

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

December 8, 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 8<sup>th</sup> day of December, 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 in person or via telephone conference were Kerry Mollere and Marty Whitt, residents of the District; Adam Swonke of Gleannloch Landscaping & Maintenance Company ("Glamco"); Alex Khoshakhlagh and Akquan Williams of Costello, Inc. ("Costello"); Marissa Iguess of Myrtle Cruz, Inc. ("MCI"); Shammarie Leon of Bob Leared Interests ("BLI"); Bill Sweitzer of Sweitzer & Associates ("S&A"); Dave Cannon of Trend Development, Inc.; and Katie Carner, Alex Manautou, Jennifer Ramirez, and Tenille Dennis of Allen Boone Humphries Robinson LLP ("ABHR").

COMMENTS FROM THE PUBLIC

Mr. Mollere requested an update on the erosion repairs behind Lake Hill Farm Way. Mr. Khoshakhlagh stated that the project was delayed due to issues with the contractor. Ms. Carner stated that the erosion repairs would be discussed further under agenda item no. 8.

MINUTES

The Board considered approving the regular meeting minutes of October 26, 2022. After review and discussion, Director Catchings moved to approve the regular meeting minutes of October 26, 2022, as presented. Director Tueting seconded the motion, which passed unanimously.

## DISTRICT WEBSITE MATTERS

The Board concurred to add a banner to the homepage with information on obtaining or paying a tax statement from BLI.

## TRAVEL REIMBURSEMENT GUIDELINES AND DIRECTOR EXPENSES FOR THE ASSOCIATION OF WATER BOARD DIRECTORS ("AWBD") WINTER CONFERENCE

Ms. Igness noted no directors have registered to attend the winter AWBD conference.

## 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.

The Board discussed the Series 2022A Road Bonds and request MCI provide a breakdown of the costs associated with the bond issuance expense line item at the next regular meeting.

Following review and discussion, Director Verburg moved to approve the bookkeeper's report and payment of the bills. Director Catchings 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 reported that the District's 2022 taxes are 4.1% collected as of November 30, 2022.

The Board inquired about the agricultural deferment for 2022 listed on page 7 of the report. Ms. Leon stated she would investigate the account and provide additional information at the next regular meeting.

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.

## APPROVE ENGAGEMENT LETTER WITH PORTER HEDGES LLP FOR LEGAL SERVICES

The Board considered approving an engagement letter with Porter Hedges LLP for construction litigation legal services. The Board requested certain revisions to the allowable fees and expenses.

After review and discussion, Director Catchings moved to approve the engagement letter with Porter Hedges LLP, revised as discussed, and direct that it be filed appropriately and retained in the District's official records. Director Tueting seconded the motion, which passed by a vote of 3-0 with Director Verburg abstaining.

ENGINEERING MATTERS

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

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 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. He reviewed and recommended approval of a proposal from Hurtado Construction Company ("Hurtado") to complete the remainder of the project, if needed, a copy of which is attached to the engineer's report. Discussion ensued regarding Briggs' demobilization and issuance of notice of default.

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 stated that 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 Hurtado Construction

Company ("Hurtado"), in the amount of \$812,221.94. 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.

#### 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. He reviewed and recommended approval of a proposal from Hurtado to complete the remainder of the project, if needed, a copy of which is attached to the engineer's report.

#### FULBROOK ON FULSHEAR CREEK, SECTION 19 PAVING FACILITIES

Mr. Khoshakhlagh stated that 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 second low bidder, Hurtado, in the amount of \$754,083.92, based on Costello's review of the first and second low bidder's qualifications and prior work experience in the District. Mr. Khoshakhlagh noted that lot grading was not included in the original bid tabulation, but Hurtado agreed to submit a \$0 Change Order to complete the lot grading.

The Board then 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.

#### DRAINAGE STUDY

There was no discussion on this agenda item.

#### 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. He reviewed and recommended approval of a proposal from Hurtado to complete the remainder of the project, if needed, a copy of which is attached to the engineer's report.

#### EROSION REPAIRS BEHIND 4811 LEGEND CREEK DRIVE AND 5307 LAKE HILL FARM WAY

Mr. Khoshakhlagh updated the Board on the status of the erosion repairs along Fulshear Creek behind 4811 Legend Creek Drive and 5307 Lake Hill Farm

Way, as reflected in his report.

#### EROSION REPAIRS BEHIND 5423 LAKE HILL FARM WAY

Mr. Khoshakhlagh updated the Board on the status of the erosion repairs along Fulshear Creek behind 5423 Lake Hill Farm Way, as reflected in his report.

#### OTHER ENGINEERING MATTERS

There were no other engineering matters.

Following review and discussion, and based on the engineer's recommendation, Director Catchings moved to (1) approve the engineer's report; (2) approve the proposal from Hurtado to complete the remainder of the construction of the water, sewer, and drainage facilities to serve Fulbrook on Fulshear Creek, Section 17, if necessary; (3) award the contract for construction of the paving facilities to serve Fulbrook on Fulshear Creek, Section 18 to Hurtado in the amount of \$812,221.94, 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) approve the proposal from Hurtado to complete the remainder of the construction of the water, sewer, and drainage facilities to serve Fulbrook on Fulshear Creek, Section 19, if necessary; (5) award the contract for construction of the paving facilities to serve Fulbrook on Fulshear Creek, Section 19 to Hurtado in the amount of \$754,083.92, subject to receipt of the \$0 Change Order and approval of the payment and performance bonds and review of the certificate(s) of insurance and endorsements, if any, provided by the contractor; and (6) approve the proposal from Hurtado to complete the remainder of the construction of the mass grading and regional detention/amenity pond, if necessary. Director Tuetting seconded the motion, which passed by a vote of 3-0 with Director Verburg abstaining.

#### 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

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 reported that there are continuing delays related to the payment for and installation of taps.

Mr. Sweitzer updated the Board on the status of the landscape development of Fulbrook on Fulshear Creek, Section 6. He reviewed and recommended approval of Pay Estimate Nos. 2 and 3 in the amounts of \$61,179.75 and \$21,349.29, respectively, and Change Order No. 2 to increase the contract in the amount of \$1,297.80, submitted by Earth First Landscapes, LLC ("Earth First"). Mr. Sweitzer stated that Change Order No. 2 is for fence staining. The Board determined that Change Order No. 2 is beneficial to the District.

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

Mr. Sweitzer reported that the District received three bids for the paver repairs at the roundabout on Fulshear Trace, which S&A is reviewing.

Mr. Sweitzer reported that the inspection of the damage to the District's greenway enhancements perimeter walls is complete and the only issues found were located along Southpoint Way and Creekbend Drive. He stated that S&A is soliciting three proposals for the repairs.

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.

After review and discussion, and based on the landscape architect's recommendation, Director Catchings moved to (1) approve the landscape architect's report; and (2) approve Pay Estimate Nos. 2 and 3 in the amounts of \$61,179.75 and \$21,349.29, respectively, to Earth First and Change Order No. 2 to increase the contract in the amount of \$1,297.80, submitted by Earth First, based on the Board's determination that the Change Order is beneficial to the District. Director Tueting seconded the motion, which passed by unanimous vote.

#### MOWING AND MAINTENANCE OF DISTRICT PROPERTY

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

The Board discussed the previously presented proposals in the total amount of \$2,505.00 for quarterly mowing of District's property in Fulbrook on Fulshear Creek, Sections 12 and 13. After review and discussion, Director Tueting moved to approve the

proposals in the total amount of \$2,505.00. Director Catchings seconded the motion, which passed unanimously.

The Board reviewed correspondence from a resident regarding maintenance of the District's property behind Bent Tree Drive, adjacent to Fulbrook on Fulshear Creek, Section 13, a copy of which is attached. Mr. Swonke said that Glamco would take care of the referenced area.

The Board reviewed correspondence from a resident requesting the installation of a fountain, a copy of which is attached. The Board discussed the water clarity issues in the referenced detention pond. The Board requested that S&A and Costello to look into options to assist with minimizing the silt and sediment from the runoff related to the FM 1093 construction and improve the water clarity.

The Board reviewed correspondence from a resident regarding maintenance of the District's property in Fulbrook on Fulshear Creek, Section 9, a copy of which is attached. After discussion, the Board directed Costello to have the filter fabric removed.

The Board inquired about the status of the repair and replacement of sod along the fence line behind Lodge Lake Drive, as previously authorized by the Board. Mr. Swonke noted that the work was on hold due to ongoing hog activity and weather constraints. He stated that he recommends completing the work in the spring.

#### REPORT ON DEVELOPMENT

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

#### ATTORNEY'S REPORT

##### REVIEW AND UPDATE EMINENT DOMAIN REPORT TO THE TEXAS COMPTROLLER

Ms. Carner stated ABHR filed the District's 2022 eminent domain report, as required, with the Texas Comptroller and noted the District did not exercise its eminent domain authority in 2022.

#### CITY MATTERS

There was no discussion on this item.

## 2023 DIRECTORS ELECTION

### ADOPT RESOLUTION DESIGNATING AN AGENT OF THE SECRETARY OF THE BOARD OF DIRECTORS DURING THE 2023 BOARD OF DIRECTORS ELECTION PERIOD

Ms. Carner discussed procedures related to the 2023 Directors Election. She reviewed a Resolution Designating an Agent of the Secretary of the Board of Directors During the 2023 Directors Election Period.

### AUTHORIZE NOTICE OF DEADLINE TO FILE APPLICATIONS FOR PLACE ON THE BALLOT

Ms. Carner reported on requirements to file a Notice of Deadline to File Applications for Place on the Ballot for the 2023 Directors Election.

### APPROVE CONTRACT FOR ELECTION SERVICES WITH FORT BEND COUNTY

Ms. Carner stated that the District may contract with Fort Bend County to conduct the District's 2023 Directors Election.

Following review and discussion, Director Verburg moved to (1) adopt a Resolution Designating an Agent of the Secretary of the Board During the 2023 Directors Election Period appointing Jennifer Ramirez as the agent of the Secretary of the Board of Directors to perform the duties of the Secretary related to the District's Directors Election, authorize the agent to post the related notice as required, and direct that the Resolution be filed appropriately and retained in the District's official records; (2) authorize the Secretary's agent to post the required Notice of Deadline to File Applications for Place on the Ballot for the 2023 Directors Election; and (3) authorize execution of a contract with Fort Bend County to administer the District's election, if necessary. Director Catchings seconded the motion, which passed unanimously.

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

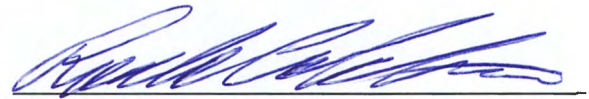
The Board deferred consideration of this agenda item until the January regular meeting.

### COMMENTS FROM THE PUBLIC

Mr. Whitt inquired about the status of the development of the Parkside Passage Drive recreation center. Mr. Sweitzer provided an update on the private and public portions of the project.



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



Secretary, Board of Directors

(SEAL)



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