

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

June 30, 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 30th day of June, 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 Directors Tueting and Gnospelius, thus constituting a quorum.

Also present at the meeting in person or via telephone conference were: Donald and Jacqui Fryhofer, Elizabeth Maklary, Gary Mausner, Richard Tang, Ed Gelb, and Brock Ryder, residents of the District; Christine Crotwell of Masterson Advisors LLC ("Masterson"); Alex Khoshakhlagh of Costello, Inc. ("Costello"); Marissa Iguess of Myrtle Cruz, Inc. ("MC"); Shammarie Leon of Bob Leared Interests; Bill Sweitzer of Sweitzer & Associates ("S&A"); and Katie Carner and Melissa Padilla of Allen Boone Humphries Robinson LLP ("ABHR").

COMMENTS FROM THE PUBLIC

Ms. Maklary addressed the Board and requested the Board establish a dog park and additional trails with significant shade trees or other shade structures. She stated she believes that the community would benefit from a dog park as many residents in the District have dogs. Ms. Carner stated the issue would be addressed under agenda item 8.

Mr. Mausner addressed the Board regarding erosion behind his house. He stated he believes the swale behind his house was not graded correctly and requested a retaining wall be installed by the District instead. Ms. Carner noted the property had been previously repaired but was subsequently damaged by hogs. Director Verburg offered to visit the property and report his observations to the Board next month.

Mr. Tang addressed the Board regarding damage caused by a downed tree in the District's reserve and erosion in and around the nearby pipeline easement. Mr. Khoshakhlagh stated he would follow up with the pipeline company regarding the status of their repairs to the easement.

Mr. Gelb addressed the Board regarding concerns relating to the maintenance of the District reserve located behind his residence. He stated he had walked the property with Mr. Adam Swonke of GLAMCO and expected Mr. Swonke to present a proposal regarding the improvements he requested. Ms. Carner stated that due to the rescheduling of the meeting, Mr. Swonke was unable to attend. She stated she would follow up with him on this matter.

Mr. Fryhofer addressed the Board regarding concerns relating to weed growth and trash and debris on the property behind his residence. Mr. Fryhofer stated at the time he purchased his home, a Perry Homes representative said that the property would be cleared, sodded, and maintained by the District.

MOWING AND MAINTENANCE OF DISTRICT PROPERTY, INCLUDING RESIDENT REQUESTS

The Board reviewed a proposal from GLAMCO in the amount of \$6,690.00 for the clean-up and removal of debris and brush in Fulbrook on Fulshear Creek Section 9, a copy of which is attached.

Discussion ensued regarding the ownership and maintenance responsibility for the property. Mr. Khoshakhlagh and Ms. Carner stated they would confirm property ownership and maintenance responsibility as requested by the Board. They also stated they would request that the homebuilder remove all debris from the property.

MINUTES

The Board considered approving the regular meeting minutes of May 25, 2022. After review and discussion, Director Catchings moved to approve the regular meeting minutes of May 25, 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 articles relating to water conservation from the City of Fulshear and the North Fort Bend Water Authority to the District's website.

FINANCIAL AND BOOKKEEPING MATTERS

Ms. Igness 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.

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

The Board discussed the Association of Water Board Directors ("AWBD") summer conference, considered reimbursement of eligible expenses, and considered authorizing attendance at the AWBD winter conference. After review and discussion, Director Catchings moved to authorize reimbursement of the eligible expenses submitted for the summer conference and authorize any interested Board members to attend the AWBD winter conference. Director Baker seconded the motion, which passed by unanimous vote.

Ms. Crotwell requested the Board authorize the tax assessor/collector to obtain an estimate of value as of August 1, 2022, in connection with a potential road bond issue. Discussion ensued regarding the current market conditions and potential options for timing of the next road bond issue. Following discussion, the Board concurred to authorize the tax assessor to request on August 1, 2022 estimate of valuation from the Fort Bend Central Appraisal District.

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 99.71% as of June 29, 2022.

Following review and discussion, Director Verburg 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.

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. After discussion, Director Verburg moved that the Board authorize the delinquent tax attorney to proceed with the collection of delinquent 2021 property taxes as of July 1, 2022. 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. He reviewed and recommended approval of Pay Estimate No. 1 in the amount of \$1,132,844.36, submitted by Hurtado Construction ("Hurtado").

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 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.

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.

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/ AMENITY POND

Mr. Khoshakhlagh updated the Board on the status of construction of the mass grading and regional detention/amenity pond. He reviewed Pay Estimate No. 3 in the amount of \$750,018.60, submitted by Briggs. Mr. Khoshakhlagh informed the Board of a Notice of Lien from subcontractor T3 Civil Inc. to Briggs for nonpayment. He stated he recommended holding the payment for Pay Estimate No. 3 until Briggs has provided appropriate releases from its subcontractors.

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.

Director Catchings requested an updated aerial map of the District.

PARKSIDE PASSAGE DRIVE RECREATION CENTER

Mr. Khoshakhlagh updated the Board on the status of the water, sewer, drainage, and paving facilities to serve the Parkside Passage Drive Recreation Center. He stated he has provided the plans to S&A.

OTHER ENGINEERING MATTERS

Mr. Khoshakhlagh stated that Hurtado completed the rip-rap repairs for the three District outfalls into Fulshear Creek. He reviewed and recommended approval of the invoice in the amount of \$3,750.00, submitted by Hurtado.

Following review and discussion, and based on the engineer's recommendation, Director Verburg moved to (1) approve the engineer's report; (2) approve Pay Estimate No. 1 in the amount of \$1,132,844.36, submitted by Hurtado; (3) approve Pay Estimate No. 3 in the amount of \$750,018.60, submitted by Briggs, contingent upon Briggs providing appropriate releases from its subcontractors; and (4) approve the invoice in the amount of \$3,750.00, submitted by Hurtado. Director Catchings seconded the motion, which passed unanimously.

EROSION REPAIRS

Mr. Khoshakhlagh stated that one bid was received for erosion repairs along Fulshear Creek, behind 5423 Lake Hill Farm Way. He recommended that the Board defer awarding the contract. After discussion, the Board deferred action on this request until the July regular meeting.

Mr. Khoshakhlagh stated that one bid was received for erosion repairs along Fulshear Creek, behind 4811 Legend Creek Drive and 5307 Lake Hill Farm Way. He recommended that the Board defer awarding the contract. After discussion, the Board deferred action on this request until the July regular meeting.

Mr. Khoshakhlagh stated that the new homeowner at 5419 Lake Hill Farm Way is not interested in providing access for erosion repairs behind his residence. The Board requested that Costello continue to monitor the area.

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

The Board considered accepting a Special Warranty Deed from Fulshear Land Partners, Ltd. to the District for the Fulbrook on Fulshear Creek, Sections 6, 10, 15, and 16 Reserves plus Detention Tract (the "Deed"). After review and discussion, Director Catchings moved to accept the Deed and direct that the Deed be filed appropriately and retained in the District's official records. Director Verburg seconded the motion, which passed unanimously.

UTILITY COMMITMENTS

There was no discussion on this agenda item.

UTILITY CONVEYANCE AND SECURITY AGREEMENTS

There was no discussion on this agenda item.

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. He reviewed and recommended approval of Pay Estimate No. 1 in the amount of \$84,263.17, submitted by Platinum Grass Services, Ltd. ("PGS"). Mr. Sweitzer reviewed and recommended approval of Change Order in the amount of \$26,000.00 as an increase to the contract with PGS. The Board determined that the Change Order, 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 15. He stated the previously approved Change Order in the amount of \$1,500.00 was revised to a final amount of \$1,338.00. The Board determined that Change Order, as revised, is beneficial to the District.

Mr. Sweitzer presented a proposal for landscape architectural design services for the landscape development of Fulbrook on Fulshear Creek, Section 6 for the Board's review.

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. He reviewed and recommended approval of Pay Estimate No. 1 in the amount of \$12,121.16, and Pay Estimate No. 2, in the amount of \$14,241.06, submitted by American Wall Systems, Inc. ("AWS").

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

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

The Board discussed the request for a dog park within the District. Mr. Sweitzer stated there may be a potential location in Fulbrook on Fulshear Creek, Section 19, and requested that the Board defer discussion until 2023 when landscape development for that section will begin.

After review and discussion, and based on the landscape architect's recommendation, Director Verburg moved to (1) approve the landscape architect's report; (2) approve Pay Estimate No. 1 in the amount of \$84,263.17, submitted by PGS; (3) approve a Change Order in the amount of \$26,000.00 as an increase to the contract for the landscape development to serve Fulbrook on Fulshear Creek sections 9, 10, 15, and 16, based on the Board's finding that the Change Order is beneficial to the District; (4) approve a Change Order in the revised amount of \$1,338.00 in lieu of the previously approved Change Order in the amount of \$1,500.00, as an increase in the contract for the greenway enhancement perimeter walls to serve Fulbrook on Fulshear Creek, Section 15, based on the Board's finding that the Change Order is beneficial to the District; (5) approve the proposal for landscape architectural design services for the landscape development of Fulbrook on Fulshear Creek, Section 6; and (6) approve Pay Estimate Nos. 1 and 2 in the amounts of \$12,121.16, and \$14,241.06, respectively, submitted by AWS. Director Catchings seconded the motion, which passed by unanimous vote.

MOWING AND MAINTENANCE OF DISTRICT PROPERTY

The Board reviewed a report on the status of mowing and maintenance of District property, including previously authorized repairs.

The Board reviewed a proposal in the amount of \$1,786.13 for the installation of turf and temporary irrigation behind Nodding Thistle Trail, a copy of which is attached. The Board deferred action on this item until the fall.

REPORT ON DEVELOPMENT

There was no discussion on this item.

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.



A handwritten signature in blue ink, appearing to read "Kendall Clark", written over a horizontal line.

Secretary, Board of Directors

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