

MINUTES
FULSHEAR MUNICIPAL UTILITY DISTRICT NO. 1 OF FORT BEND COUNTY

May 25, 2022

The Board of Directors (the "Board") of Fulshear Municipal Utility District No. 1 of Fort Bend County (the "District") met in regular session, open to the public, on the 25th day of May, 2022, at the offices of Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Houston, Texas, outside the boundaries of the District, with supplemental access for the public provided by telephone conference, and the roll was called of the members of the Board:

Brooks D. Tueting	President
John Verburg	Vice President
Ronald Catchings	Secretary
Eugene R. Baker	Assistant Secretary/ Asst. Vice President
Todd Gnospelius	Assistant Secretary/ Asst. Vice President

and all of the above were present except Director Gnospelius, thus constituting a quorum.

Also present at the meeting were Adam Swonke of Gleannloch Landscaping & Maintenance Company ("Glamco"); Alex Khoshakhlagh of Costello, Inc. ("Costello"); Lynn Kurtz of Myrtle Cruz, Inc. ("MC"); Shammarie Leon of Bob Leared Interests; Bill Sweitzer of Sweitzer & Associates ("S&A"); Dave Cannon of Trend Development, Inc.; and Katie Carner, Jennifer Ramirez, and Melissa Padilla of Allen Boone Humphries Robinson LLP ("ABHR").

COMMENTS FROM THE PUBLIC

The Board reviewed correspondence from a resident requesting the Board consider adding an additional agenda item for public comments to the end of the agenda, a copy of which is attached. After discussion, the Board concurred to add an additional public comments agenda item at the end of the agenda, with the same 5-minute per speaker time limit as the initial public comment period.

MINUTES

The Board considered approving the regular meeting minutes of April 27, 2022. After review and discussion, Director Catchings moved to approve the regular meeting minutes of April 27, 2022, as presented. Director Verburg seconded the motion, which passed unanimously.

DISTRICT WEBSITE MATTERS

The Board requested ABHR coordinate with the District's webmaster on the posting of a hurricane preparedness article to the District's website.

FINANCIAL AND BOOKKEEPING MATTERS

Ms. Kurtz reviewed the bookkeeper's report, a copy of which is attached.

The Board reviewed the District's Travel Reimbursement Guidelines in anticipation of the Association of Water Board Directors summer conference.

Following review and discussion, Director Catchings moved to approve the bookkeeper's report and payment of the bills. Director Verburg seconded the motion, which passed by unanimous vote.

TAX ASSESSMENT AND COLLECTIONS MATTERS

Ms. Leon reviewed the tax assessor/collector's report, a copy of which is attached. She stated that the District's 2021 taxes are 99.2% as of April 30, 2022.

Following review and discussion, Director Tueting moved to approve the tax assessor/collector's report and payment of the tax bills. Director Catchings seconded the motion, which passed by unanimous vote.

ENGINEERING MATTERS

Mr. Khoshakhlagh reviewed the engineer's report, a copy of which is attached.

FULBROOK ON FULSHEAR CREEK, SECTION 7 WATER, SEWER, AND DRAINAGE FACILITIES

Mr. Khoshakhlagh updated the Board on the status of construction of the water, sewer, and drainage facilities to serve Fulbrook on Fulshear Creek, Section 7, as reflected in his report.

FULBROOK ON FULSHEAR CREEK, SECTION 7 PAVING FACILITIES

Mr. Khoshakhlagh updated the Board on the status of construction of the paving facilities to serve Fulbrook on Fulshear Creek, Section 7, as reflected in his report.

FULBROOK ON FULSHEAR CREEK, SECTION 11

Mr. Khoshakhlagh updated the Board on the status of design of the water, sewer, drainage, and paving facilities to serve Fulbrook on Fulshear Creek, Section

11, as reflected in his report. He updated the Board regarding discussions with the City of Fulshear (the "City") regarding access to the proposed water plant site located within the section.

FULBROOK ON FULSHEAR CREEK, SECTION 17 WATER, SEWER, AND DRAINAGE FACILITIES

Mr. Khoshakhlagh updated the Board on the status of construction of the water, sewer, and drainage facilities to serve Fulbrook on Fulshear Creek, Section 17, as reflected in his report.

FULBROOK ON FULSHEAR CREEK, SECTION 17 PAVING FACILITIES

Mr. Khoshakhlagh updated the Board on the status of construction of the paving facilities to serve Fulbrook on Fulshear Creek, Section 17, as reflected in his report.

FULBROOK ON FULSHEAR CREEK, SECTION 18 WATER, SEWER, AND DRAINAGE FACILITIES

Mr. Khoshakhlagh stated that five bids were received for construction of the water, sewer, and drainage facilities to serve Fulbrook on Fulshear Creek, Section 18. He recommended that the Board award the contract to the low bidder, Blazey Construction Services, LLC ("Blazey"), in the amount of \$1,051,908.10. The Board concurred that, in its judgment, Blazey was a responsible bidder who would be most advantageous to the District and would result in the best and most economical completion of the project.

FULBROOK ON FULSHEAR CREEK, SECTION 18 PAVING FACILITIES

Mr. Khoshakhlagh stated that four bids were received for construction of the paving facilities to serve Fulbrook on Fulshear Creek, Section 18. He recommended that the Board award the contract to the low bidder, Briggs Brothers Enterprises Corporation ("Briggs"), in the amount of \$842,746.00. The Board concurred that, in its judgment, Briggs was a responsible bidder who would be most advantageous to the District and would result in the best and most economical completion of the project.

FULBROOK ON FULSHEAR CREEK, SECTION 19 WATER, SEWER, AND DRAINAGE FACILITIES

Mr. Khoshakhlagh stated that five bids were received for construction of the water, sewer, and drainage facilities to serve Fulbrook on Fulshear Creek, Section 19. He recommended that the Board award the contract to the low bidder, Briggs, in the amount of \$1,333,144.00. The Board concurred that, in its judgment,

Briggs was a responsible bidder who would be most advantageous to the District and would result in the best and most economical completion of the project.

FULBROOK ON FULSHEAR CREEK, SECTION 19 PAVING FACILITIES

Mr. Khoshakhlagh stated that five bids were received for construction of the paving facilities to serve Fulbrook on Fulshear Creek, Section 19. He recommended that the Board award the contract to the low bidder, Briggs, in the amount of \$754,699.50. The Board concurred that, in its judgment, Briggs was a responsible bidder who would be most advantageous to the District and would result in the best and most economical completion of the project.

MASS GRADING AND REGIONAL/AMENITY POND

Mr. Khoshakhlagh updated the Board on the status of construction of the mass grading and regional detention/amenity pond. He reviewed and recommended approval of Pay Estimate No. 2 in the amount of \$444,168.90, submitted by Briggs.

DETENTION POND TO SERVE THE COMMERCIAL TRACTS

Mr. Khoshakhlagh updated the Board on the status of construction of the detention pond to serve the commercial tracts, as reflected in his report. He reviewed and recommended approval of Pay Estimate No. 2 in the amount of \$273,348.00 and Change Order No. 1 and Final Quantity Adjustment to increase the contract in the amount of \$35,084.32, submitted by Hurtado Construction Company ("Hurtado"). Mr. Khoshakhlagh stated that Change Order No. 1 is due to Hurtado having to open cut a portion of the construction of the concrete pipe due to field conditions. The Board determined that Change Order No. 1 is beneficial to the District.

PARKSIDE PASSAGE DRIVE RECREATION CENTER

Mr. Khoshakhlagh stated that Costello completed the plans for the water, sewer, drainage, and paving facilities to serve the Parkside Passage Drive Recreation Center and provided the plans to S&A.

OTHER ENGINEERING MATTERS

Mr. Khoshakhlagh stated that Hurtado has begun the rip-rap repairs for the three District outfalls into Fulshear Creek.

Mr. Khoshakhlagh stated that historically the developer has conveyed land to the City at no cost in exchange for a credit of the park fees in the amount of \$450 for each platted lot. He stated that the City has requested that the developer pay

the park fees and continue to convey land for the future sections to the City at no cost, so the City can use the funds to construct an access trail. Mr. Khoshakhlagh stated that the District could incur an additional reimbursement obligation to the developer of approximately \$200,000.00 for the park fees. After discussion, the Board deferred action on this request.

Mr. Khoshakhlagh stated that Costello informed Environmental Allies that the area next to the Recreational Center needs to be reseeded in order to restore the site to its original condition.

Mr. Khoshakhlagh stated that a resident reported an area of erosion behind their residence on Water Oak Crescent. He stated that after investigation, Costello did not find any signs of erosion around the fence. He further noted that there was no indication of damage caused by the trail. Mr. Khoshakhlagh stated that he informed the Fulbrook on Fulshear Creek Homeowners Association so they could notify the resident regarding Costello's findings.

Following review and discussion, and based on the engineer's recommendation, Director Catchings moved to (1) approve the engineer's report; (2) award the contract for construction of water, sewer, and drainage facilities to serve Fulbrook on Fulshear Creek, Section 18 to Blazey in the amount of \$1,051,908.10, subject to approval of the payment and performance bonds and review of the certificate(s) of insurance and endorsements, if any, provided by the contractor; (3) award the contract for construction of paving facilities to serve Fulbrook on Fulshear Creek, Section 18 to Briggs in the amount of \$842,746.00, subject to approval of the payment and performance bonds and review of the certificate(s) of insurance and endorsements, if any, provided by the contractor; (4) award the contract for construction of water, sewer, and drainage facilities to serve Fulbrook on Fulshear Creek, Section 19 to Briggs in the amount of \$1,333,144.00, subject to approval of the payment and performance bonds and review of the certificate(s) of insurance and endorsements, if any, provided by the contractor; (5) award the contract for construction of paving facilities to serve Fulbrook on Fulshear Creek, Section 19 to Briggs in the amount of \$754,699.50, subject to approval of the payment and performance bonds and review of the certificate(s) of insurance and endorsements, if any, provided by the contractor; (6) approve Pay Estimate No. 2 in the amount of \$444,168.90, submitted by Briggs; (7) approve Pay Estimate No. 2 in the amount of \$273,348.00, submitted by Hurtado; and (8) approve Change Order No. 1 and Final Quantity Adjustment to increase the contract in the amount of \$35,084.32, submitted by Hurtado, based on the Board's determination that the Change Order is beneficial to the District. Director Tueting seconded the motion, which passed unanimously.

EROSION REPAIRS

Mr. Khoshakhlagh stated that Costello has solicited bids for the erosion repairs behind Legend Creek Drive and Lake Hill Farm Way, but bids have not been received

yet.

DEEDS AND EASEMENTS, PHASE I ENVIRONMENTAL PROPOSALS, AND CONSENTS TO ENCROACHMENT OF EASEMENTS

The Board reviewed a proposal from Berg Oliver Associates, Inc. in the amount of \$2,950.00 to conduct a phase I environmental assessment for certain reserves within Fulbrook on Fulshear Creek, Sections 6, 10, 15, and 16. After review and discussion, Director Catchings moved to approve the proposal from Berg Oliver Associates, Inc. Director Verburg seconded the motion, which passed by a vote of 3-1, with Director Baker opposed.

UTILITY COMMITMENTS

There was no discussion on this agenda item.

UTILITY CONVEYANCE AND SECURITY AGREEMENTS

The Board considered approving a Utility Conveyance and Security Agreement to convey to the City the water, sewer, and drainage facilities to serve Fulbrook on Fulshear Creek, Section 6 (the "Utility Agreement"). Following review and discussion, Director Catchings moved to approve the Utility Agreement and direct that the Utility Agreement be filed appropriately and retained in the District's official records. Director Baker seconded the motion, which passed unanimously.

PARK PROJECTS

Mr. Sweitzer reviewed the landscape architect's report, a copy of which is attached.

Mr. Sweitzer updated the Board on the status of construction of landscape development to serve Fulbrook on Fulshear Creek, Sections 9, 10, 15, and 16, as reflected in his report.

Mr. Sweitzer updated the Board on the status of construction of the greenway enhancement perimeter walls to serve Fulbrook on Fulshear Creek, Section 15. He reviewed and recommended approval of Pay Estimate No. 3 in the amount of \$42,151.72, submitted by American Wall Systems, Inc. ("AWS"). Mr. Sweitzer also reviewed a Change Order to increase the contract in the amount of \$2,000.00, submitted by AWS. He stated that the Change Order for additional staking required to complete the project. After review of the Change Order, the Board requested that the Change Order be revised for a total increase in the amount of \$1,500.00. The Board also directed Mr. Sweitzer include the cost of staking in all future perimeter wall contracts. The Board determined that Change Order, as revised, is beneficial to the District.

Mr. Sweitzer updated the Board on the status of construction of the greenway enhancement perimeter walls to serve Fulbrook on Fulshear Creek, Section 6, as reflected in his report.

Mr. Sweitzer updated the Board on the status of design of the Parkside Passage Recreation Center.

Mr. Sweitzer updated the Board on the status of the trail head closure and remediation work.

The Board discussed the vineyard property, which is currently owned by the developer.

Mr. Sweitzer stated that he will have a landscape architectural design services task order for the landscape development of Fulbrook on Fulshear Creek, Section 6 for the Board's review at the next regular meeting.

The Board reviewed correspondence regarding an open records request received by the District, a copy of which is attached.

After review and discussion, and based on the landscape architect's recommendation, Director Tueting moved to (1) approve the landscape architect's report; (2) approve Pay Estimate No. 3 in the amount of \$42,151.72, submitted by AWS; and (3) approve the revised Change Order to increase the contract in the amount of \$1,500.00, submitted by AWS, based on the Board's determination that the Change Order is beneficial to the District. Director Catchings seconded the motion, which passed by unanimous vote.

MOWING AND MAINTENANCE OF DISTRICT PROPERTY

Mr. Swonke updated the Board on the status of mowing and maintenance of District property, including previously authorized repairs.

The Board reviewed correspondence and photos from the pool contractor regarding the damage to District property located adjacent to Streamside Trail, a copy of which is attached. Ms. Carner reviewed the previously approved proposal for the repairs, a copy of which is attached. She stated that the pool contractor has agreed to pay for the damaged sidewalk, but not the damaged turf. After review and discussion, the Board concurred that the pool contractor is responsible for all of the required repairs. The Board requested that Ms. Carner contact the pool builder regarding payment of the repair costs.

REPORT ON DEVELOPMENT

Mr. Cannon updated the Board on development in the District.

ATTORNEY'S REPORT

There was no discussion on this item.

CITY MATTERS

There was no discussion on this item.

REVIEW OF MASTER AGREEMENT FOR PROFESSIONAL LANDSCAPE ARCHITECTURE SERVICES WITH S&A

The Board deferred consideration of this agenda item until the next regular meeting.

There being no further business to come before the Board, the meeting was adjourned.




Secretary, Board of Directors

LIST OF ATTACHMENTS TO MINUTES

	Minutes
	<u>Page</u>
Correspondence from resident regarding public comments.....	1
Bookkeeper's report.....	2
Tax assessor/collector's report	2
Engineer's report.....	2
Landscape architect's report.....	6
Correspondence regarding open records request.....	7
Correspondence from the pool contractor	7
Proposal for repair of property located adjacent to Streamside Trail	7