

MINUTES OF MEETING
OF
BOARD OF DIRECTORS

THE STATE OF TEXAS

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COUNTY OF TRAVIS

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BELVEDERE MUNICIPAL UTILITY DISTRICT

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On June 20, 2023, the Board of Directors (“Board”) of Belvedere Municipal Utility District (the “District”) held a regular meeting within the boundaries of the District at the Belvedere Amenity Center, 17400 Flagler Drive, Austin, 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, to-wit:

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|-----------------|---------------------|
| James Koerner | President |
| Kim Clifford | Secretary |
| Ronald Ubertini | Vice President |
| Keri Parker | Assistant Secretary |
| Vito Sciaraffia | Assistant Secretary |

All of the Directors were present, thus constituting a quorum of the Board. All Directors who attended voted on all matters that came before the Board. Also attending were Odalys Johnson, P.E., Client Manager, with Quiddity; David Klein, Attorney, and Fred Castro, Paralegal, with Lloyd Gosselink Rochelle & Townsend, P.C. (“Lloyd Gosselink”); and Mark Greene, representing the Belvedere Homeowners Association (“HOA”);

1. **Call meeting to order and establish a quorum.** Director Koerner called the meeting to order at 6:00 pm. He announced that a quorum of the Board was in attendance.
2. **Receive public comments.** There were no additional public comments.
3. **Discuss, consider, and take action to approve the minutes of the April 18, 2023 regular meeting and the June 5, 2023 special meeting.** Director Koerner introduced this Item, and a copy of the minutes is attached hereto in **Exhibit “B”**. Director Ubertini moved to approve the minutes of the April 18, 2023 regular meeting and June 5, 2023 special meeting, as presented. Director Sciaraffia seconded the Motion and the Motion passed unanimously, 5-0.
4. **Discuss, consider, and take action as necessary concerning reports from the District’s Bookkeeper and Finance Committee, including:**
 - a. **Payment and ratification of invoices;**
 - b. **Coordination on bookkeeping matters;**
 - c. **TexPool investments; and**

d. Reimbursement of costs to Belvedere HOA pursuant to the Joint Use and Maintenance Agreement.

Director Koerner introduced this Item. Director Ubertini presented the Bookkeeper's Report and revised cash sheet, which consisted of the list of invoices and additional documentation concerning other bookkeeping matters, all of which is attached hereto as Exhibit "C". Director Koerner requested that, per the Report, the Board approve (i) transferring \$35,000.00 from the District's Money Market Account to the District's Checking Account, to pay its bills, and (ii) transferring a total of \$3,170.84 from the District's Checking Account to the District's Debt Service Account. Director Clifford noted that the District's invoice for legal fees showed a charge for the drafting of a memorandum on the topic of drainage and flooding and requested that the Board be provided with a copy of the memorandum. Mr. Klein stated that he would do so. Next, the Board requested that Mr. Klein monitor work being performed by paralegals to ensure that the District is being provided with the most cost-efficient service possible and reminded Mr. Klein that all legal work requested by Board members outside of Board meetings must be authorized by no less than two Board members.

Director Clifford moved to ratify the payment of the invoices paid since the Board's last meeting on May 5, 2023, approve the payment of current invoices, and authorize the two transfers proposed in the Bookkeepers Report. Director Sciaraffia seconded the Motion and the Motion passed unanimously, 5-0.

5. Discuss, consider, and take action regarding reports from the District liaison to the HOA and from the HOA liaison to the District. Director Koerner introduced this Item and stated that it had come to his attention that the HOA had received a request from the developers of the property located east of the District, known as the Hays-Harris Tract, for emergency access to their development through the District, across HOA property. He stated that it was his understanding that according to the HOA's legal counsel, it was not anticipated that the District would need to be involved in this project. Director Koerner added that no legal work is needed at this time and the District will contact Mr. Klein if anything changes. He also proposed that if the HOA or District incurs any expenses, including but not limited to, engineering or legal fees in evaluating and addressing this project, then such costs should be reimbursed by the developer. He stated that it was his opinion that the resident taxpayers of the District should not assume responsibility for any costs associated with this non-District project. Director Koerner opined that he had expressed his thoughts to the HOA and inquired whether the rest of the Board was in agreement with this position. After further discussion, it was the consensus of the Board that should the HOA or District incur any expenses, including but not limited to, engineering or legal fees for vetting this project, then the HOA and District be reimbursed by the developer.

Mr. Greene then provided his understanding of the project, noting that access would be through the upper common area at the old stock pond off of Flagler Drive, near the hardscape trail located in this area. He stated that the developer was asking for emergency vehicle access through a currently locked gate. Mr. Greene then indicated that the developer would construct a 25-foot access road in exchange for significant investments in the Belvedere community. He added that there would be no pedestrian access available at this emergency vehicle access point. Mr. Greene stated that the developer had proposed funding for landscaping improvements at the location, payment for water necessary to keep the pond full, and other incentives for the benefit of Belvedere residents. He reported that the HOA would take this

proposal to the Belvedere residents to gauge their interest in such a project before taking any formal action. Mr. Greene stated that should the HOA wish to proceed with this project, the developer would be required to establish an escrow account with the HOA to fund all costs associated with an analysis to determine the viability of this project. In response to an inquiry from Director Clifford, it was the consensus of the Board that Mr. Klein should not engage in activities associated with this project unless directed by the Board to do so. Mr. Klein stated that he had received a telephone call from the HOA's attorney regarding this project, reporting that the HOA's attorney would be sending him a copy of the subdivision plat for the area in question to determine what involvement, if any, the District may have in overseeing activities permitted within this drainage easement. He stated that he would await direction from the Board before investing any more time on this potential project. Next, Mr. Greene provided an update on the HOA's efforts to clean up the common areas within the subdivision and noted that cleanup efforts would not begin until July 2023.

6. Discuss, consider, and take action regarding the improvement, maintenance, and repair of existing and future assets owned or maintained by the District, including, but not limited to:
 - a. Report from the District's Engineer;
 - b. Drainage facilities, including but not limited to, culverts;
 - c. Request from the homeowner at 8304 Verde Mesa Cove;
 - d. Trail maintenance;
 - e. Playground; and
 - f. Amenity Center Lot project, including warranty claim.

Director Koerner introduced this Item. Ms. Johnson presented her report to the Board, a copy of which is attached hereto as **Exhibit "D"**. Ms. Johnson stated that her firm had conducted a survey of the drainage ditch extending from 8300 to 8308 Verde Mesa Drive to verify ditch depths and culvert sizes, and to assess the potential for regrading. She reported that her results found that drainage ditch needed to be regraded. She then stated that a survey was performed of the drainage ditch from 8300 to 8309 Lakewood Ridge Cove to evaluate the depth for draining runoff collected at the southwest corner of 8300 and to assess the capacity of the culvert installed at 8301. Ms. Johnson added that she also compared pre-development and post-development runoff conditions to develop recommendations for draining the lot with minimal impact on neighboring properties. She also said that she had met with the District's Engineering Subcommittee and representatives from the HOA to discuss grading improvements at Verde Mesa Cove. After further discussion, Ms. Johnson presented a proposal from DigDug Construction LLC ("DigDug") to address these grading improvements at 8304 Mesa Verde in the amount of \$2,100.00 with additional options totaling \$485.00, and a copy of that proposal is attached hereto as **Exhibit "E"**. Director Clifford moved to accept the above-referenced proposal from DigDug including all options, as presented. She added that this proposal should address post-development runoff conditions, including a request that the affected homeowner provide irrigation to ensure the viability of landscaping improvements. Director Ubertini seconded the Motion and the Motion passed unanimously, 5-0.

Next, Director Koerner stated that he believed that the Board should establish a guideline

concerning drainage facilities modifications due to unforeseen circumstances. The District's Engineering Subcommittee was designated to take on this task.

Then, the Board and Ms. Johnson discussed the various options available to address drainage issues at 8300 and 8301 Lakewood Ridge Cove, in light of the drainage plans provided by the HOA for those properties and Ms. Johnson's survey findings. After such discussion, it was the consensus of the Board that Ms. Johnson present her findings with the HOA and that the District's Engineering Subcommittee should get involved in this matter, if necessary. Next, Ms. Johnson stated that Fazzone Construction ("Fazzone") agreed to replace several plantings, a list of which is attached as **Exhibit "F"** under the settlement agreement between the District and Fazzone.

Then, Director Clifford provided the District's Playground Subcommittee's update to the Board. First, she reminded the Board that the District had authorized the Subcommittee to negotiate with vendors for playground maintenance and repairs in an amount not to exceed \$15,000.00. She reported that this effort was unsuccessful but she instead proposed that the repairs be could be completed by engaging multiple vendors. Director Clifford presented proposals from PlayWorks for a total of \$13,348.16, less sales tax, to remedy the majority of playground maintenance and repair issues, copies of which are attached as **Exhibit "G"**. She stated, however, that those proposals did not include mulch for the playground area; but, she suggested that the District could utilize another vendor to complete that task. Director Clifford moved to approve (i) the proposals from PlayWorks for a total of \$13,348.16, less sales tax, to remedy the majority of maintenance and repair issues at the playground, as proposed, and (ii) the purchase and installation of mulch for the playground area at a cost not to exceed \$4,500.00. Director Koerner seconded the Motion and the Motion passed unanimously, 5-0.

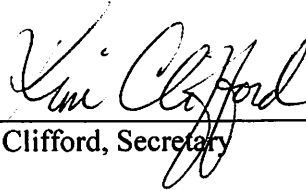
7. **Receive legislative updates.** Director Koerner introduced this Item. Mr. Klein reported that the most recent Texas Legislative Session had ended and that he would provide a memorandum of legislation of interest to the District.
8. **Discuss, consider, and take action regarding impervious cover within the District.** Director Koerner introduced this item. Mr. Klein recommended that the Board convene in Executive Session to receive advice from its attorneys, in accordance with Texas Government Code § 551.071, concerning impervious cover limitations within the District. At 7:21 p.m., Director Koerner moved to enter into an executive session under Texas Government Code § 551.071 to receive legal advice from its attorney on the above-referenced matter. Director Ubertini seconded the Motion, and the Motion was approved 5-0.

At 7:36 p.m., Director Koerner moved to conclude the executive session and reenter open session. Director Ubertini seconded the Motion and the Motion passed unanimously, 5-0. Director Koerner stated that no action was taken by the Board during Executive Session. The Board directed that Mr. Klein contact Travis County to obtain more information related to their inquiry concerning impervious cover requirements within the District.

9. **Discuss, consider, and take action on future meeting schedules.** Director Koerner introduced this Item and suggested that the next meeting date be scheduled for August 15, 2023, at 6:00 p.m. at the Belvedere Amenity Center. There was a consensus of the Board to hold the meeting at that time and location and they directed the District's consultants to take the steps necessary to schedule such meeting.

10. Adjournment. Director Clifford moved to adjourn the meeting. Director Ubertini seconded the Motion and the Motion passed unanimously, 5-0. The meeting adjourned at 7:39 pm.

PASSED, APPROVED, AND ADOPTED this 15th day of August 2023.



Kim Clifford, Secretary

[DISTRICT SEAL]

