

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

June 28, 2023

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 28th day of June, 2023, 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
William K. White	Assistant Secretary / Asst. Vice President
Todd Gnospelius	Assistant Secretary / Asst. Vice President

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

Also present at the meeting in person or via telephone conference were Richard Tang, resident of the District; Adam Swonke of Gleannloch Landscaping & Maintenance Company ("Glamco"); Alex Khoshakhlagh and Akquan Williams of Costello, Inc. ("Costello"); Bill Sweitzer of Sweitzer & Associates; Marissa Iguess of Myrtle Cruz, Inc.; Shammarae Leon of Bob Leared Interests; Dave Cannon of Trend Development, Inc.; Julie Peak of Masterson Advisors, LLC; and Katie Carner and Shammara Polk of Allen Boone Humphries Robinson LLP ("ABHR").

COMMENTS FROM THE PUBLIC

Mr. Tang addressed the Board regarding erosion behind his residence on Legend Creek Drive. Ms. Carner stated that the erosion issue would be discussed further under agenda item no. 7.

MINUTES

The Board considered approving the minutes of the May 24, 2023, regular meeting. Following review and discussion, Director Catchings moved to approve the minutes of the May 24, 2023, regular meeting, as presented. Director Tueting seconded the motion, which passed unanimously.

DISTRICT WEBSITE MATTERS

Director Catchings discussed updates from the 88th Regular Session of the Texas Legislature related to District websites. Ms. Carner advised that a legislative update would be provided at the next Board meeting.

FINANCIAL AND BOOKKEEPING MATTERS

Ms. Iguess reviewed the bookkeeper's report, a copy of which is attached, including the monthly investment report and budget comparison, and the bills presented for payment from the District's accounts.

Ms. Carner informed the Board that the Texas Legislature increased the maximum water district director fees of office from \$150.00 to \$221.00. She further advised that going forward, the maximum amount will automatically be indexed for inflation. She stated there will be an item on next month's agenda for the Board to determine whether to approve the new rate.

Following review and discussion, Director Catchings moved to approve the bookkeeper's report and payment of the bills. Director White seconded the motion, which passed unanimously.

The Board discussed the Association of Water Board Directors ("AWBD") summer conference, considered reimbursement of eligible expenses, and considered authorizing attendance at the AWBD fall seminar and winter conference.

Ms. Carner discussed the AWBD new Director training that also is held in the fall and requested the Board authorize Director White to attend the training.

Following review and discussion, Director Catchings moved to (1) authorize reimbursement of the eligible expenses submitted for the AWBD summer conference and authorize any interested Board members to attend the AWBD fall seminar and winter conference; and (2) authorize Director White to attend the AWBD new director training in the fall. Director Tuetting seconded the motion, which passed unanimously.

TAX ASSESSMENT AND COLLECTIONS MATTERS

Ms. Leon reviewed the tax assessor/collector's report, a copy of which is attached. She reported that the District's 2022 taxes were 99.2% collected as of May 31, 2023.

The Board considered authorizing the District's delinquent tax attorney, Perdue, Brandon, Fielder, Collins & Mott, LLP, to proceed with the collection of delinquent property taxes.

Following review and discussion, Director Tueting moved to (1) approve the tax assessor/collector's report and payment of the tax bills; and (2) authorize the delinquent tax attorney to proceed with the collection of delinquent 2022 property taxes as of July 1, 2023. Director Catchings seconded the motion, which passed unanimously.

ADOPT RESOLUTION NOMINATING CANDIDATE FOR BOARD OF DIRECTOR ELECTION FOR FORT BEND CENTRAL APPRAISAL DISTRICT

Ms. Carner stated the Board has the opportunity to nominate a candidate for the Fort Bend Central Appraisal District Board for the upcoming election. Following discussion, the Board concurred to take no action on this agenda item.

ENGINEERING MATTERS

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

FULBROOK ON FULSHEAR CREEK, SECTION 11 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 11, as reflected in his report.

FULBROOK ON FULSHEAR CREEK, SECTION 11 PAVING FACILITIES

Mr. Khoshakhlagh updated the Board on the status of construction of the paving facilities to serve Fulbrook on Fulshear Creek, Section 11, as reflected in his report.

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. He stated that the tender agreements (the "Agreements") are complete and that the Notice to Proceed ("NTP") will be issued to Hurtado Construction Company ("Hurtado") accordingly.

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 updated the Board on the status of construction of the water, sewer, and drainage facilities to serve Fulbrook on Fulshear Creek, Section 18, as reflected in his report. He reviewed and recommended approval of Pay Estimate No. 4 in the amount of \$92,159.43, submitted by Blazey Construction Services, LLC ("Blazey").

FULBROOK ON FULSHEAR CREEK, SECTION 18 PAVING FACILITIES

Mr. Khoshakhlagh updated the Board on the status of construction of the paving facilities to serve Fulbrook on Fulshear Creek, Section 18, as reflected in his report.

FULBROOK ON FULSHEAR CREEK, SECTION 19 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 19, as reflected in his report. He stated that the Agreements are complete and that the NTP will be issued to Hurtado accordingly.

FULBROOK ON FULSHEAR CREEK, SECTION 19 PAVING FACILITIES

Mr. Khoshakhlagh updated the Board on the status of construction of the paving facilities to serve Fulbrook on Fulshear Creek, Section 19, as reflected in his report.

MASS GRADING AND REGIONAL DETENTION/AMENITY POND

Mr. Khoshakhlagh updated the Board on the status of construction of the mass grading and regional detention/amenity pond, as reflected in his report. He stated that the Agreements are complete and that the NTP will be issued to Hurtado accordingly. Mr. Khoshakhlagh also reviewed photographs from National Works, Hurtado's sub-contractor, showing silt and debris build up inside the storm sewer system, which had not been protected since Briggs demobilized last fall. A copy of the photographs are included in the engineer's report. He reviewed and presented a proposal from Hurtado in the amount of \$87,863.00 for desilting of the storm sewer system. A copy of the proposal is included in the engineer's report.

EROSION PROTECTION ALONG FULSHEAR CREEK SOUTH BANK

Mr. Khoshakhlagh updated the Board regarding erosion along the south bank of Fulshear Creek. He reviewed and presented an updated probable cost estimate for the proposed work, a copy of which is included in the engineer's report. He noted the work would include the property behind Legend Creek Drive. Discussion ensued.

UPDATE ON PREPARATION OF ROAD BOND ISSUE NO. 6

Ms. Peak discussed the current market conditions and potential options for timing of the next road bond issue. Following discussion, the Board concurred to authorize preparation of the necessary documents for road bond issue no. 6.

OTHER ENGINEERING MATTERS, INCLUDING RESIDENT REQUESTS

Mr. Khoshakhlagh updated the Board regarding the City of Fulshear (the "City") requesting a park land contribution in lieu of park fee credit from Fulshear Land Partners, Ltd. ("FLP"), as reflected in his report. He stated FLP has requested to convey the southern park reserves to the District. Mr. Khoshakhlagh requested the Board authorize Costello to prepare a metes and bounds description for the southern park reserves.

Mr. Khoshakhlagh discussed correspondence received from the City's engineer regarding the Fulshear Trace Turnaround. He stated that the City is inquiring if the District is open to any of the following three options: (1) closing the turnaround completely; (2) flattening the inside of the curb to accommodate large trucks; and (3) adding a truck apron design element that would resemble the roundabout. Following discussion, the Board concurred to move forward with option 1, contingent upon the City sharing 50 percent of the cost in an amount not to exceed \$10,000.00 for each party.

Following review and discussion, and based on the engineer's recommendation, Director Tueting moved to (1) approve the engineer's report; (2) approve Pay Estimate No. 4 in the amount of \$92,159.43, submitted by Blazey; (3) approve the proposal in the amount of \$87,863.00, submitted by Hurtado for repairs to the storm sewer system to be documented in a future change order; (4) authorize Costello to prepare a metes and bounds for the southern park reserves; and (5) approve option 1 for the Fulshear Trace Turnaround for a total cost not to exceed \$20,000, as discussed. Director Catchings seconded the motion, which passed unanimously.

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

The Board reviewed a proposal from Berg Oliver Associates, Inc. ("Berg Oliver")

in the amount of \$2,900.00 to conduct a phase I environmental assessment for Reserve A within Fulbrook on Fulshear Creek, Section 14. Following review and discussion, Director Catchings moved to approve the proposal from Berg Oliver Associates, Inc. and direct that the proposal be filed appropriately and retained in the Districts official records. Director White seconded the motion, which passed unanimously.

UTILITY COMMITMENTS

There was no discussion on this agenda item.

UTILITY CONVEYANCE AND SECURITY AGREEMENTS

Ms. Carner stated ABHR will be sending the Utility Conveyance and Security Agreements for Fulbrook on Fulshear Creek, Sections 18 and 19 as soon as the inspection letters are received.

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 the 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 the landscape development of Fulbrook on Fulshear Creek, Section 6, as reflected in the report. He reviewed and recommended approval of Pay Estimate No. 9 in the amount of \$1,755.00, Earth First Landscapes, LLC ("Earth First").

Mr. Sweitzer updated the Board on the status of the design of the Parkside Passage Recreation Center. Director Tueting inquired about the timeline for the completion of the pool and pavilion. Mr. Sweitzer advised that these projects should be completed in February of 2024.

Mr. Sweitzer updated the Board on the status of design of landscape development and greenway enhancements perimeter walls to serve Fulbrook on Fulshear Creek, Section 7, including the repairs to the damaged portion of the District's greenway enhancements perimeter walls along Southpoint Way and Creekbend Drive.

Mr. Sweitzer updated the Board on the status of the paver repairs at the roundabout on Fulshear Trace. He reviewed and recommended approval of Change Order No. 1 to increase the contract with Conrad Construction Co. LTD ("Conrad") in the amount of \$4,000.00. Mr. Sweitzer stated that Change Order No. 1 is for the replacement of broken pavers. The Board determined that Change Order No. 1 is

beneficial to the District.

Following review and discussion, and based on the landscape architect's recommendation, Director Catchings moved to (1) approve the landscape architect's report; (2) approve Pay Estimate No. 9 in the amount of \$1,755.00, submitted by Earth First; and (3) approve Change Order No. 1 to increase the contract in the amount of \$4,000.00, submitted by Conrad, based on the Board's determination that the Change Order is beneficial to the District. Director Tueting seconded the motion, which passed unanimously.

MOWING AND MAINTENANCE OF DISTRICT PROPERTY

Mr. Swonke updated the Board on mowing and maintenance in the District.

Mr. Swonke reviewed and presented a proposal in the amount of \$1,004.80 for the treatment of certain ants, including leaf cutter ants, along both sides of Fulshear Creek. A copy of the proposal is attached. Discussion ensued.

The Board next reviewed and discussed resident requests.

The Board discussed correspondence previously received in February from a resident on Wild Garden Way requesting the investigation of drainage concerns. Following discussion, the Board directed Glamco to investigate the matter and bring a proposal to the next Board meeting.

The Board discussed correspondence previously reviewed at the March 22, 2023, Board meeting from a resident on South Creek Way requesting treatment of leaf cutter ants. Following discussion, the Board concurred to approve treatment of leaf cutter ants.

The Board reviewed correspondence from a resident on Creekside Court requesting removal of vines on trees, Board meeting minutes be posted to the District website two weeks after each meeting, and treatment of harvester ants. A copy of the correspondence is attached. Mr. Swonke stated he believed his proposal would cover harvester ants. Following discussion, the Board directed Glamco to confirm that the ant treatment will cover harvester ants and directed ABHR to inform the resident of the District's tree and vine policy. The Board noted minutes are posted once approved by the Board at the next meeting.

The Board discussed correspondence previously reviewed at the April 26, 2023, Board meeting from a resident on West Farm Way requesting the District address drainage for the low spot next to the resident's property. Mr. Swonke stated that Glamco is currently onsite and investigating a suspected irrigation leak.

The Board discussed correspondence previously reviewed at the April 26, 2023, Board meeting from a resident on Lake Hill Farm Way requesting the District paint the fence that lines the creek/old trail. Mr. Swonke stated he inspected the area and recommends that the fence be repainted. Following discussion, the Board directed Glamco to bring a proposal for repainting the fence to the next Board meeting.

The Board discussed correspondence previously reviewed at the May 24, 2023, Board meeting from a resident on Spanish Moss Crossing requesting dead trees and grape vines be removed from behind their property. Mr. Swonke stated he recommended that the dead tree be removed. Following discussion, the Board authorized Glamco to remove the dead tree for an amount not to exceed \$2,000.

The Board discussed correspondence previously reviewed at the May 24, 2023, Board meeting from a resident on South Creek Way requesting the removal of vines on trees at the Spanish Moss bridge. Following discussion, the Board authorized Glamco to trim the tree limbs and vines overhanging on the Spanish Moss bridge and to include any necessary costs in the amount not to exceed \$2,000 for the prior item.

The Board discussed correspondence previously reviewed at the May 24, 2023, Board meeting from a resident on Legend Creek Drive requesting repair of a sinkhole behind their residence. Mr. Swonke stated that fencing around the area has not yet been installed.

The Board reviewed correspondence from a resident on Southern Dewberry Court requesting permission to continue to mow the area outside their fence to the tree line. A copy of the correspondence is attached. Mr. Swonke confirmed the area is on the current maintenance schedule for the District. Ms. Carner stated she would notify the resident to cease mowing on the District's property.

The Board discussed correspondence previously reviewed at the May 24, 2023, Board meeting from a resident on Crest View Terrace requesting confirmation of the District's property line as he believes his wrought iron fence was placed within his property line. Ms. Carner informed the Board that Costello's surveyor confirmed that the builder placed the wrought iron fence approximately 12 feet within the resident's property line and that the resident was notified of same. Discussion ensued regarding modifications to District maintenance that will be needed if that resident moves the fence back to the property line.

Director Tueting addressed Mr. Tang regarding the discussion of erosion issues under the engineer's report and confirmed to Mr. Tang that the erosion behind his residence on Legend Creek Drive will be included in the Natural Resource Conservation Service grant application.

The Board reviewed correspondence from a resident on Lakeview Bend regarding another resident directing Glamco to mow to the edge of Huggins Lake rather than to the approved storm sewer pipe and inlet location. A copy of the correspondence is attached. Following discussion, the Board directed ABHR to send a letter to the resident directing them not to interfere with District contractors. The Board also requested that Glamco stake the maintenance boundary to avoid future confusion.

The Board discussed a request from a resident on Watershed Way regarding the removal of dead tree limbs behind their residence. Mr. Swonke stated he looked into the request and his recommendation is to leave the area in its natural state per the District's longstanding policy.

The Board reviewed correspondence from a resident on Spanish Moss Crossing regarding the trimming of tree branches over their property. A copy of the correspondence is attached. Following discussion, the Board directed ABHR to inform the resident of the District's longstanding policy that residents may trim back to the property line.

Following review and discussion, Director Catchings moved to (1) approve the proposal for the treatment of ants in the amount of \$1,004.80, submitted by Glamco; and (2) authorize Glamco to remove a dead tree behind 30707 Spanish Moss Crossing and trim vines and tree limbs overhanging on the Spanish Moss Bridge in a total amount not to exceed \$2,000. Director White seconded the motion, which passed unanimously.

REPORT ON DEVELOPMENT

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

ATTORNEY'S REPORT

Ms. Carner briefly updated the Board regarding the Briggs matter.

CITY OF FULSHEAR MATTERS

There was no discussion on this agenda item.

COMMENTS FROM THE PUBLIC

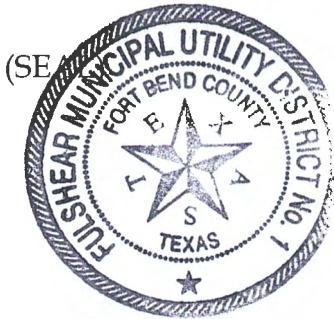
There were no comments from the public.

CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 557.071, TEXAS GOVERNMENT CODE, TO CONDUCT A PRIVATE CONSULTATION WITH ATTORNEY TO DISCUSS PENDING OR CONTEMPLATED LITIGATION, OR A SETTLEMENT OFFER

The Board did not convene in Executive Session.

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


Secretary, Board of Directors



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