

MINUTES OF MEETING
OF
BOARD OF DIRECTORS

THE STATE OF TEXAS

COUNTY OF TRAVIS

LAKESIDE WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2B

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The Board of Directors of Lakeside Water Control and Improvement District No. 2B (“District” or “Lakeside WCID No. 2B”) held a regular meeting, by a two-way toll-free telephonic conference call, at [(866) 899-4679 and entering code 683-937-549] open to the public, on May 11, 2020, at 6:00 p.m. (in person meetings are typically held at 4421 Rowe Lane, Pflugerville, Texas). A copy of the notice of meeting along with associated certificates of posting are attached as Exhibit “A”.

The roll was called of the members of the Board of Directors, to-wit:

Marilyn Horndt	President
Eddie Garcia	Vice President
Kenneth Whittier	Secretary/Treasurer
Jim Walker	Assistant Secretary
Terry Tuttle	Assistant Secretary

All members of the Board participated by telephone, thus constituting a quorum of the Board of Directors. All Directors who participated by telephone voted on all matters that came before the Board. Also participating by telephone were Jeff Monzingo of Montoya & Monzingo, LLP; Keith Collins of Randall Jones Engineering, Inc.; John Barganski of Specialized Public Finance, Inc.; David Klein and Maris Chambers, Attorneys and Fred Castro, Paralegal with Lloyd Gosselink Rochelle & Townsend, P.C.

Mr. Klein stated this meeting was being held under the Governor’s March 16, 2020 proclamation, as extended in April, suspending certain Texas Open Meetings Act laws in response to the current COVID-19 pandemic and statewide disaster declaration. He stated this open meeting of the Board of Directors was being recorded and the recording would be made available to the public. Mr. Klein stated that the conference call line allowed for 2-way communication, and the Board would provide members of the public with the opportunity to speak, as in any normal Lakeside Water Control and Improvement District No. 2B open meeting. Mr. Klein asked that the attendees use the same courtesy as an in-person meeting and try to avoid talking over each other. He stated that the Board would announce the instances where comments from the public would be accepted.

Next, Mr. Klein stated that Directors Horndt, Garcia, Whittier, Walker, and Tuttle were participating in this meeting along with the District’s consultants: Jeff Monzingo, Keith Collins, John Barganski, David Klein, Maris Chambers, and Fred Castro.

Director Horndt called the meeting to order at 6:04 p.m. and announced that a quorum of the Board was in attendance (on the call). Director Horndt stated that the Board would next take action concerning the qualifying of newly elected directors. Mr. Klein presented this item and noted there were three (3) positions for the office of director scheduled to be voted on at the District's May 2, 2020 Director Election. He noted that only three (3) people had filed an application to have their names placed on the ballot; and therefore, only three (3) candidates' names were to be placed on the ballot. Mr. Klein noted that the only people that had filed applications with the District to have their names placed on the ballot were Marilyn Horndt, Kenneth Whittier, and Jim Walker. He noted that no person had filed a declaration of write-in candidacy for the District's May 2, 2020 Director Election. Mr. Klein noted that the Secretary of the District had certified in writing that Marilyn Horndt, Kenneth Whittier, and Jim Walker were unopposed for election to the office of director; that Marilyn Horndt, Kenneth Whittier, and Jim Walker were declared elected to serve a four-year term on the Board of Directors of the District, and the election called for May 2, 2020 was canceled by order of the Board of Directors of the District adopted on March 9, 2020. After discussion, Mr. Klein confirmed that his office was in receipt of executed Statements of Officer and Oaths of Office for Marilyn Horndt, Kenneth Whittier, and Jim Walker and declared them qualified to serve as Board members of the District. At Mr. Klein's request, Director Horndt recited her Statement of Officer and Oath of Office administered by Mr. Castro, a Notary Public.

Director Horndt stated that the Board would next consider the election of new officers. Mr. Klein explained that after each director's election, the Board is required to meet and elect officers. After discussion, upon motion by Director Garcia, seconded by Director Tuttle, and unanimously carried, the Board voted to retain the current slate of officers.

Director Horndt stated that the Board would next consider the approval of the minutes of the April 13, 2020 regular meeting. Upon motion by Director Garcia, seconded by Director Whittier, and unanimously carried, the minutes of the April 13, 2020 regular meeting were approved, as presented.

The next item to come before the Board was to receive public comment. Mr. Klein inquired whether there were any members of the public who wished to address the Board. There were no public comments received by the Board.

Director Horndt stated that the Board would next receive a report from the District's Engineer. Mr. Collins provided a brief report on the status of utility construction within the Blackhawk subdivision. Next, Mr. Collins informed the Board that his office had advertised the pedestrian trails project within the greenbelt in Lakeside WCID No. 2D for bid and anticipated that the Lakeside WCID No. 2D Board would be awarding this contract when it meets later this evening. With the Reserve at Westcreek Amenity Center concrete floor repair and re-staining project, Mr. Collins noted that he contacted a structural engineer to obtain guidance regarding the concrete floor repair and determine whether a structural analysis was warranted before having the floor resurfaced and re-stained. Mr. Collins stated that the structural engineer declined to provide an opinion without reviewing as-built plans and performing a structural analysis that included

certain testing. Mr. Collins stated this would be discussed with the Lakeside WCID No. 2D Board to determine a path forward regarding this project.

The next item to come before the Board was to take action concerning First Amendments to the following Cost Sharing Agreements (i) Cost Sharing Agreement for Channel Maintenance Project, (ii) Cost Sharing Agreement for Trail Project, and (iii) Cost Sharing Agreement for Amenity Center Design Project, copies of which are attached as Exhibit "B". Mr. Klein presented this item and noted that the Lakeside Districts have several active cost sharing agreements in place where each Lakeside District shares in the costs for projects that benefit all participating Lakeside Districts. Mr. Klein noted that the First Amendments to Cost Sharing Agreements achieve a recalibration of the percentages that each Lakeside District will pay under these Agreements. He noted that the First Amendment to the Cost Sharing Agreement for Channel Maintenance addressed the ongoing maintenance of drainage ways that include the clean out and re-grading of catch basins and stormwater inlet structures within their boundaries. Mr. Klein stated that the First Amendment to the Cost Sharing Agreement for the Trail Project called for the joint participation in the design, construction, and contract administration for three trail segments to be located within the boundaries of Lakeside WCID No. 2D. The First Amendment to the Cost Sharing Agreement for the Amenity Center Design Project called for the joint participation in the design, engineering, and contract administration for the design of the new amenity center to be located within the boundaries of Lakeside WCID No. 2A.

Mr. Klein noted that the percentage participation by each of the Lakeside Districts in each of these Cost Sharing Agreements had been inconsistent, as they were based upon certain conditions that existed at the time each Cost Sharing Agreement was entered into. Mr. Klein stated that to insure that costs were being allocated accurately amongst the participating Lakeside Districts it was determined that the cost allocation percentages be consistent within each Agreement moving forward and would be based upon the District Engineer's living unit equivalent tracking spreadsheet for the full buildout of each of the participating Lakeside Districts.

Mr. Klein noted that besides amending the allocation of costs for each participating Lakeside District, the First Amendment to the Cost Share Agreement for Channel Maintenance Project would be further amended to include Lakeside WCID No. 2A to the list of participants for this Project, as development within this District had progressed to the point where it would also have drainage ways that will require ongoing maintenance. Mr. Klein recommended that the Board approve the First Amendments to the Cost Sharing Agreements, as presented. Upon motion by Director Garcia, seconded by Director Tuttle, and unanimously carried, the Board approved the above-referenced First Amendments to Cost Sharing Agreements.

Director Horndt stated that the Board would next receive recreational facilities reports and take action concerning the same, including but not limited to, maintenance and/or improvements related to existing recreational facilities and determining hours of use of recreational facilities. Mr. Monzingo presented recreational facilities reports from the Associations operating the District's recreational facilities, copies of which are attached as Exhibit "C". Mr. Monzingo noted that the amenity centers are closed due to the COVID-19 pandemic and little was going on. He noted that the report provided by the Park at Blackhawk and Lakeside HOA included an update on work related to the water fountain replacement. He noted this project was on hold. Next, Mr. Monzingo

noted that the HOA's report included an expenditure of \$1,320 due to the installation of a safety rail at Eire Drive.

Next, Mr. Klein informed the Board that consideration of hours of use of recreational facilities was placed on the Board's agenda, given a call received from the Reserve at Westcreek Owners Association (the "Reserve") who had experienced problems with people playing basketball until late at night, sometimes until 2:00 a.m. Mr. Klein stated that the Reserve was seeking guidance regarding establishing hours of operation for the basketball court and with placing signage at the basketball court displaying hours of use of the facilities. Mr. Klein noted that his review of the Joint Use and Maintenance Agreement between the District and the Reserve did not include information about the hours of operation of any of the recreational facilities, but gave discretion to the Reserve regarding the day-to-day operation of the recreational facilities and amenity center. Mr. Klein stated that the Reserve is not seeking Board action, but wanted to make the Board aware of the situation and to seek direction on how to proceed.

Director Garcia suggested that the Reserve remove the basketball goals and noted that the City of Pflugerville had adopted this practice to discourage use of City-owned basketball courts. He also suggested turning off lights at the basketball court if the facility has lights to limit use of the facility at night.

Mr. Klein stated this discussion coincides with the Board's next agenda item concerning the engagement of a peace officer. Mr. Klein stated that the Reserve had inquired what options they had if people are out playing basketball past the posted hours of operation. He stated that he was informed by the Reserve that previous calls to the City of Pflugerville Police Department had resulted in inaction, as the District is not located within the corporate limits of the City. Mr. Klein stated that typically the hiring of a peace officer would entail the hiring of off-duty police officers to patrol the District. Mr. Klein noted that in the meeting materials provided to the Board, a copy of the Texas statute related to the District's use of peace officers was provided for the Board's review, a copy of which is attached as Exhibit "D". He did note however, that he was not seeking Board action regarding the hiring of a peace officer at this time, but wanted to flag this issue for the Board. Mr. Klein stated this issue had been placed on the agendas of the other Lakeside District to gain their input and noted this item may be brought back to the Board for further consideration.

Director Garcia noted that an incident had recently occurred whereby teenagers were seen jumping the security fence surround the swimming pool at the Blackhawk Amenity Center and the Travis County Constable's Office was called. Director Garcia noted that discussion with the deputy who arrived at the scene revealed that responding to this type of activity was low priority for Travis County. Director Garcia noted that Travis County law enforcement already had a presence within the Blackhawk community as Travis County law enforcement maintains an office at the Blackhawk Amenity Center, which they use to accommodate shift changes, but they are typically not there when this type of prohibited activity is taking place.

Mr. Klein informed the Board it was his understating that the Reserve will be posting signage that displays hours of operation of District recreational facilities. It was the consensus of the Board that the basketball goals should be removed to discourage use of the facility. After further discussion, no action was taken by the Board in connection with this item.

Director Horndt stated that the Board would next consider the payment of invoices and Bookkeeper's report. Mr. Monzingo distributed a list of expenditures made after the Board last met, a list of current invoices, and the District's Quarterly Investment Report, copies of which is attached as Exhibit "E". He noted that Check No. 3777 had been issued since the Board's last meeting, payable to the Department of Treasury for payroll taxes for \$459. Mr. Monzingo requested that the Board approve the payment of an additional invoice received just before the meeting for \$1,700 from Randall Jones Engineering. After discussion, upon motion by Director Garcia, seconded by Director Whittier, and unanimously carried, the Board approved the payment of invoices and the District's Quarterly Investment Report, as amended.

The next item to come before the Board was to receive a report regarding compliance with Cybersecurity Awareness Training pursuant to House Bill 3834 from the 2019 Legislative Session. Ms. Chambers presented this item. She reiterated that elected officials such as members of the Board are now required to complete an annual cybersecurity awareness training course approved by the Texas Department of Information Resources ("DIR"). Ms. Chambers noted that the deadline for each director to complete the training is June 14th, and the District must report each Board member's compliance to DIR by June 15th. She stated that to meet those deadlines, She would be sending out an instructional email to the Board requesting that each Board member complete a recommended DIR-approved cybersecurity awareness course before the District's next Board meeting, in June. She noted that doing so would allow the Board to confirm that training had been properly completed, and would allow the District to meet the deadline to certify compliance to the DIR.

The next item to come before the Board receive items for the Board's next meeting agenda and announcements from Board members. Director Garcia informed the Board that the HOA is preparing for the opening the Blackhawk Amenity Center swimming pool.

After discussion, there being no further business, and upon motion made by Director Walker, seconded by Director Whittier, and unanimously carried, the meeting was adjourned at 6:41 p.m. until further call.

PASSED, APPROVED AND ADOPTED THIS 8th day of June, 2020.

[DISTRICT SEAL]


Kenneth Whittier, Secretary