

**LAKE POINTE MUNICIPAL UTILITY DISTRICT
MINUTES**

February 9, 2023

The Board of Directors of Lake Pointe Municipal Utility District (“District”) met in person in regular session February 9, 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 6:02 p.m.

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

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

Also in attendance were William Swanks with TUMCO, Josiah Longbons and Blake Foree with Landscape Resources, Inc., Douglas Mains with Elite Computing, Pat Sinnott and Michael Burshnick with Lake Pointe Homeowner’s Association, Kelli Carlton with The Carlton Law Firm, Laura Jones with Maxwell Locke & Ritter, LLP, 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.** Mike Burshnick asked about clearing trees in the fire break behind houses.

MINUTES

- 3. Review and approve minutes of January 12, 2023, regular meeting.** The Board discussed minor changes to the minutes. President Elam moved for approval of the January 12, 2023, minutes with minor amendments. Director Flaws seconded the motion. The motion carried 4-0.

AUDIT PRESENTATION

- 4. Receive presentation of FY22 audit and take any action related to same.** Laura Jones presented the FY22 audit report to the Board. Ms. Jones stated the District received an “unmodified, clean opinion.” Ms. Jones pointed out that all the fund balances are positive, which points to the health of the District. Director Flaws discussed the debt service fund items and noted the \$158,779 due from other funds will be collected from the general fund before the debt is paid off

Director Flaws moved for approval of the audit report and to authorize signing the audit letter.

President Elam seconded the motion. The motion carried 4-0.

REPORTS AND COMMITTEE MATTERS

5. Receive landscape maintenance report and discuss and consider landscape services, including:

A. FY23 landscape services contract, should changes be necessary. None.

B. Proposals. William Swanks presented two Landscape Resources, Inc. (“LRI”) proposals for irrigation repairs from November and December 2022. Both proposals were above the approved irrigation limit and not previously presented to the Board. The November proposal was \$1,200.42 and the December proposal was \$826.90.

President Elam moved for approval of the November LRI proposal in the amount of \$1,200.42 for irrigation repairs and the December LRI proposal in the amount of \$826.90 for irrigation repairs. Director Flaws seconded the motion. The motion carried 4-0.

C. Project updates. Pat Sinnott asked about tree limb removal at Napa Park because people were dropping off storm-related brush at Napa Pond and the brush was encroaching on Napa Park. President Elam stated he told LRI to stand down on the LPHOA properties on the advice and request of LPHOA Vice-President Michael Husband. Discussion followed with residents that were concerned about the post-storm tree trimming, the professionals trimming the limbs, and concern about Oak Wilt.

6. Receive update from the West Travis County Public Utility Agency (“WTCPUA”) and take action as necessary. No report.

7. Receive update from the Lake Pointe Homeowners’ Association (“LPHOA”) and take action as necessary. LPHOA Director Michael Burshnick stated the LPHOA was waiting on another bid for the pool repair. Mr. Burshnick indicated it has been a long process to get bids from contractors that are willing to do the repairs.

President Elam stated the District and LPHOA were collaborating on efforts related to the storm remediation and asked about the proposals the LPHOA received for removing storm-related brush from the staging areas. No action.

8. 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. The Board had extensive discussion regarding the trees damaged by the ice storm. LPHOA obtained proposals to chip, mulch or remove damaged trees. Mr. Burshnick discussed the LPHOA proposals with the Board. The Clearland proposal included drum mulching (\$2,500/day), combining the five brush staging areas into two staging areas (\$3,000/day), a projected three to four-week time frame to complete the work, and an estimated \$40,000-\$545,000 total

to address only the five staging areas. Mr. Burshnick provided a second proposal for the five staging areas. That proposal was for chipping the plant material instead of using the drum mulcher. The proposal listed the chipping at \$3,600 per day and the project duration to be six to seven weeks. A third proposal offered to haul off the plant material at a cost of \$4463 per day.

President Elam asked Mr. Swanks for an update on the Preserve fire break work. Mr. Swanks stated the private contractor started work in the Fall, took a break for the holiday season, and was supposed to return in January and work through February in conjunction with the Lake Travis Fire Department. The Lake Travis Fire Department was going to start work in February on the sections the private contractor could not address. However, with the ice storm, the private contractor was delayed and Mr. Swanks was not sure if the Lake Travis Fire Department could still do the work.

At the conclusion of the remaining agenda items, the Board returned to this Item. The Board went into executive session under this Item at 9:54 p.m. for the purpose of receiving legal advice and counsel. The Board returned to open session at 10:51 p.m. No action was taken in executive session.

President Elam discussed the LRI proposal for the storm damage cleanup to date. President Elam moved to authorize the Facilities Committee to negotiate with LRI on the remediation work done to the date of the meeting. Director Rew-Hunter seconded the motion. The motion carried 4-0.

- 2) **Ongoing Stormwater Basin Maintenance Project.** The Board was concerned about tree limb dumping in the storm water basins. No action.
- 3) **Kayak storage.** Tabled.

B. Finance and Audit Committee Director Flaws reviewed the financials and stated that approximately \$300,000 was not spent last year.

- 1) **FY2022 and/or FY2023 budget amendments, if any.** Board discussion on adding a budget line item for storm remediation. Director Flaws moved to reduce budget line item 71204 “Landscape - New” by \$50,000 and reduce budget line item 71212 “Subdivision Improvements” by \$50,000 and create budget line item 72023 “Storm Remediation” with a \$100,000 budget. President Elam seconded the motion. The motion carried 4-0. [Adjustment 2]
- 2) **District’s insurance policy(ies).** Director Flaws stated Mr. Swanks confirmed there was Director & Officer insurance in place for the District. No action.
- 3) **Amend resolution on emergency expenditures, if needed.** Director Flaws and Kelli Carlton explained the amended resolution designating signatory authority of the District. Director Flaws moved for approval of the amended resolution designating signatory authority of the District. President Elam seconded the motion. The motion carried 4-0.

- 4) **Amend District's investment policy, if needed.** Board discussion on investments and the pending \$158,779 transfer to the debt service account from the general account. Tabled until the March meeting.
- 5) **District's five-year strategic plan.** Tabled.
- 6) **Approve the District's financial reports and payment of the District's bills and invoices.** Director Flaws moved for approval of the schedule of investments as presented. Director Mincey seconded. The motion carried 4-0.

Mr. Swanks presented the invoices in the agenda packet and the two LRI invoices from November and December 2022 which were discussed earlier.

Mr. Swanks stated the payment by GEICO in the amount of \$3,464 for the car accident-related pillar repair was sent to the District and should have been sent to the LPHOA. Mr. Swanks sent a check to the LPHOA for the pillar repair reimbursement.

President Elam asked Mr. Swanks to bring the Directors' fees information for approval on a monthly basis. Director Flaws moved for approval of the bills and invoices in the packet and the two LRI bills discussed above. Director Rew-Hunter seconded the motion. The motion carried 4-0.

- 7) **Directors' bonds and Treasurer's/bookkeeper's bond or insurance.** Board discussion with Ms. Carlton. Tabled.

C. **Preserve Committee** Director Mincey stated the Committee was working on a plan to address the common areas and roads of the Preserve. Director Rew-Hunter discussed issues with the trails and dead trees. Resident David Lewis asked about a notice to homeowners on the activities allowed in the Preserve. Board discussion followed on Preserve trail clearing before March 1, with email notification to residents.

- 1) **Habitat Conservation Plan.** Tabled.
- 2) **Issues with replacement trees.** Ms. Carlton stated that all current issues with the replacement trees have been resolved. No action. This item to be removed from the agenda.
- 3) **Issues affecting the Preserve.** Mr. Swanks stated the gate was working. No action.
- 4) **Roadway access and permit renewal.** Tabled.

D. Communication Committee

- 1) **District's digital account updates, if necessary.** President Elam noted Doug Mains will archive Penny Handsel's District emails. Mr. Mains will document the process to archive former directors' emails and create an email alias of preserve@lakepointemud.org for Preserve Committee use. No action.

- 2) **District’s website, IT issues, and ongoing requests.** President Elam asked the Board to note issues that should be updated or changed on the District’s website. No action.
- 3) **District’s historical records and records management.** Director Flaws stated that recent District documents are being electronically stored. President Elam asked that LRI proposals be cataloged by Mr. Swanks. No action.

E. Procurement Committee

- 1) **Request for Qualifications for a landscape architect.** Director Rew-Hunter stated he reviewed Napa Pond area and added information on that area to the Request for Qualifications (“RFQ”). The Board will review the RFQ in March. No action.

F. Outreach Committee

- 1) **Collaboration with the WTCPUA on water, water transmission, water storage, and related issues.** No report from WTCPUA. Director Flaws discussed WTCPUA’s lack of diesel generator backups to run in the case of emergencies.
- 2) **Collaboration with the LPHOA, including:** President Elam stated there has been a collaborative effort between the District and the LPHOA on the storm cleanup efforts.
 - a. **Resaca and Sonoma Boundary Fence Project.** No report.
 - b. **Lake Pointe Boat Docks Project.** No report.
 - c. **Collectors’ Corners.** President Elam discussed maintenance at the corner of Resaca and Sonoma and the corner of Napa and Bayton. No action.
- 3) **Collaboration with other governments and private entities on issues affecting the District.** President Elam participated in a conference call with Austin Energy and other local government representatives regarding the power outage during the ice storm. President Elam communicated with Brigid Shea’s office regarding ice storm issues and her office provided information on some storm relief for county residents. No action.

DIRECTOR MATTERS

9. **Discuss and consider appointing a director to fill Director Handsel’s unexpired term.** Board discussion on the appointment, the method to appoint, and inviting interested applicants to attend the next meeting.

President Elam moved that the process to appoint a director to fill former Director Handsel’s unexpired term is as follows: Interested residents will complete an application by March 1, 2023, at 5:00 p.m. and the Directors will then review completed applications and vet candidates at the March meeting. Director Flaws seconded the motion. The motion carried 4-0.

10. Discuss and consider election of officers. Tabled.

OTHER MATTERS

11. Discuss and consider updated resolution for posting District’s meeting locations and agendas.

President Elam stated that the LPHOA granted permission for the District to install a display board for posting agendas at the community center. President Elam moved for approval of the Amended Resolution Establishing Offices and Meeting Places of the Board of Directors and Establishing Locations for the Posting of Notice of Meetings of the Board and removing former Director Handsel’s name from the resolution. Director Flaws seconded the motion. The motion carried 4-0.

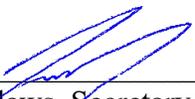
12. Receive General Counsel report, including, but not limited to, tax matters, pending contract issues, open records requests, litigation, reporting requirements, and other legal issues, if any, and take action as needed. Ms. Carlton participated in the discussion of the agenda items above, as noted. No additional report.

13. Discuss and consider items for future agendas. The Board discussed calling a special meeting to further discuss: (1) storm remediation proposals; (2) a staging solution for brush; and (3) other storm remediation issues.

14. Adjourn. Director Rew-Hunter moved to adjourn the meeting. President Elam seconded the motion. The motion carried 4-0. The meeting adjourned at 11:00 p.m.

EXECUTED this the 9th day of March, 2023.





Jody Flaws, Secretary/Treasurer