

MINUTES OF SPECIAL MEETING
OF
BOARD OF DIRECTORS

THE STATE OF TEXAS §
COUNTY OF TRAVIS §
BELVEDERE MUNICIPAL UTILITY DISTRICT §

On January 7, 2024, the Board of Directors (“Board”) of Belvedere Municipal Utility District (the “District”) held a special 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:

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

All of the Directors were present except for Director Sciaraffia, thus constituting a quorum of the Board. All Directors who attended voted on all Items that came before the Board. Other attendees included Breck Harrison of Jackson Walker, L.L.P. (on the phone) and Lynn Sherman, as well as a members of the public who signed in as Randy Adams, Nieves Alfaro, Ed Lueckenhoff, Kris Simson, and Rowan Scrawage, and one other attendee whose signature was completely illegible.

1. Call meeting to order and establish a quorum. Director Koerner called the meeting to order at 6:00 p.m. He announced that all Directors were present except for Director Sciaraffia, and therefore a quorum of the Board was in attendance.
2. Discuss, consider, and take action to approve minutes for the December 7, 2023 special meeting. Director Koerner introduced this item, and a copy of the draft meeting minutes are attached hereto as **Exhibit “B”**. Ron Ubertini moved to accept the December 7, 2023 special meeting minutes, as presented. Jim Koerner seconded the Motion and it was passed unanimously, 4-0. The Board then moved to Item 3 on the Agenda.
3. Discuss, consider, and take action as necessary regarding Preservation Ranch Development, including, but not limited to, construction activities within the District and pending litigation. Director Koerner introduced this item. He advised that at an appropriate time a community meeting would be held to answer any questions regarding the construction activity and the attendant litigation. He then called upon the members of the public in attendance for questions or comments.
 - Mr. Lueckenhoff inquired whether the installation of the 16” line alternative identified

by the Preservation Ranch Developer would involve digging up the street or drainage ditches along Flager Drive. Director Koerner advised that the Public Utility Easement is in the street. Director Clifford added that the Public Utility Easement could be slightly wider than the paved portion of the street.

- Mr. Adams expressed his opinion that the Preservation Ranch Developer should be responsible for the costs of repairing the streets and should make Belvedere whole.
- Mr. Alfaro expressed a concern about pressure losses from a connection into the Belvedere water system. He inquired whether the study used to approve the project originally had been updated due to the passage of time. He also commented that the 16" water line connection alternative would be more costly than what was originally proposed.
- Mr. Simpson inquired whether an engineering report was available. Director Koerner advised that the MUD and the HOA had engaged an engineering firm to assess the impacts of the Preservation Ranch connection and that any documents that can be shared will be shared at an appropriate time.
- Mr. Scrawage called for recourse against the Preservation Ranch Developer and/or the West Travis County Public Utility Authority if water was not available.

Director Koerner thanked everyone for their attendance and then the Board moved to Item 4 on the Agenda.


After completing Item 4, the Board then returned to this item. The Board then discussed the settlement terms that the Litigation Committee and the HOA President (with the assistance of outside counsel and the engineering consultant) had negotiated with the Preservation Ranch Developer and the West Travis County Public Utility Authority. Director Clifford moved that the Board authorize (i) settlement of the pending litigation styled Belvedere Homeowners Association, Inc. and Belvedere Municipal Utility District v. PRLT Partners, LLC and West Travis County Public Utility Agency, No. D-1-GN-23-008500 filed in the District Bountly of Travis County, Texas, 95th Judicial District, on the terms set forth on **Exhibit "C"**, which terms include (a) authorizing connection of the Preservation Ranch 12' waterline to the District's 8" water line under Flagler Road adjacent to Belvedere Lot 61 and (b) the conveyance of the District's interest in the 16" water line located in Belvedere for a nominal amount (i.e. \$10); (ii) the Litigation Subcommittee to take any and all actions necessary to finalize the settlement; and (iii) President and /or the Secretary to execute any and all documents necessary to affect such settlement. Director Parker seconded the Motion and it was passed unanimously 4-0. The Board then took up Item 5.

4. The Board will meet in executive session to receive advice from its attorneys regarding Preservation Ranch Development, including but not limited to, construction activities within the District and pending, in accordance with Texas Government Code § 551.071. Director Koerner introduced this Item, along with Item 3, and recommended that the Board go into executive session to discuss Item 3 under the consultation with attorney exception in Texas Government Code § 551.071. Director Clifford moved that the Board go into executive session at 6:08 P.M. under Texas Government Code § 551.071 to receive legal advice from its attorney regarding the Preservation Ranch Development, including but not limited to, construction activities within the District and pending. Director Ubertini seconded the Motion and the Motion passed unanimously, 4-0. At 7:25 P.M. Director

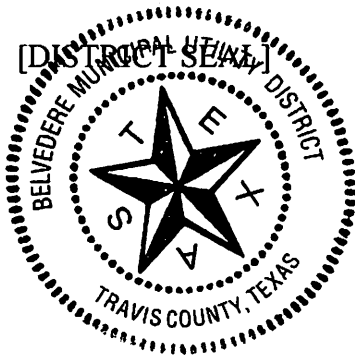
Clifford moved to come out of executive session. Director Koerner seconded the Motion and the Motion passed unanimously, 4-0. Director Koerner announced that no action was taken in executive session. The Board then continued its discussion under under Item 3.

5. Adjournment. Director Clifford moved to adjourn the meeting. Director Ubertini seconded the Motion and the Motion passed unanimously, 4-0. The meeting was adjourned at 7:12 P.M.

PASSED, APPROVED, AND ADOPTED this 23rd day of January 2024.



Kim Clifford, Secretary



**CERTIFICATE OF POSTING
BELVEDERE MUNICIPAL UTILITY DISTRICT
NOTICE OF BOARD MEETING
January 7, 2024**

THE STATE OF TEXAS

§

COUNTY OF TRAVIS

§

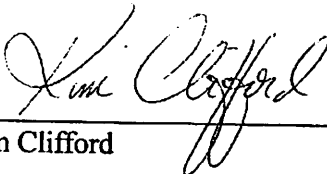
§

I, Kim Clifford, hereby certify that on January 3, 2024, I posted the attached notice of public meeting of the Board of Directors of Belvedere Municipal Utility District at the following time and at the following location:

(1) at approximately 7:00 PM, at the posting board/sign located by the mailboxes near the Belvedere Amenity Center, within the boundaries of the District.

I understand that the notice was posted in order to comply with the provisions of the Open Meeting Laws, (Chapter 551, Texas Government Code and § 49.063 Texas Water Code) and that the Board of Directors of the District will rely on this certificate in determining whether the provisions of the Open Meeting Laws have been satisfied.

Dated this 3rd day of January, 2024.



Kim Clifford

EXHIBIT "A"



STAYS IN FILE

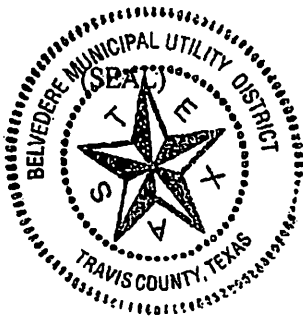
**BELVEDERE MUNICIPAL UTILITY DISTRICT
NOTICE OF SPECIAL MEETING**


**TO: THE BOARD OF DIRECTORS OF BELVEDERE MUNICIPAL UTILITY DISTRICT
AND TO ALL OTHER INTERESTED PERSONS:**

Notice is hereby given pursuant to Texas Government Code, Chapter 551, that the Board of Directors of Belvedere Municipal Utility District of Travis County will hold a special meeting, open to the public, on January 7, 2024 at 6:00 p.m., within the boundaries of the District, at The Belvedere Amenity Center, 17400 Flagler Drive, Austin, Texas, for the following purposes:

1. Call meeting to order and establish a quorum.
2. Discuss, consider, and take action to approve minutes for the December 7, 2023 special meeting.
3. Discuss, consider, and take action as necessary regarding Preservation Ranch Development, including, but not limited to, construction activities within the District and pending litigation.
4. The Board will meet in executive session to receive advice from its attorneys regarding Preservation Ranch Development, including but not limited to, construction activities within the District and pending litigation, in accordance with Texas Government Code § 551.071.
5. Adjournment.

EXECUTED this the 3rd day of January 2024.





 Attorney for the District

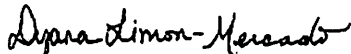
Came to hand and posted on a Bulletin Board in the
 County Recording Office, Austin, Travis County, Texas on this the
 3rd day of January 2024
 Dyana Limon-Mercado
 County Clerk, Travis County, Texas

By  Deputy

YESENIA E.



**FILED AND RECORDED
OFFICIAL PUBLIC RECORDS**



Dyana Limon-Mercado, County Clerk
Travis County, Texas



202480006

Jan 03, 2024 09:34 AM

Fee: \$2.00

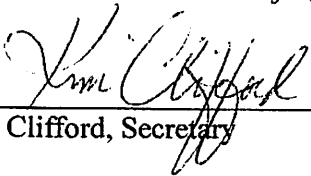
ESPINOZAY

within the District and pending, in accordance with Texas Government Code § 551.071. Director Koerner introduced this Item, along with Item 3, and recommended that the Board go into executive session to discuss Item 3 under the consultation with attorney exception in Texas Government Code § 551.071. Director Clifford moved that the Board go into executive session at 6:02 P.M. to discuss Item 3. Director Ubertini seconded the Motion and the Motion passed unanimously, 4-0. At 7:25 P.M. Director Clifford moved to come out of executive session. Director Koerner seconded the Motion and the Motion passed unanimously, 4-0. Director Koerner announced that no action was taken in executive session. The Board then discussed the hiring of an engineering expert to assist with the pending litigation. Director Clifford moved that the Board authorize the Litigation Subcommittee to work with litigation counsel to retain the services of an engineering expert to assist with the pending litigation where the amount of the District's share of the expert's expenses do not exceed \$25,000. The Board then took up item 5.

5. Adjournment. Director Clifford moved to adjourn the meeting. Director Ubertini seconded the Motion and the Motion passed unanimously, 4-0. The meeting was adjourned at 7:30 P.M.

PASSED, APPROVED, AND ADOPTED this 7th day of January 2004.

[DISTRICT SEAL]



Kim Clifford, Secretary

Terms for Settlement of Belvedere/PRLT/WTCPUA Litigation:

1) PRLT and WTCPUA will proceed with connecting to the 8" line in Flagler Road as planned once these terms become binding. These terms will become binding upon: the Belvedere MUD/HOA's and PRLT's counsel's signatures below; and the approval of these terms by the respective Boards of the Belvedere MUD, Belvedere HOA and the WTCPUA.

2) Although WTCPUA believes the 16" line located in Belvedere subdivision was previously conveyed to the LCRA and that this line was thereafter acquired by the WTCPUA, Belvedere MUD will convey this line to WTCPUA, for nominal amount (i.e. \$10), in accordance with guidance of bond counsel to preserve tax-exempt status of the bonds.

3) WTCPUA will comply with all applicable rules and regulations governing its provision of potable water service. Accordingly, WTCPUA is not currently aware of, and does not anticipate granting, future significant water service extensions until additional facilities required to provide such service are constructed.

4) PRLT and/or WTCPUA will provide Belvedere MUD and Belvedere HOA with 48 hours' notice of the physical connection to the 8" line in Flagler Road. PRLT and/or WTCPUA will advise of anticipated duration of work in Flagler Road, and interruption of water service within Belvedere subdivision during the tie-in work.

5) PRLT and its contractors will comply with the following Belvedere community construction guidelines during completion of the work: the

- specified work hours and days,
- construction gate access for heavy equipment.

Appropriate safeguards will be utilized during construction to ensure safety of persons within the Belvedere subdivision. PRLT generally acknowledges Belvedere's builder guidelines but all parties agree that PRLT and its contractor are not subject to the deposit requirement or schedule of fines referenced therein.

6) PRLT to be responsible for the restoration of the easement area following the completion of the connection to the 8" water line. Cuts made into the concrete culvert, apron and Flagler Road for connection to the 8" line will be restored as follows:

- Roadway will be repaved with hot mix asphaltic concrete (HMAC), full width, extending 5 feet either direction along Flagler Drive from the limits of disturbance;
- Curbs shall be saw cut and repaired to equal or better condition;
- Any damage to existing pipes, channels, or concrete aprons shall be repaired to restore full function of the facility.

PRLT agrees to add topsoil as needed to bare areas and re-seed using native seed mix to establish revegetation of disturbed areas.

7) PRLT to provide Belvedere MUD and Belvedere HOA as-built plans identifying the path of the new 12" line from its connection to the Madrone system to its connection at Flagler Road. When the new 12" line becomes operational, WTCPUA will be responsible for (and for a period of one year, PRLT will provide a warranty as to) the operation, repair and maintenance of the line.

8) Upon a determination by WTCPUA that an additional water line may be constructed or an existing water line replaced or upsized, within the Belvedere subdivision, WTCPUA will provide prompt notice of same to the Belvedere HOA and Belvedere MUD.