

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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On September 14, 2020, at 6:00 p.m., as authorized by the March 16, 2020 proclamation by the Office of the Governor, as extended, suspending certain provisions of the Texas Open Meetings Act in response to the COVID-19 public health threat, the Board of Directors of Lakeside Water Control and Improvement District No. 2B (“District” or “Lakeside WCID No. 2B”) held a regular meeting, open to the public, by a two-way toll-free telephonic conference call, accessible by dialing (866) 899-4679, then entering access code 301-178-365 (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 hereto 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 Robert Tiemann of Rowe Lane Development, Ltd.; 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, of Lloyd Gosselink Rochelle & Townsend, P.C.

Mr. Klein stated this meeting was being held under the authority of the Governor’s March 16, 2020 proclamation, as extended, 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, in compliance therewith, and the recording would be made available to the public. Mr. Klein also stated that the Board would provide members of the public with the opportunity to participate, as in any normal Lakeside WCID No. 2B open meeting, explaining that participation via the noticed telephone number was toll-free and allowed for two-way communication. Mr. Klein asked that the attendees refrain from interrupting each other and use the same courtesy as they would during an in-person meeting, stating that the Board would announce the instances where comments from the public would be accepted.

Next, Director Horndt stated that Directors Horndt, Garcia, Whittier, Walker, and Tuttle were participating in this meeting by telephone along with the District's consultants: Jeff Monzingo, Keith Collins, John Barganski, David Klein, Maris Chambers, Fred Castro; and Robert Tiemann participating as a member of the public.

Director Horndt called the meeting to order at 6:03 p.m. and announced that a quorum of the Board was in attendance (on the call). Next, upon motion by Director Garcia, seconded by Director Tuttle, and unanimously carried, Director Horndt announced that the Board would conduct a public hearing on a proposal to set a tax rate of ninety-seven (\$0.97) per one hundred dollars (\$100) of assessed valuation. Director Horndt noted that in an effort to allow residents an opportunity to address the Board in connection with the proposed tax rate, the public hearing would remain open while the Board attended to other regular business.

The next item to come before the Board was to receive public comment. There were no public comments received by the Board.

Director Horndt stated that the Board would next consider the adoption of a budget for the 2020-2021 fiscal year. Mr. Monzingo presented for the Board's review a copy of the projected operating expenses and revenues for the District for the period October 1, 2020 through September 30, 2021. After discussion, upon motion by Director Garcia, seconded by Director Tuttle, and unanimously carried, the Board adopted a resolution adopting a budget for the 2019-2020 fiscal year, a copy of which is attached hereto as Exhibit "B".

Next, upon motion by Director Garcia, seconded by Director Tuttle, and unanimously carried, Director Horndt closed the public hearing on a proposal to set a tax rate of ninety-seven (\$0.97) per one hundred dollars (\$100) of assessed valuation. Director Horndt stated that the Board would next discuss, consider, and take action as necessary to set a debt service tax rate, and to set an operations and maintenance tax rate for the year 2020. Mr. Klein noted that his office had published the required notice of the District's Public Hearing to allow taxpayers the opportunity to express their views on the tax rate being proposed by the Board. Upon motion by Director Garcia, seconded by Director Tuttle, and unanimously carried, the Board adopted an order setting a debt service tax rate for the year 2020 at forty-nine cents (\$0.49) per one hundred dollars (\$100) of assessed valuation, and an operations and maintenance tax rate for the year 2020 of forty-eight cents (\$0.48) per one hundred dollars (\$100) of assessed valuation for a total tax rate for the year 2020 of ninety-seven cents (\$0.97) per one hundred dollars (\$100) of assessed valuation. A copy of the District's order setting a tax rate for 2019 is attached hereto as Exhibit "C".

The next item to come before the Board was to consider the approval of an amendment to the District's Information Form. Mr. Klein noted that the amendment accounted for the most recent tax rate adopted by the Board. Upon motion by Director Garcia, seconded by Director Tuttle, and unanimously carried, the Board approved the amendment to the District's Information Form, a copy of which is attached hereto as Exhibit "D".

Director Horndt stated that the Board would next consider the approval of the minutes of the August 10, 2020 regular meeting. Upon motion by Director Garcia, seconded by Director

Tuttle, and unanimously carried, the minutes of the August 10, 2020 regular meeting were approved, as presented.

Director Horndt stated that the Board would next receive a report from the District's Engineer. Mr. Collins stated that all utility construction within the Blackhawk development had been completed, except for utility construction associated with the Park at Blackhawk IV, Phase 9, which is contemplated for a later date. He stated that the site plan for the new amenity center project had been filed with the City of Pflugerville and that he had reopened negotiations and was making progress with Travis County concerning the pedestrian trails project within the greenbelt in Lakeside WCID No. 2D.

Director Horndt stated that the Board would next receive recreational facilities reports and take action concerning the same, including, but not limited to, operations, maintenance and/or improvements related to existing recreational facilities. Mr. Monzingo presented recreational facilities reports from the Associations operating the District's recreational facilities, copies of which are attached hereto as Exhibit "E". He noted that just before tonight's Board meeting, supplemental information was provided concerning the Park at Blackhawk Recreational Facilities Report regarding fence repairs/replacements to the concrete fencing between Farm Pond Lane and the south side of Winding Shore Drive by ConcreTex. Mr. Monzingo noted that that it was reported that a full panel of the concrete fencing fell behind a home at 20112 Grand Banks Lane last week and that the panel was repaired on an emergency basis for \$2,500. He noted that the repair crew noticed other sections of fence needing repair and they checked the entire area. Mr. Monzingo stated that ConcreTex had suggested that approximately 950-feet of fence should be replaced and provided a quote of \$38,000. A copy of the quote is attached hereto as Exhibit "F". Also attached as Exhibit "G" is the quote for the emergency fence repairs at 20112 Grand Banks Lane. Mr. Monzingo noted this repair has been completed, but the invoice had not yet been received. He requested input from Mr. Klein and Mr. Collins on the repairs quoted at \$38,000, as this amount was above the threshold established by the District for repairs that can be undertaken by the HOA without seeking prior Board approval. Mr. Monzingo noted that the report from the Reserve at Westcreek provided the status of issues related to landscape maintenance that did not require Board approval.

Next, Mr. Collins noted that he had inspected the concrete fence repair at 20112 Grand Banks Lane. He stated that the repairs consisted of replacing approximately 15 feet of fence panels. Mr. Collins added that the cost for the repairs was outside the norm, but due to its emergency nature, the costs were reasonable. He recommended that the Board approve this emergency repair. Mr. Collins stated that he had inspected several feet of concrete fence between Farm Pond Lane and the south side of Winding Shore Drive and he noted intermittent sections contained cracked posts, including the area west of Farm Pond Lane. Mr. Collins recommended that he be authorized to meet with ConcreTex personnel to determine what repairs are necessary along this stretch of concrete fence and develop a more precise scope of services to be performed. He noted that it might prove difficult to find other companies that would bid this work due to the proprietary nature of the fencing.

Mr. Klein stated that should the repairs meet or exceed a certain dollar figure, it would require the District to follow public bidding requirements unless the work was subject to one of the limited exceptions, such as when the nature of the repair does not lend itself to public bidding. He stated that if Mr. Collins is of the opinion that the concrete fence is proprietary, an exception of the public bidding requirements would likely apply. Mr. Klein inquired whether Mr. Collins knew if the concrete fencing was under warranty. Mr. Collins stated that the concrete fence was outside the warranty period, having been erected some 8 to 10 years ago. After discussion, Mr. Collins recommended that the Board authorize him to meet with ConcreTex personnel to determine what repairs are necessary along this 950-foot stretch of concrete fence and develop a scope of services to be performed for consideration by the Board. After discussion, Mr. Collins stated that in his opinion there did not appear to be an immediate concern that this stretch of fencing could fail and recommended that the Board postpone action in connection with this matter to allow an opportunity to determine ownership of the properties along this stretch of fencing to determine who will pay for these repairs, and determining a scope of services for this project. After discussion, the Board postponed action in connection with the item, but directed that Mr. Collins meet with ConcreTex personnel to determine what repairs are necessary along this stretch of concrete fence and develop a more precise scope of services to be performed, including assisting Mr. Klein with determining ownership of the properties affected.

The next item to come before the Board was to consider the adoption of a resolution amending the District's 2019-2020 budget. Mr. Monzingo proposed that the District's current budget be amended by increasing revenues for these categories: Maintenance Taxes, Water revenue and Interest Income and increasing expenditures for these categories: Legal Fees, Water Fees and City of Pflugerville Fees. After discussion, upon motion by Director Whittier, seconded by Director Garcia, and unanimously carried, the Board adopted a resolution amending the District's 2019-2020 budget, a copy of which is attached hereto as Exhibit "H".

Director Horndt stated that the Board would next consider the payment of invoices and Bookkeeper's report. Mr. Monzingo distributed a list of expenditures, money transfers and quarterly investment report, copies of which are attached hereto as Exhibit "I". After discussion, upon motion by Director Tuttle, seconded by Director Whittier, and unanimously carried, the Board approved the payment of invoices, as presented.

The next item to come before the Board was to consider action concerning a District website, including management of same. Mr. Klein noted that he had discussed with the Board the requirement that political subdivisions with taxing authority post certain District information online, thus requiring the District to obtain its own website. He stated that the Board was informed that Lakeside WCID No. 1 was considering that it could share its website template, and that it could be easily replicated for the District's own use, with his firm being utilized by the District to update and maintain the website. Mr. Klein reminded the Board that Mr. Matthew Tiemann and Mr. Monzingo had provided contact information of firms capable of providing this service and that the Board had directed him to solicit proposals for such services for the Board's consideration. Mr. Klein stated that out of the two firms contacted the District received one response from Maxwebs Co. A copy of Maxwebs Co.'s proposal is attached hereto as Exhibit "J". Mr. Klein stated that according to Maxwebs Co.'s proposal, creation of the District's website the loading of initial content would cost \$1,500 with a 50% down payment with the order. He stated that to


register the District's domain name would cost \$78 with an annual hosting service fee of \$240, establishing email accounts for the directors would cost approximately \$240 per year and a \$100 per month fee for monthly maintenance. Mr. Klein stated that his firm is willing to assist the District in creating and maintaining a website, but was of the opinion that the costs to do so would be slightly more expensive than that submitted by Maxwebs Co. He estimated that the cost to create the website and load initial content by his firm would run approximately \$5,000 with annual maintenance to run approximately \$2,500.

Mr. Klein stated that a review of the sample water district websites provided by Mr. Maxwell that his firm maintains revealed that the sample websites contained the statutorily-required information and otherwise complied with State law. Mr. Klein concluded that Maxwebs Co. was a viable option for the Board to create and maintain its website. After discussion, Mr. Klein suggested that should the Board accept the proposal submitted by Maxwebs Co. that the Board require that the District retain ownership of the District domain name. Upon motion by Director Garcia, seconded by Director Tuttle, and unanimously carried, the Board accepted the Maxwebs Co. proposal and authorized Mr. Klein to negotiate an agreement with Maxwebs Co. for consideration by the Board and authorized Mr. Monzingo to make any required prepayment of fees to Maxwebs Co., as necessary.

There were no announcements or requests for items at the Board's next meeting, but Mr. Klein noted that a review of the District's Investment Policy would be on the agenda in October.

After discussion, there being no further business, and upon motion made by Director Walker, seconded by Director Garcia, and unanimously carried, the meeting was adjourned at 6:50 p.m., until further call.

PASSED, APPROVED AND ADOPTED THIS 12th day of October, 2020.

  
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Kenneth Whittier, Secretary

[DISTRICT SEAL]