

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

October 25, 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 25th day of October, 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, thus constituting a quorum.

Also present at the meeting in person or via teleconference were Don and Jacqui Fryhofer, Nico and Zelda Jansen Van Rensburg, and Brittany Brown residents of the District; Alex Khoshakhlagh of Costello, Inc. ("Costello"); Bill Sweitzer of Sweitzer & Associates; Marissa Iguess of Myrtle Cruz, Inc. ("MC"); Shammarie Leon of Bob Leared Interests ("BLI"); Dave Cannon of Trend Development, Inc.; Christine Crowell of Masterson Advisors LLC; Jennifer Vossler of Gibson Swedlund Barfoot PLLC; Adam Swonke of Gleannloch Landscaping & Maintenance Company ("Glamco"); and Katie Carner and Shammarie Polk of Allen Boone Humphries Robinson LLP ("ABHR").

COMMENTS FROM THE PUBLIC

Mr. Jansen Van Rensburg addressed the Board regarding concerns on the lack of landscape maintenance in Fulbrook on Fulshear, Section 9 on the east side of Huggins lake.

Mr. Fryhofer addressed the Board regarding correspondence sent and concerns previously discussed at the September 27, 2023, and other prior Board meetings regarding landscape maintenance behind Fulbrook on Fulshear Creek, Section 9. A copy of the correspondence is attached.

MINUTES

The Board considered approving the minutes of the September 27, 2023, regular meeting. Following review and discussion, Director Catchings moved to approve the

minutes of the September 27, 2023, regular meeting, as presented. Director Gnospelius seconded the motion, which passed unanimously.

#### DISTRICT WEBSITE MATTERS

There was no discussion regarding this agenda item.

#### APPROVE DEVELOPER REIMBURSEMENT REPORT FOR SERIES 2023 UNLIMITED TAX ROAD BONDS ("SERIES 2023 ROAD BONDS") AND AUTHORIZE DISBURSEMENT OF BOND PROCEEDS

Ms. Vossler reviewed a draft developer reimbursement report reflecting the amounts to be disbursed from the proceeds of the District's Series 2023 Road Bonds.

Following review and discussion, Director Catchings moved to approve the developer reimbursement report, subject to final review, and authorize the disbursement of the amounts shown in the final reimbursement report. Director White seconded the motion, which passed unanimously.

#### 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.

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 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 99.92% collected as of September 30, 2023.

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

Ms. Leon inquired if the Board would like BLI to obtain an aerial photograph of the District. Following discussion, the Board concurred an aerial photograph of the District is not needed at this time.

#### 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, INCLUDING LIFT STATION NO. 10

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.

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 work on the realignment of the outfall has begun, and that the Fort Bend County Drainage District is requiring Hurtado Construction Company to apply for a permit. He stated this is expected to be on the agenda for the November 7, 2023, Fort Bend County Commissioners Court meeting.

EROSION PROTECTION ALONG FULSHEAR CREEK SOUTH BANK

Mr. Khoshakhlagh updated the Board regarding bank erosion along Fulshear Creek, as reflected in his report.

REQUEST FROM CITY OF FULSHEAR (THE "CITY") FOR JAMES LANE WATER LINE EXTENSION

Mr. Khoshakhlagh informed the Board that the City advised they are having water pressure issues in Fulbrook on Fulshear Creek, Section 3, and are recommending construction of a water line along James Lane to connect to the existing line on FM 1093 as a secondary source. He stated the City requested that the District oversee construction and contribute to the cost of this project. Mr. Khoshakhlagh stated that the overall cost for engineering and construction is approximately \$266,000.00 and that the City has agreed to cover approximately \$81,000.00. Following discussion, the Board requested ABHR and Costello to draft

correspondence to the City stating that the District is willing to move forward with the James Lane water line extension project immediately if the City is willing to fund 100 percent of the project. If not, the District is willing to contribute up to \$81,000.00 if the City agrees to an alternate and mutually agreeable location for the water plant site than the City's proposed location in the northeast portion of the District. Ms. Carner stated she would draft the correspondence and send it to the Board for review.

#### PROPOSAL FROM HDR FOR IDENTIFICATION OF WETLANDS BOUNDARY IN FULBROOK ON FULSHEAR CREEK, SECTION 8

Mr. Khoshakhlagh informed the Board that for HDR to identify the wetland boundary in Fulbrook Fulshear Creek, Section 8 it would cost approximately \$25,000.00. He stated the process is broken down into two parts: (1) site reconnaissance, and pin flagging the wetland boundary and in-house investigation in an amount not to exceed \$13,000.00; and (2) report preparation and submittal to Corp of Engineers to obtain jurisdictional determination in an amount not to exceed \$12,000.00. Following discussion, the Board requested Costello bring a formal proposal from HDR to the next Board meeting for consideration.

#### OTHER ENGINEERING MATTERS, INCLUDING RESIDENT REQUESTS

Mr. Khoshakhlagh discussed correspondence from a resident on Wild Garden Way regarding erosion concerns behind their residence. A copy of the correspondence is attached. He stated that there are no signs of erosion, but re-grading of the swale is needed. Ms. Brown addressed the Board regarding concerns of erosion in her yard, as reflected in the correspondence. The Board informed Ms. Brown that Glamco will investigate the matter further and bring a proposal to the next Board meeting, if necessary.

Following review and discussion, and based on the engineer's recommendation, Director Verburg moved to (1) approve the engineer's report; and (2) authorize ABHR and Costello prepare correspondence to the City regarding the James Lane water line extension project, as discussed. Director Catchings seconded the motion, which passed unanimously.

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

There was no discussion on this agenda item.

#### UTILITY COMMITMENTS

There was no discussion on this agenda item.

## UTILITY CONVEYANCE AND SECURITY AGREEMENTS

Ms. Carner provided an updated on the City's acceptance of the water, sewer, and drainage facilities and paving for Fulbrook on Fulshear Creek, Section 17.

## 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 design of the Parkside Passage Recreation Center, as reflected in his report.

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, as reflected in his report.

Director Verburg informed the Board of graffiti removal needed at the park near the roundabout on Fulshear Trace. Following discussion, the Board requested ABHR notify the Fulbrook on Fulshear Creek Homeowner's Association and request that they handle the graffiti removal.

## MOWING AND MAINTENANCE OF DISTRICT PROPERTY

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

The Board reviewed and discussed pending resident requests.

The Board discussed correspondence previously received in February from a resident on Wild Garden Way requesting the investigation of drainage concerns. Mr. Swonke reviewed and presented a proposal in the amount of \$7,638.00 to re-grade 804 linear feet of swale. A copy of the proposal is attached. Mr. Swonke noted this is separate from the concerns raised by Ms. Brown, which he will investigate before the next meeting.

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 the fence has been painted.

The Board discussed correspondence previously reviewed at the August 23, 2023, Board meeting from a resident on West Farm Way regarding a possible irrigation leak near the border of their yard and requesting the removal of a dead tree behind their

residence. Mr. Swonke stated the bleeder swale will be cut in approximately the next two weeks.

The Board discussed correspondence previously reviewed at the August 23, 2023, Board meeting from a resident on Spanish Moss Crossing requesting the removal of poison oak from behind their residence that has grown into their pecan tree in their yard. Mr. Swonke stated the poison oak will be removed before the next Board meeting.

The Board discussed correspondence previously reviewed at the September 27, 2023, Board meeting from a resident on Southpoint Way requesting additional landscape maintenance. Ms. Carner reminded the Board that at the last Board meeting the Board requested that the resident obtain signatures from all residents who back up to the affected area and, once received, the Board would consider a proposal for quarterly maintenance. Ms. Carner informed the Board that the resident did provide signatures from all impacted homeowners in support of additional maintenance. Mr. Swonke stated that quarterly maintenance of the area would be for an amount of \$750.00 per quarter.

The Board discussed correspondence previously reviewed at the September 27, 2023, Board meeting from a resident on Founders Pecan Street requesting permission to access their backyard through District property for pool construction. Ms. Carner informed the Board that the resident stated they could not wait for the Board meeting and they utilized front access for the pool contractor.

The Board reviewed correspondence from a resident on Founders Pecan Street regarding the clearing of overgrowth along their fence line. A copy of the correspondence is attached. Following discussion, the Board requested Glamco investigate the matter further and bring a proposal to the next Board meeting, if necessary.

The Board reviewed correspondence from a resident requesting the clearing of fallen limbs and trees in greenbelt on Sunny Meadows in Fulbrook on Fulshear Creek, Section 13. A copy of the correspondence is attached. Following discussion, the Board requested Glamco to perform standard maintenance in the area.

The Board reviewed correspondence from a resident on Wild Garden Way requesting permission to access their backyard through District property for pool Construction. A copy of the correspondence is attached. Ms. Carner stated that the resident rescinded their request as they obtained permission from their neighbor to access their yard.

The Board reviewed correspondence of a resident on Farm Hill Way regarding a Texas Public Information Act ("TPIA") Request regarding landscape maintenance matters. The correspondence also stated that they did not agree with comments they received regarding maintenance near their residence from a neighbor. A copy of the



correspondence is attached. Ms. Carner stated that ABHR provided a copy of Glamco's agreement with the District in response to the TPIA request.

The Board discussed correspondence previously reviewed at the April 26, 2023, Board meeting from a resident on Creekside Court regarding the cutting of vines on trees along the trail adjacent to their backyard. Director Verburg stated the resident recently reached out to him again, and he took a look at the area and the vines do appear to be unusually thick in that area. Following discussion, the Board requested Glamco to investigate the matter further and bring a proposal to the next Board meeting, if necessary.

Following review and discussion, Director Catchings moved to (1) approve the proposal to re-grade 804 linear feet of swale on Wild Garden Way in the amount of \$7,638.00, submitted by Glamco; and (2) approve quarterly maintenance on Southpoint Way in the amount of \$750.00 per quarter. Director White seconded the motion, which passed unanimously.

#### REPORT ON DEVELOPMENT

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

#### ATTORNEY'S REPORT

##### RESOLUTION ESTABLISHING POLICIES AND PROCEDURES FOR REQUESTS FOR RIGHT OF ENTRY ONTO DISTRICT PROPERTY

Ms. Carner informed the Board that she is still working on the Resolution Establishing policies and Procedures for requests for Right of Entry onto District Property (the "Resolution") and will present it to the Board at the next Board meeting.

#### CITY OF FULSHEAR MATTERS

There was no discussion on this agenda item.

#### DISCUSS MEETING SCHEDULE

The Board discussed the regular meeting schedule and concurred to reschedule the next regular Board meeting for December 13, 2023, at 12:00 p.m. in the District.

#### FINANCIAL AND BOOKKEEPING MATTERS CONT'D

Ms. Igness inquired if the Board would like MC to prepare checks to the City and the North Fort Bend Water Authority ("NFBWA") for the District's water bills so as not to incur late fees as the Board will not meet again until December.

Following review and discussion, Director Tueting moved to authorize MC to prepare checks to the City and the NFBWA for the District's November water bills, as discussed. Director Verburg seconded the motion, which passed unanimously.

COMMENTS FROM THE PUBLIC CONT'D

Mr. Fryhofer addressed the Board regarding their request for a copy of the developer's plans for common grounds along the East and West sides of Huggins Lake with the plans for the storm sewer drainage lines redacted. Ms. Carner informed Mr. Fryhofer that all previous requests have been responded to and that the new request received this week will be responded to according to TPIA rules and regulations.

Mr. Fryhofer addressed the Board requesting evidence that the west side of Huggins Lake has wetlands. The Board requested Costello obtain a proposal from HDR to confirm the wetlands boundary in Fulbrook on Fulshear Creek, Sections 8.

Mr. Jansen Van Rensburg addressed the Board regarding construction debris behind his residence on Farm Hill Way. The Board requested Costello contact Perry Homes and request they clean up any construction debris behind Mr. Jansen Van Rensburg's residence.

Ms. Jansen Van Rensburg addressed the Board regarding landscape maintenance behind Fulbrook on Fulshear Creek, Section 9. The Board informed Ms. Jansen Van Rensburg that the District will investigate the matter further.

Ms. Brown addressed the Board regarding landscape maintenance behind Fulbrook on Fulshear Creek, Section 8.

Ms. Fryhofer addressed the Board regarding landscape maintenance behind Fulbrook on Fulshear Creek, Section 9. She stated that Glamco is not mowing to the stakes as intended. The Board requested that Glamco ensure that mowing is done up to the stakes. Mr. Swonke stated that he has informed his crew to mow to the stakes.

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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