

MINUTES OF REGULAR MEETING
BOARD OF DIRECTORS

LOST CREEK LIMITED DISTRICT

Travis County, Texas

March 22, 2017

The Board of Directors of Lost Creek Limited District of Travis County, Texas, convened in a regular meeting at the Lost Creek Limited District administrative office located at 1305 Quaker Ridge Drive, Austin, Travis County, Texas, on Wednesday, March 22, 2017. Lawful and proper notice of the time, place and the subject of the meeting was posted at the place and time required by law.

Directors: Leah Stewart
Eric Castro
Chuck McCormick
Andy Bitner
Madeleine Connor

District Attorneys: Tony Corbett
Matt McPhail

Bookkeeper/Manager/Deed
Restriction Enforcement Officer: Jim Emmons (Pinnacle Texas Management
Services)

Residents and guests: See Attached Sign-in Sheet

1. Board Convenes, and Roll Call (Agenda Item 1)

Director McCormick called the meeting to order at 6:30 p.m. All directors were present, thus constituting a quorum.

2. Citizen Communications (Agenda Item 2)

Anne McCormick presented the following general requests to the Board: (i) that the Board improve landscaping along Lost Creek Boulevard; (ii) that future road paving be a different material; (iii) that a speed radar sign be installed within the District; (iv) that road striping be improved; and (v) that rules be imposed and enforced to improve conduct and safety in the low water crossing area.

Barbara Szalay then presented the following general comments to the Board: (i) she requested that the Board announce statutory section numbers when it goes into Executive Session; (ii) she stated that Director McCormick sent a letter to Director Connor's employer seeking termination

of Director Connor's employment, and that the letter contained lies, grammar errors and spelling errors; (iii) she requested that all directors comply with the Open Meetings Act; (iv) she requested that directors retract false statements; (v) she requested that directors apologize, be kind, or resign; and (vi) she noted that as a taxpayer, she does not want to pay costs associated with District litigation.

Cassidy Reynolds addressed the Board requesting that the Board approve construction of a dog park at Boulder Trail Park.

[Editor's Note: The Board then moved to Agenda Item No. 9(f)(i) at this time.]

3. Construction of a Dog Park (Agenda Item 9(f)(i))

The Board discussed potential alternative sites for a dog park within Boulder Trail Park, the "Bogle Tract", the Whitemarsh Valley Greenbelt area, and the "Marshall Tract." After discussion, the Board authorized Director Connor to work with Ms. Reynolds, gather background information, and develop alternative proposals for construction of a dog park to be presented to the Board for consideration at a future meeting.

4. Audit Matters (Agenda Item 4)

Ashlee Martin of McCall Gibson Swedlund Barfoot PLLC presented the District's audit report for the fiscal year ending September 30, 2016. She noted that her firm provided an unqualified opinion that the District's financial statements present fairly the financial position of the District. She also presented the management letter.

After discussion, the Board deferred approval of the audit and representation letter until its next meeting so it could more thoroughly review the audit report and representation letter.

Executive Session: At 7:36 p.m., Director McCormick announced that the Board of Directors would go into Executive Session pursuant to the Texas Open Meetings Act to seek legal advice and opinion from its legal counsel with respect to Agenda Item No. 6(c)(i). At 7:55 p.m., Director McCormick reconvened the public meeting with all directors present. He announced that no final decisions, actions or votes were taken in Executive Session.

5. Deed Restriction Enforcement (Agenda Item No. 6(c)(i))

Director Stewart moved that that the District find enforcement of the restrictions found in the Deed Restrictions for Lost Creek Section 3-A, recorded under Volume 6336, Page 928 of the Official Records of Travis County, Texas and amended in Volume 7667, Page 9 of the same, is necessary to sustain taxable property values in the District, including but not limited to Article 4, of the Restrictions, and that the Board authorize its attorneys, the Law Firm of Willatt & Flickinger, PLLC, to take all necessary legal action including the filing of suit against Husain Asim and Sabah Mansoor, the owner(s) of 1734 Ben Crenshaw Way, Austin, Texas 78746, to enforce such restrictions due to the current violation at that property which includes construction of a sports court within five (5) feet of the property line at the residence at 1734

Ben Crenshaw was in violation of the Architectural Control Committee conditional approval. Director Castro seconded the motion. The motion carried 4-1, with Director Connor voting against the motion.

6. **Financial Affairs and Budget Matters (Agenda Item 7(a))**

Director Bitner presented a report regarding the financial affairs of the District, particularly with respect to expenditures to date, and projected expenditures, relative to the fiscal year budget.

7. **Consent Agenda (Agenda Item 5)**

After discussion regarding the financial reports, Director Stewart moved that the Board approve the Consent Agenda. Director Bitner seconded the motion, which carried unanimously.

8. **Deed Restriction Enforcement Matters (Agenda Item 6)**

The Board briefly discussed deed restriction enforcement matters.

9. **Evaluation of Employees and Management Company (Agenda Item 7(b))**

This matter was tabled. A director requested that the General Manager investigate whether an employee was utilizing District equipment for private purposes.

10. **Communications (Agenda Item 7(c))**

The Board briefly addressed the draft citizen communication in the Board packets that would solicit "Lost Creek" artwork. Director Stewart moved that the Board authorize the General Manager to send out the communication after receipt of any input from directors. Director Castro seconded the motion, which carried 4-1, with Director Connor voting against the motion.

Director McCormick stated that he was investigating the "app" utilized by the Lost Creek Civic Organization for communication to its members, and would provide additional information to the Board at its next meeting.

Director Stewart moved that the General Manager be authorized to send an Eblast to residents regarding the bulk pickup and chipper weekend information. Director Castro seconded the motion, which carried unanimously.

11. **Legal Services Agreement (Agenda Item 8(e))**

Director Stewart moved that the Board approve the Legal Services Agreement as presented. Director Castro seconded the motion, which carried unanimously.

12. **General Manager's Report (Agenda Item 8)**

Mr. Emmons presented his General Manager's Report. Among other items, he reported the following information: (i) that a District picnic table was stolen; (ii) the status of installation of

a kiosk at the low water crossing area; and (iii) the status of water tank work by the City of Austin. In connection with this last matter, the Board requested the General Manager meet with an irrigator to secure a proposal for improvement of the Boulevard Park irrigation system for consideration at a future meeting by the Board. The Board also requested that he discuss the irrigation improvements with the City of Austin so that it may be coordinated with the work to be undertaken by the City.

13. Announcements (Agenda Item 3)

Jim Emmons announced handouts.

14. Goals and Priorities (Agenda Item 10)

The Board and General Manager discussed the status of implementation of the District goals and priorities identified on the meeting agenda.

Under Item 9(f)(ii), Director Connor proposed that the District install a permanent restroom facility at Boulder Trail Park. After discussion, the Board requested the General Manager to gather any available background information regarding the construction of a restroom, the location of City of Austin utility facilities, and to identify any applicable City of Austin approval and permitting requirements that would be applicable to the project.

With respect to Agenda Item 9(d), Jim Emmons presented concepts that would allow the District to take more prompt enforcement action in response to alleged deed restriction enforcement violations. The Board proposed conducting a potential joint meeting with the LCNA to discuss coordination between the ACC and the District with respect to their respective roles in deed restriction matters.

With respect to Agenda Item 9(f)(iii), Director Stewart moved that the General Manager be authorized to spend up to \$2,500 for the grass and mulch installation, as set forth in the proposal in the Board packet, and for installation of river rock only around the tree at the Boulevard Park. Director Castro seconded the motion, which carried unanimously.

Under Agenda Item 9(e), Director McCormick requested that a presentation be included on the next meeting agenda for a Dark Sky Program report.

Under Agenda Item 9(f)(iv), Director McCormick moved that the Board authorize the General Manager to attend and observe LCNA meetings with the developer of the Marshall Tract so that he could communicate the status of discussions and identify potential opportunities for District park and recreational facilities. Director Stewart seconded the motion. Director Connor moved to amend the motion to appoint Director Connor as an additional representative of the District authorized to attend the meetings. Her motion was not seconded. After further discussion, the Board unanimously approved the motion authorizing the General Manager to attend and observe the meetings.

The Board then discussed safety and security initiatives under Agenda Item 9(i). The Board discussed possible use of the District's administrative office by Austin Police Department

officers in order to increase the presence of officers in the community. The Board expressed support and authorized Director McCormick to discuss a specific proposal with the Austin Police Department for consideration at a future meeting.

15. Meeting Date (Agenda Item 11)

The Board scheduled its May meeting for May 17, 2017.

16. Adjournment (Agenda Item 12)

Upon a motion by Director Stewart, the Board adjourned the meeting at 10:15 p.m.



Secretary



BOARD OF DIRECTORS MEETING
LOST CREEK LIMITED DISTRICT

March 22, 2017

SIGN IN SHEET

	NAME (Please Print)	ADDRESS (optional)	TELEPHONE (optional)
1	Barbara Szalay	1322 Thordens Cove	
2	Diane Funder Noble Court	1820 Cypress Pt N	
3			
4	Carla Payne		
5	Stephanie Reynolds	6400 Mawakea Drive	
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BOARD OF DIRECTORS MEETING
LOST CREEK LIMITED DISTRICT

March 22, 2017

SPEAKER SIGN IN SHEET

	NAME (Please Print)	ADDRESS	TELEPHONE / EMAIL / CONTACT INFORMATION
1	Barbara Szalay	1322 Hobbs Lane	
2	Diane Fetherly		1 MIN to 735
3	Deal Lason		1 " " "
4	Barbara Szalay		5 MIN
5	Ann McConville		3 MIN
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