MINUTES OF REGULAR MEETING
BOARD OF DIRECTORS

LOST CREEK LIMITED DISTRICT
Travis County, Texas

May 22, 2019

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, May 22, 2019. 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
Chris Vetromile
Megan Marrs
Andy Bitner
Madeleine Connor

District Attorney: Tony Corbett (General Counsel)

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 Stewart called the meeting to order at 6:30 p.m. All directors were present except Director Connor, who arrived at 6:34 p.m.

2. Citizen Communications (Agenda Item 2)

None.

3. Announcements (Agenda Item 3)

Mr. Emmons announced handouts.

4. Presentation for Austin Water Utilities (Agenda Item 4)

Representatives of the City of Austin provided information regarding possible implementation of an “advanced metering infrastructure” (AMI) system that would provide for electronic metering of customer water consumption. They noted that the system would allow customers to monitor
water usage in real time. The Board asked whether the system would be used for enforcement purposes. The representatives did not know the answer to the question. The representatives asked what actions could be taken by the City to facilitate the transition to the new system and how to communicate with the community. The Board provided recommendations but took no action regarding the matter.

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

Director Marrs moved that the Board approve the Consent Agenda. Director Vetromile seconded the motion, which carried unanimously (5-0).

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

Mr. Emmons presented his monthly Deed Restriction Enforcement Report identifying potential deed restriction violations in the District. With respect to 1806 Congressional Circle, Mr. Emmons noted that the property owner’s attorney had contacted the District’s litigation counsel regarding the potential violation. The Board requested Mr. Emmons to inform litigation counsel to impose a specific deadline for the property owner to secure ACC approval or remove the structure constructed without approval.

The Board directed Mr. Emmons to proceed with standard compliance request letters to the owners of other properties with potential.

7. **Financial Affairs (Agenda Item 7(a))**

Director Bitner presented his monthly financial report. The Board discussed the report but took no action.

8. **Amendment of Fiscal Year Budget (Agenda Item 7(b))**

The Board then discussed potential amendments to the current fiscal year budget. After discussion, Director Stewart moved that the Board adopt Resolution No. 2019-0522-01 amending the District’s fiscal year budget. Director Marrs seconded the motion, which carried unanimously. A copy of the Resolution and amended budget are attached to these meeting minutes.

9. **Offduty Security Patrols (Agenda Item 7(c))**

The Board discussed the updated contract received from the City of Austin for offduty security patrols by officers in the District greenbelt. The Board discussed the potential liability of the District for actions taken by the officers, and indemnification obligation, under the contract. After discussion, Director Stewart moved to approve the security patrol agreement. Director Vetromile seconded the motion, which carried unanimously.

10. **Repaving of Lost Creek Blvd. (Agenda Item 7(d))**
Director Stewart provided a brief report regarding her communications with the City of Austin regarding the repaving of Lost Creek Blvd. The Board requested that the General Manager advise the directors in the event the City schedules a meeting regarding the matter so individual directors may attend.

11. **Pedestrian Access at Administrative Office (Agenda Item 7(e))**

Mr. Emmons reported that the City of Austin issued a permit for removal of the tree that blocked pedestrian access on the sidewalk in front of the administrative office. The Board discussed alternatives to the tree removal, or possible installation of a new tree as mitigation if the existing tree is removed. After discussion, Director Marrs moved that the Board approve the removal of the existing tree and installation of a mitigation tree. Director Vetromile seconded the motion. Director Connor requested that the motion be amended to provide that the replacement trees include at least one live oak. The amendment was accepted. The Board approved the motion, as amended, 4-0-1, with Director Connor abstaining.

12. **Wildfire Mitigation (Agenda Item 7(f))**

After discussion, Director Stewart moved to approve the proposal for wildfire mitigation as presented in the Board packets subject to removal of the sales tax charge. Director Marrs seconded the motion, which carried unanimously.

13. **Communications (Agenda Item 7(g))**

Director Stewart moved that the Board authorize the Communications Committee to send a communication to residents regarding the unauthorized damage to the District’s greenbelt property. Director Bitner seconded the motion, which carried unanimously.

14. **Marshall Tract (Agenda Item 8)**

Director Marrs provided a status report regarding her discussions with the City of Austin regarding the possible acquisition of the Marshall Tract by the District. She noted that the City staff was very receptive. She noted that City staff had prepared a draft Resolution that would authorize the District to proceed with the matter. After discussion, the Board directed legal counsel to propose revisions to the City’s proposed resolution to clarify that any amendment to the Strategic Partnership Agreement would occur prior to conducting a bond election. The Board also directed the Communications Committee to send a communication to residents regarding the matter.

15. **Greenbelt Property (Agenda Item 9)**

Mr. Corbett presented the real property instruments dedicating District greenbelt lands to the District as a public park. The Board generally discussed the restriction of public access to the greenbelt lands by physical barriers or personnel. The Board also discussed the possible imposition of a fee for park access by nonresidents.
After discussion, the Board asked legal counsel to research: (i) the authority of the District to prohibit use of the land by nonresidents; and (ii) the authority of the district to levy fees for park access, including different fees for nonresidents.

16. **Litigation (Agenda Item 10)**

The Board discussed whether to send a litigation update to the community. The Board took no action.

17. **General Manager's Report (Agenda Item 11)**

Mr. Emmons presented his monthly General Manager report. He noted that he was still waiting on a proposal for installation of a keypad on the District door. He also noted that three trees had been installed on the District's administrative office building lot. Mr. Emmons reported that the Boulder Trail Park entrance had been marked with reflective paint and lighting to mitigate future vehicle accidents. He recommended installation of lighting or bollards to improve visibility in the area. The Board requested the Parks Committee to investigate different ideas and costs for inclusion in the next fiscal year budget. Mr. Emmons also reported on the status of landscape improvements at the administrative office.

18. **District Committee Reports (Agenda Item 12)**

**Stratus Application Committee**- Director Marrs reported that the Stratus access agreement was fully executed. She also noted that a meeting was scheduled for May 29 with Stratus representatives regarding recreational trail access matters.

**Firewise and Dark Skies Committee**- Director Vetromile provided a report regarding the Firewise Community Symposium that he attended.

**Strategic Partnership Agreement and Budget Committee**- The Committee noted that it had met to discuss budget matters.

**Communications Committee**- There was no committee report.

**Parks, Recreation and Beautification Committee**- The Committee had no report.

19. **Meeting Dates (Agenda Item 13)**

The Board scheduled a meeting of the Board of Directors for July 10, 2019.

20. **Adjournment (Agenda Item 13)**

Director Bitner moved to adjourn the meeting at 9:56 p.m. The meeting adjourned at 9:56 p.m.

Secretary
RESOLUTION NO. 19-0522-01

A RESOLUTION AMENDING 2018-2019 FISCAL YEAR BUDGET

WHEREAS, Lost Creek Limited District (the "District") has been duly and lawfully created effective December 15, 2015 pursuant to the terms of an Amended and Restated Strategic Partnership Agreement entered into by Lost Creek Municipal Utility District and the City of Austin dated March 12, 2013 under the authority set forth in Section 43.0751 of the Texas Local Government Code;

WHEREAS, Title 30, Texas Administrative Code, Section 293.97(b), provides that the governing board of each active district shall adopt an operating budget for the fiscal year. The rule further provides that the adopted budget and any subsequent amendments thereto shall be passed and approved by a resolution of the governing board and shall be made a part of the governing board minutes; and

WHEREAS, the Board of Directors of the District desires to approve an amended budget for the District’s 2018-2019 fiscal year.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF LOST CREEK LIMITED DISTRICT THAT:

Section 1. The amended 2018-2019 fiscal year budget in the form attached hereto is hereby approved for all purposes.

Section 2. A copy of this Resolution and the amended fiscal year budget approved hereby shall be attached to the meeting minutes of May 22, 2019.

Section 3. The President and Secretary of the Board are hereby authorized and directed to execute this Resolution. After this Resolution is executed, an original Resolution shall be filed in the permanent records of the District.

PASSED AND APPROVED this 22nd day of May, 2019.

[Signature]
President, Board of Directors

ATTEST:

[Signature]
Secretary, Board of Directors

(SEAL)