

**LAKE POINTE MUNICIPAL UTILITY DISTRICT
MINUTES
FEBRUARY 16, 2023**

The Board of Directors of Lake Pointe Municipal Utility District (“District”) met in person for a special meeting on February 16, 2023, at 6:00 p.m., 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 | Absent |
| Jason Rew-Hunter | Director | Present |
| Scott Mincey | Director | Present |

Also in attendance were William Swanks with TUMCO; Jared Armstrong with Landscape Resources, Inc.; Douglas Mains with Elite Computing; Timothy Pickering, President of the Lake Pointe Homeowners’ Association; and Erin Selvera with The Carlton Law Firm.

PUBLIC COMMENT

1. **Receive communications from the public on items not listed on the posted agenda.**
None
2. **Public Comment on Agenda Items.** Jared Armstrong, owner of Landscape Resources, Inc. (“LRI”), introduced himself and stated he was there to answer any questions from the Board. Timothy Pickering, President of the Lake Pointe Homeowners’ Association (“LPHOA”) introduced himself and took a draft copy of the Cost Sharing Agreement for Storm Damage Remediation to review.

DISCUSSION/ACTION ITEMS

3. **Discuss and consider quotes and/or bids for storm clean-up.** President Elam moved to approve and pay the invoice from LRI for \$21,225.00. Director Mincey seconded the motion. The motion carried 3-0.

President Elam moved for approval for the Facilities Committee to enter into an agreement with Texas Disposal Systems (“TDS”) to provide and remove up to twenty dumpsters of materials with a do not exceed amount of \$20,000. Director Rew-Hunter seconded the motion. The motion carried 3-0.

President Elam moved to authorize the Facilities Committee to enter into negotiations with and select a contractor to address the two plant material staging areas at Avenal Court and

Napa Drive, with the resulting contract not to exceed the amount of \$26,000. Director Rew-Hunter seconded the motion. The motion carried 3-0. It is the Board's intention to utilize the most cost-effective method of removal, whether that includes mulching the plant material or not.

President Elam moved to approve the Facilities Committee reviewing bids and entering into negotiations with contractors to address the three remaining staging areas at Resaca Drive, Lake Stone Drive, and Vista Point Park, with the resulting contract not to exceed \$26,000. Director Rew-Hunter seconded the motion. The motion carried 3-0.

President Elam moved to approve the Facilities Committee reviewing contractor bids, entering into negotiations, and signing a contract to remediate all of the District-owned properties, including the ponds, District lots, and the collector streets and entrances, with the resulting contract not to exceed \$60,000. Director Mincey seconded the motion. The motion carried 3-0.

Director Rew-Hunter mentioned the Preserve and reminded the Board that time was running out to address the trail system. The Board also discussed tree limbs from the Preserve on residents' property. The Board agreed that if Preserve tree limbs were over residents' property lines, the residents could remove the limbs from their property.

4. **Discuss and consider staging solution(s) for brush.** President Elam explained the staging solutions for brush as part of item No. 5. No further discussion.
5. **Discuss and consider approval of an agreement between the District and Lake Pointe Homeowner's Association to share storm remediation costs.** President Elam explained the comprehensive plan, describing the five staging areas for the storm-related plant material and the clean-up of that plant material divided into three projects. President Elam further explained the location of the common areas, District ponds, and the District lots. President Elam also explained the clean-up of the staging areas, mulch, and the TDS proposal for the delivery and removal of twenty dumpsters for the District.

President Elam moved to approve William Swanks as the primary person of contact for the work performed. Director Mincey seconded the motion. The motion carried 3-0.

President Elam moved to recess the meeting to call LPHOA President Pickering to discuss the draft Cost Sharing Agreement for Storm Damage Remediation ("Agreement"). Director Rew-Hunter seconded the motion. The motion carried 3-0. The meeting was recessed at 6:36 p.m. President Elam left the meeting to call Mr. Pickering.

The meeting reconvened at 6:43 p.m.

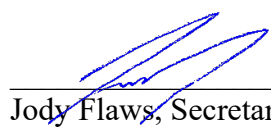
President Elam explained the telephone conversation with Mr. Pickering regarding the Agreement. President Elam stated there will be agreed amendments to the Agreement in sections 2.02(b), 3.01, and 3.02. In section 2.02(b), the language "and contractor" will be stricken. In Section 3.01, regarding Sharing of Costs, the Agreement will be amended to

add “not to exceed the amount of \$150,000.” In Section 3.02, the last sentence will be revised to read: “The District shall pay all invoices and seek reimbursement from the LPHOA for 50% of the total due and owing. The LPHOA shall pay the District for their pro-rata share of each invoice within 30 days of receipt.” President Elam stated the LPHOA wants to add Lauren Oliveri as its primary contact person - lakeap@ciramail.com, phone number (443) 254-0029.

President Elam moved to accept the Agreement with the amendments stated above. Director Rew-Hunter seconded the motion. The motion carried 3-0.

6. **Discuss and consider other storm remediation issues, if any.** No action.
7. **Adjournment.** President Elam moved to adjourn the meeting. Director Rew-Hunter seconded the motion. The motion carried 3-0. The meeting adjourned at 7:10 p.m.





Jody Flaws, Secretary/Treasurer