

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

November 29, 2022

The Board of Directors (the "Board") of Fulshear Municipal Utility District No. 1 of Fort Bend County (the "District") met in special session, open to the public, on the 29th day of November, 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 Verburg and Gnospelius, thus constituting a quorum.

Also present at the meeting in person or via telephone conference were Marty Whitt, resident of the District; Julie Peak of Masterson Advisors LLC; Alex Khoshakhlagh of Costello, Inc. ("Costello"); Dave Cannon of Trend Development, Inc.; and Katie Carner and Jennifer Ramirez of Allen Boone Humphries Robinson LLP ("ABHR").

COMMENTS FROM THE PUBLIC

There were no comments from the public.

ENGINEERING MATTERS

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

FULBROOK ON FULSHEAR CREEK, SECTION 11

There was no discussion on this agenda item.

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 reported that Briggs Brothers Enterprises Corporation ("Briggs") stopped work on November 4, 2022 and demobilized on

November 7, 2022. Mr. Khoshakhlagh stated that Costello recommends the Board authorize ABHR to issue a notice of default to Briggs and, if needed, to call on Brigg's bonds to complete the remainder of the utility work and resolve the outstanding subcontractor claims. He stated that Hurtado Construction Company ("Hurtado") is willing to complete the work if Briggs is unable to complete the project.

Ms. Carner discussed the required notice of default and 10-day cure period.

Ms. Carner stated that ABHR recommends that the Board consider engaging Porter Hedges LLP for construction litigation legal services. After discussion, the Board concurred to consider engaging Porter Hedges LLP at next regular meeting.

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. He reviewed and recommended approval of Pay Estimate No. 2 in the amount of \$508,054.58, submitted by A&M Contractors ("A&M").

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. He noted that Briggs has demobilized, as discussed above, and recommended the Board terminate the contract for cause and authorize Costello to re-advertise the project.

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 Briggs stopped work on November 4, 2022, and demobilized on November 7, 2022. Mr. Khoshakhlagh stated that Costello recommends the Board authorize ABHR to issue a notice of default to Briggs and, if needed, to call on Brigg's bonds to complete the remainder of the

utility work and resolve the outstanding subcontractor claims. He stated that Hurtado is willing to complete the work if Briggs is unable to complete the project.

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. He noted that Briggs has demobilized, as discussed above, and recommended that the Board terminate the contract for cause and authorize Costello to re-advertise the project.

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 Briggs stopped work on November 4, 2022, and demobilized on November 7, 2022. Mr. Khoshakhlagh stated that Costello recommends the Board authorize ABHR to issue a notice of default to Briggs and, if needed, to call on Brigg's bonds to be able to complete the remainder of the work and resolve the outstanding subcontractor claims. He stated that Hurtado is willing to complete the work if Briggs is unable to complete the project.

EROSION REPAIRS

Mr. Khoshakhlagh reminded the Board that Briggs informed Costello that they will not be completing the erosion repairs along Fulshear Creek, behind 4811 Legend Creek Drive and 5307 Lake Hill Farm Way. He stated that Hurtado is willing to complete the repairs for the same contract price as Briggs' original contract bid, plus \$20,000 for mobilization and bonds. Mr. Khoshakhlagh recommended that the Board terminate the contract with Briggs for cause and approve the bid from Hurtado and award the contract to Hurtado to complete the project. The Board concurred that, in its judgment, Hurtado 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.

Mr. Khoshakhlagh reminded the Board that Briggs informed Costello that they will not be completing the erosion repairs along Fulshear Creek behind 5423 Lake Hill Farm Way. He stated that Hurtado is willing to complete the repairs for the same contract price as Briggs' original contract bid, plus \$9,000 for mobilization and bonds. Mr. Khoshakhlagh recommended that the Board terminate the contract with Briggs for cause and approve the bid from Hurtado to complete the project. The Board concurred that, in its judgment, Hurtado 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.

OTHER ENGINEERING MATTERS

Mr. Khoshakhlagh stated that Costello provided ABHR with an updated District map.

Mr. Khoshakhlagh reported on a meeting with the Fort Bend County Drainage District regarding maintenance of Fulshear Creek.

Following review and discussion, and based on the engineer's recommendation, Director Catchings moved to (1) approve the engineer's report; (2) authorize a Notice of Default to the contractor and bonding company for the water, sewer, and drainage facilities to serve Fulbrook on Fulshear Creek, Section 17 project; (3) approve Pay Estimate No. 2 in the amount of \$508,054.58, submitted by A&M; (4) terminate the contract with Briggs for the paving facilities to serve Fulbrook on Fulshear Creek, Section 18 for cause and authorize Costello to re-advertise the project; (5) authorize a Notice of Default to the contractor and bonding company for the water, sewer, and drainage facilities to serve Fulbrook on Fulshear Creek, Section 19 project; (6) terminate the contract with Briggs for the paving facilities to serve Fulbrook on Fulshear Creek, Section 19 for cause and authorize Costello to re-advertise the project; (7) authorize a Notice of Default to the contractor and bonding company for the mass grading and regional detention/amenity pond project; (8) terminate the contract with Briggs for the erosion repairs along Fulshear Creek, behind 4811 Legend Creek Drive and 5307 Lake Hill Farm Way for cause and approve the bid from Hurtado to complete the project, subject to approval of payment and performance bonds and review of the certificate of insurance and endorsements, if any, provided by the contractor; and (9) terminate the contract with Briggs for the erosion repairs along Fulshear Creek behind 5423 Lake Hill Farm Way for cause and approve the bid from Hurtado to complete the project, subject to approval of payment and performance bonds and review of the certificate of insurance and endorsements, if any, provided by the contractor. Director Tueting seconded the motion, which passed unanimously.

UTILITY CONVEYANCE AND SECURITY AGREEMENTS

The Board considered approving a Utility Conveyance and Security Agreement to convey to the City of Fulshear the water, sewer, and drainage facilities to serve Fulbrook on Fulshear Creek, Section 7. Following review and discussion, Director Catchings moved to approve the Utility Conveyance and Security Agreement and direct that it be filed appropriately and retained in the District's official records. Director Tueting seconded the motion, which passed unanimously.

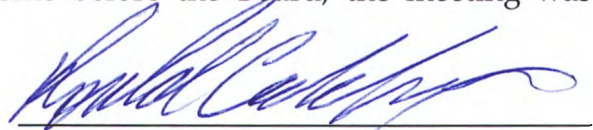
MOWING AND MAINTENANCE OF DISTRICT PROPERTY

The Board reviewed a proposal in the amount of \$1,380.00 for quarterly mowing of District's property in Fulbrook on Fulshear Creek, Section 13, submitted by Gleannloch Landscaping & Maintenance Company ("Glamco"). Ms. Carner noted that Glamco also included a price for quarterly mowing of the District's property in Fulbrook on Fulshear Creek, Section 12 in the amount of \$1,125.00. After review and discussion, the Board deferred discussion on the proposal until the next regular meeting.

PUBLIC COMMENTS (CONT'D)

Mr. Whitt stated he supports the landscape maintenance proposals discussed by the Board.

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



Secretary, Board of Directors

(SEAL)



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