

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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A regular meeting of the Board of Directors of Belvedere Municipal Utility District was held on November 20, 2018, in accordance with the duly posted notice of said meeting. The roll was called of the members of the Board of Directors, to-wit:

Peter Golde	President
James Koerner	Vice President
Kim Clifford	Secretary
Ronald Ubertini	Assistant Secretary
Steven Bryson	Assistant Secretary

All above-referenced members of the Board were present, thus constituting a quorum of the Board of Directors. All directors present participated in voting on all matters that came before the Board. Also in attendance were Stefanie Albright and Jacqueline Perrin, Attorneys, with Lloyd Gosselink Rochelle and Townsend, P.C.; and Dennis Lozano and Evan Parker with Murfee Engineering Company. Lee Blanton and Tom Wiles were present on behalf of the Belvedere Homeowners Association (HOA); and Ana Malonda was present on behalf of Method Architecture.

Director Golde called the meeting to order at 6:05 p.m. and announced the Board would first receive public comments. No comments were received.

The next item to come before the Board was to consider approval of the minutes of the October 16, 2018 regular meeting. **Upon motion by Director Koerner, seconded by Director Clifford, and unanimously carried by the Board members present, the Board approved the minutes of the October 16, 2018 regular meeting, provided as Exhibit A.**

The next item to come before the Board was to hear and consider a report from Method Architecture regarding a preliminary concept plan for the Amenity Center lot, including a storage building. Director Ubertini introduced the representative from Method Architecture, Ana Malonda, who presented two options for the storage building with a difference in the design and structure of the doors, columns, and windows, to maintain architectural consistency with the existing Amenity Center. Director Ubertini voiced his goal as being to balance the aesthetics and utility of the space. Ms. Malonda received feedback from the HOA and discussed potential changes to the proposed designs. Discussion ensued regarding the budget and timing of the project, along with the committee's enhanced authority and independence going forward. **Upon motion by Director Clifford, seconded by Director Golde, and unanimously carried by the Board**

**members present, the Board approved the authority for the committee, consisting of Directors Ubertini and Bryson, to consult with the HOA and move forward to select a design of the storage building with Method Architecture, consistent with an anticipated budget value of the storage building not to exceed \$200,000.**

The Board members continued their discussion of costs, and Ms. Albright called the Board's attention to its ability to make a final assessment of the budget at the time of the bidding of the project. Ms. Clifford noted that the HOA had not yet consented to allowing the facilities on the lot, as was required in the easement between the District and HOA. **Upon motion by Director Clifford, seconded by Director Golde, and unanimously carried by the Board members present, the Board approved a direction to the committee to procure a signed consent agreement from the HOA to put recreational facilities on the Amenity Center lot.**

The Board next considered the bookkeeper's report, including payment of invoices and coordination on bookkeeping matters. Director Koerner presented this item and directed the Board to the report provided as **Exhibit B**. Director Koerner noted that \$10,000 would be transferred from the Money Market Fund to use for payment of various obligations, including an invoice to the HOA further to the Joint Maintenance Agreement in the amount of \$6,657. Director Koerner explained there was an accounting reason for the capital projects fund continuing to reflect \$92,000 and that the cash status of the account had been provided and would continue to be provided for reference in the Board package. **Upon motion by Director Koerner, seconded by Director Clifford, and unanimously carried by the Board members present, the Board approved the Bookkeeper's Report, transfers, and payment of invoices as detailed in Exhibit B.**

Director Koerner addressed the Board's previous inquiry as to TML investment options. He reported that TML investment options were not available, but that TexPool was an option available for consideration. Director Koerner recommended and the Board agreed to defer investigating CDs to a date after the capital projects were completed.

The Board next took up the engineering report from Murfee Engineering Company. Mr. Lozano and Mr. Parker introduced themselves to the Board and stated they were present in David Malish's place as he had a conflict. Mr. Parker distributed his report, provided as **Exhibit C**, and provided an overview of the District's pending projects. Mr. Parker detailed the status of the Amenity Center improvements, particularly the site permit and the comments subsequently received from the county. The comments included a required sight-line easement for the parking lot. Ms. Albright stated that she would draw up the sight-line easement based on the form provided by Travis County. Director Clifford suggested that the easement be given to the HOA to approve at their next meeting since the area impacted by the sight-line easement was located on HOA property. However, Mr. Lozano estimated that the next steps would take longer than the week between the Board's meeting and the next HOA meeting.

Mr. Parker then updated the Board on the contract documents for the Amenity Center Lot improvement. Drafts of those contracts were provided to the Board, provided as **Exhibit D**. Mr. Parker next addressed the revised schedule that would be created once the contract documents were completed. Once all plans and specs were received from Method Architecture, the revised schedule would be created, the contract documents could be approved by the Board, and the bid

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process could begin. Mr. Parker advised that after two bid advertisements, a pre-bid meeting, bidding date, selection of bidders, and award of bid, construction would begin on the storage building. Mr. Parker estimated that the bid would be awarded in January or February of 2019.

Next, Mr. Parker addressed the culvert repair by TexaScapes and clarification on the use of water. He advised that TexaScapes did use a 500 gallon water wagon in culvert cleaning efforts. According to the president of TexaScapes, Richard Fadal, although a resident of Belvedere offered to provide the water for the water wagon, TexaScapes ultimately purchased with the water from Dripping Springs Water Supply Corporation to provide themselves with the water needed to complete the project.

Director Clifford then requested an update on the remaining culverts on the trail to be cleaned. Director Golde responded that this project was still pending.

The next item to come before the Board was to discuss, consider, and take action on the contract for solid waste disposal with Texas Disposal Systems (TDS). Director Koerner discussed his meeting with TDS concerning potential revisions to contracts and growth in the Belvedere community. He requested a proposal for a new contract from TDS in time for the Board's next meeting. Director Koerner led a discussion on whether to rebid in the future if rates were not acceptable. The Board also discussed negotiation on future rates and whether to employ a third party to do so.

The Board next considered current and proposed facilities owned or maintained by the District, including reimbursements to the HOA under the Joint Maintenance Agreement and landscaping of Amenity Center lot improvements and other facilities. Director Ubertini discussed the administration of the Joint Maintenance Agreement, including shared and nonshared expenses. Director Ubertini stated that the Joint Maintenance Agreement had a Common Area Maintenance category and the District had agreed to share these expenses. He explained that the HOA had included costs for the game fence and well repair in the Common Area Maintenance category and, therefore, had sought to be reimbursed for a portion of those costs. He noted, however, that the Joint Maintenance Agreement expressly excludes costs for game fencing and well repair as costs to be shared. Director Ubertini directed the Board to a document that makes clear what was to be paid for and what was to be excluded, provided as **Exhibit E**. The Board then discussed strategies going forward to provide for maximum clarity in the payment of shared expenses. The Board discussed the possibility of reviewing each statement manually to ensure that the District was paying its share of only the common area maintenance items for which it had agree to pay. The Board then discussed alternative strategies, including having three separate Common Area Maintenance categories (HOA only, District only and shared). Recognizing that this was only the first of what would likely be several areas that would need to be addressed, the Board decided to give the parties more time to live with the Agreement for making any formal amendments thereto.

Regarding landscaping within the District, Director Koerner led a discussion with the Board regarding the landscaping that was already done and all that it entailed, along with the financial implications. **Upon motion by Director Ubertini, seconded by Director Clifford, and unanimously carried by the Board members present, the Board approved amendments to**

**the percentage of the landscape and common area maintenance paid by the District under the Joint Maintenance Agreement, such amendment to be drafted in the future.**

Director Clifford discussed the need for clarity regarding landscaping related to the capital projects and whether the District or the HOA would proceed with the design. Mr. Wiles noted that the HOA had a conceptual plan already, but as yet, there was no decision as to which entity would be responsible for which aspects of the work related thereto. Mr. Blanton proposed that the MUD be responsible for actions related to the site work including walkways, as well as any underground aspects of the landscaping plan. In contrast, Mr. Blanton suggested the landscape plan itself and the implementation of above-ground aspects of that plan (including of the above ground portion of the irrigation and planting) be assigned as the HOA's responsibility. The consensus among the Board members was that the HOA should be responsible for the landscape plan as well as planting and finishing the irrigations system as Mr. Blanton suggested.

Ms. Albright agreed to send the site plan to both the HOA and the committee so the HOA could update the plan for landscaping. The Board discussed appropriate materials for walkways given impervious cover rules and requirements.

Director Golde stated the next item before the Board was to discuss, consider, and take action regarding the conveyance of a bench to the District. Director Clifford explained that, consistent with the requirements specified by the Board at a prior meeting, a bench had been purchased and installed at no cost to the District, and was now to be donated to the District. **Upon motion by Director Bryson, seconded by Director Koerner, and unanimously carried by the remainder of the Board members present and voting, the Board approved the acceptance of the bench and authorized the President to execute the Bill of Transfer. Direct Clifford abstained from the vote as she was the resident donating the bench.**

**There being no further business and upon motion made by Director Koerner, seconded by Director Clifford, and unanimously carried by the Board members present, the meeting adjourned at 8:21 p.m.**

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PASSED, APPROVED AND ADOPTED THIS 18th day of December, 2018.

  
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Kim Clifford, Secretary