.

5) Kayak storage. This item will be moved to the Facilities Committee agenda item for future meetings. President Elam stated Penny Handsel provided a kayak storage plan prior to her resignation, and the Facilities Committee will review and address this next month.

D. Communication Committee

1) District's Google account updates, if necessary. President Elam stated Doug Mains will archive Penny Handsel's District emails.

2) District's website and IT issues. Director Flaws proposed listing the committees and members on the website. Discussion followed on updates to the website and using Mr. Mains' monthly hours to accomplish updates. Mr. Mains asked to for early access to the community center on meeting nights for meeting setup. Ms. Sinnott will ask the LPHOA manager about providing access to Mr. Mains. Director Flaws asked the committee chairs to review their committee's information on the website and propose any changes needed.

3) District's historical records and records management. No action taken.

E. Procurement Committee

- 1) **Request for Qualifications for a landscape architect.** Director Rew-Hunter asked for input on the draft RFQ, and he will offer the draft for comments at the next meeting. Discussion followed regarding the District's landscape architect requirements. The Board provided feedback and input and Director Rew-Hunter will update draft accordingly and provide the revised RFQ to the Directors.

F. Outreach Committee President Elam moved to appoint Director Rew-Hunter as co-chair for the Outreach Committee. Director Flaws seconded. The motion carried 4-0.

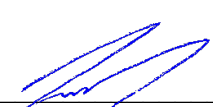
- 1) **Water storage issues.** No action.
- 2) **District's interaction with WTCPUA.** No action.
- 3) **Resaca and Sonoma Boundary Fence Project.** President Elam and Ms. Sinnott will discuss Items F3 and F4 before the LPHOA meeting on January 16, 2023.
- 4) **"Lake Pointe Boat Docks" and any further action on the project.** President Elam stated the committee needs to reach out to the LPHOA on this.

OTHER MATTERS

8. **Discuss and consider update to resolution regarding disbursements and signature authorization, if needed.** This item was addressed under Item B5, above.
9. **Discuss and consider resolution on fees of office.** President Elam moved for approval of the resolution for Director's fees of office with a limit of \$150 per day. Director Mincey seconded the motion. The motion carried 4-0. President Elam created a form for Directors to complete and submit monthly for fees of office payment.
10. **Discuss and consider updated resolution for posting District's meeting locations and agendas.** Board discussion as noted above in Item 5, above. This item tabled. No action.
11. **Receive General Counsel report, including, but not limited to, tax matters, pending contract issues, open records requests, litigation, and other legal issues.** Ms. Carlton participated in discussion on agenda items above.
12. **Discuss and consider items for future agendas.** Future agenda items are noted above.
13. **Adjourn.** Director Rew-Hunter moved to adjourn the meeting. Director Flaws seconded the motion. The motion carried 4-0. The meeting adjourned at 9:37 p.m.

SIGNED February 9, 2023.





Jody Flaws, Secretary/Treasurer

