

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

February 26, 2025

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 26th day of February, 2025, 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 Director Verburg, thus constituting a quorum.

Also present at the meeting in person or via teleconference were Matt Friedhoff, resident of the District; Alex Khoshakhlagh of Pape-Dawson Engineers, Inc. ("Pape-Dawson"); Rob Fondren of Trend Development, Inc.; Adam Swonke of Gleannloch Landscaping & Maintenance Company ("Glamco"); Bill Sweitzer of Sweitzer & Associates; Christine Crotwell of Masterson Advisors LLC; Mindy Selby of Myrtle Cruz, Inc.; Shammarie Leon of Bob Leared Interests; and Katie Carner and Shammara Polk of Allen Boone Humphries Robinson LLP ("ABHR").

COMMENTS FROM THE PUBLIC

There were no comments from the public.

MINUTES

The Board considered approving the minutes of the January 29, 2025, regular meeting. Following review and discussion, Director Catchings moved to approve the minutes of the January 29, 2025, regular meeting, as presented. Director Tueting seconded the motion, which passed unanimously.

DISTRICT WEBSITE MATTERS

Director White requested ABHR post a notice on the District's website requesting residents to refrain from accessing fenced off areas where erosion is occurring, pending completion of the erosion rehabilitation project.

## FINANCIAL AND BOOKKEEPING MATTERS

Ms. Selby 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 Tueting 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 2024 taxes were 95.9% collected as of January 31, 2025.

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

## ADOPT RESOLUTION CONCERNING EXEMPTIONS FROM TAXATION

The Board considered the optional exemptions from taxation for the 2025 tax year, including a general residential homestead exemption and a homestead exemption for disabled persons or persons over 65 years of age. Following review and discussion, Director Tueting moved to adopt the Resolution Concerning Exemptions from Taxation, granting an exemption in the amount of \$20,000 of the appraised value of the homestead property for residents over the age of 65 or disabled and rejecting the general residential homestead exemption from ad valorem taxation, and direct that the Resolution be filed appropriately and retained in the District's official records. Director White seconded the motion, which passed unanimously.

## ENGINEERING MATTERS

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

### FULBROOK ON FULSHEAR CREEK, SECTION 11 WATER, SEWER, DRAINAGE AND PAVING FACILITIES

Mr. Khoshakhlagh updated the Board on the status of construction of the Water, Sewer, Drainage and Paving Facilities to serve Fulbrook on Fulshear Creek, Section 11, as reflected in his report. He reviewed and recommended approval of Pay Estimate No. 1 in the amount of \$642,861.12, submitted by Hurtado Construction Company.

## EROSION PROTECTION ALONG FULSHEAR CREEK BANK

Mr. Khoshakhlagh updated the Board regarding bank erosion along Fulshear Creek, as reflected in his report. He stated that bids were received for Site Nos. 001 through 004 the Erosion Protection along Fulshear Creek Bank project. Mr. Khoshakhlagh recommended that the Board award the contract to Hurtado in the amount of \$1,598,728.47 for the construction of Site Nos. 001 through 004. 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 informed the Board that the bid was \$383,347.64 higher than anticipated. He next discussed options provided by the Natural Resources Conservation Service ("NRCS") based on the construction cost differential. He presented and reviewed a required NRCS form related to the land rights for Site Nos. 001 through 004.

Mr. Khoshakhlagh informed the Board that the District's 25 percent share of the project now is \$358,093.75. Ms. Carner next discussed the Board's option to adopt a Resolution Expressing Intent to Reimburse the operating fund for costs associated with the District's 25 percent share of construction costs for Site Nos. 001 through 004.

Mr. Friedhoff addressed the Board regarding concerns of erosion near his residence adjacent to Site No. 005. Discussion ensued regarding how to proceed with erosion rehabilitation for Site No. 005 and coordination with Fulshear Municipal Utility District No. 2 regarding the same.

Following review and discussion, and based on the engineer's recommendation, Director Tueting moved to (1) adopt the Resolution Expressing Intent to Reimburse for the Fulshear Creek Erosion Protection project in the amount of \$358,093.75 and direct that the Resolution be filed appropriately and retained in the District's official records; (2) award the contract for the construction of Site Nos. 001 through 004 for the Erosion Protection along Fulshear Creek project to Hurtado in the amount of \$1,598,728.47, subject to approval of the payment and performance bonds and review of the certificate of insurance and endorsements, if any, provided by the contractor; (3) proceed with the NRCS grant as is and consider amendment as needed once the final costs for Site no. 005 are determined; (4) authorize Pape-Dawson to prepare metes and bounds for the proposed revised easement tract for Site No. 005 in an amount not to exceed of \$7,500.00; and (5) authorize execution of the required NRCS form related to the land rights for Site Nos. 001 through 004. Director Catchings seconded the motion, which passed unanimously.

## CITY OF FULSHEAR (THE "CITY") DIVISION LIFT STATION

Mr. Khoshakhlagh updated the Board on the City's request for the District to consider conveying land to the City for a diversion lift station, as reflected in his report.

## OTHER ENGINEERING MATTERS

Mr. Khoshakhlagh informed the Board that the City has requested Geographic Information System Mapping ("GIS") files, as reflected in his report. He reviewed and presented a proposal in the amount of \$58,000.00 to prepare the GIS files. Discussion ensued. Following discussion, the Board concurred for Pape-Dawson to prepare a revised proposal for the preparation of the GIS files for Fulbrook on Fulshear Creek, Section 11 in an amount not to exceed \$4,000.00 and to authorize Director Tueting to execute a revised proposal for same.

Mr. Khoshakhlagh next informed the Board of water seepage at the lake adjacent to the Lodge, as reflected in his report. He stated Pape-Dawson is currently working to obtain proposals for repairs to present to the Board at the next meeting.

Following review and discussion and based on the engineer's recommendation, Director Catchings moved to (1) approve the engineer's report; (2) approve Pay Estimate No. 1 for water, sewer, and drainage for Fulbrook on Fulshear Creek, Section 11 in the amount of \$648,861.12, submitted by Hurtado; and (3) authorize Pape-Dawson to prepare the GIS Files for Fulbrook on Fulshear Creek, Section 11 for an amount not to exceed \$4,000.00 and authorize Director Tueting to execute the revised proposal regarding same. Director Tueting seconded the motion, which passed unanimously.

## DISCUSS FINANCING PLAN FOR 2025

Ms. Crowell reviewed a bond capacity analysis, a copy of which is attached. She requested the Board authorize Pape-Dawson to proceed with the preparation of a bond application for a water, sewer, and drainage facilities in an amount not to exceed \$10,500,000. Following discussion, the Board concurred to authorize Pape-Dawson to begin preparing a bond application for an amount not to exceed \$10,500,000.

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

There was no discussion on this agenda item.

## UTILITY CONVEYANCE AND SECURITY AGREEMENTS

There was no discussion regarding this matter.

PHASE II SMALL MS4 GENERAL PERMIT AND STORM WATER MANAGEMENT PLAN, INCLUDING STATUS OF COMPLIANCE, NECESSARY TRAINING, AND PUBLIC COMMENT

There was no discussion regarding 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 Parkside Passage Recreation Center project, as reflected in his report.

Mr. Sweitzer updated the Board on the status of the Landscape Development of Fulbrook on Fulshear Creek, Section 7, as reflected in his report. He reviewed and recommended approval of Pay Estimate No. 7 and Final in the amount of \$13,058.01 and Change Order No. 2 to increase the contract in the amount of \$13,478.90, submitted by Triple E Growers. Mr. Sweitzer stated that Change Order No. 2 is for water meter costs and for additional trellises. Mr. Sweitzer also presented a Certificate of Completion (the "Certificate") and Acceptance and recommended the Board authorize execution of the Certificate and acceptance of the project.

Mr. Sweitzer updated the Board on Landscape Development of Fulbrook on Fulshear Creek, Sections 17, 18, and 19, including the Fulshear Trace proposed sidewalk extension, as reflected in his report.

Mr. Sweitzer updated the Board on Landscape Development of Fulbrook on Fulshear Creek, Section 11, as reflected in his report.

Mr. Sweitzer updated the Board on discussion from the last Board meeting regarding installing trellises to serve as a sound and light buffer along James Lane and FM 1093. He stated metal trellises were not cost effective and recommended the Board consider a vegetative screen with possible grouping of Magnolia trees mixed with existing Live Oak trees. Mr. Sweitzer stated the cost is approximately \$14,000.00 to remove 250 feet of sod and to add mulch. He stated that approximately 16 Magnolia trees would need to be installed. He stated for 30-gallon trees it would be approximately \$5,600.00 and for 45-gallon trees it would be approximately \$10,400.00.

Mr. Sweitzer reviewed and presented proposals from CenterPoint for the installation of both standard and decorative streetlights on Fulshear Trace. A copy of the proposal is included in the landscape architect's report. Discussion ensued. Following discussion, the Board concurred to contribute \$20,000.00 to the Fulbrook on Fulshear Creek Homeowners Association ("HOA") towards the installation of streetlights and

requested Mr. Sweitzer to inform the HOA that the Board's preference is the standard Cobra lights. The Board discussed utilizing surplus road bond proceeds for the cost of the streetlights.

Ms. Carner reviewed and presented a service agreement between the District and Cody's Tree Service, Inc. ("CTS") to provide tree maintenance and consultation services to the District.

Following review and discussion, and based on the landscape architect's recommendation, Director Tueting moved to (1) approve Pay Estimate No. 7 and Final for the Landscape Development of Fulbrook on Fulshear Creek, Section 7 project in the amount of \$13,058.01 to Triple E Growers and Change Order No. 2 to increase the contract in the amount of \$13,478.90, submitted by Triple E Growers, based on the Board's determination that the Change Order is beneficial to the District, and authorize execution of the Certificate of Completion and Acceptance and to accept the project; (3) authorize the removal of sod and mulch and approve the installation of 16 30-gallon Magnolia trees in the amounts of \$14,000.00 and \$5,600.00, respectively, for the sound and light buffer project along James Lane and FM 1093; (4) authorize the contribution of \$20,000 to the HOA for streetlights; and (5) approve the service agreement between the District and CTS, as discussed and direct that the agreement be filed appropriately and retained in the District's official records. Director Catchings seconded the motion, which passed unanimously.

#### MOWING AND MAINTENANCE OF DISTRICT PROPERTY

The Board reviewed and discussed pending resident requests.

The Board discussed previous correspondence from a resident on Spanish Moss Crossing regarding a request for the removal of trees and tree debris on District property adjacent to their residence. Mr. Swonke stated the previously approved work is complete.

The Board reviewed correspondence from a resident on Legend Creek Drive regarding the removal of downed trees behind their residence as a result of Hurricane Beryl. A copy of the correspondence is attached. Mr. Swonke stated Glamco can remove the downed trees for an amount not to exceed \$2,000.00.

Following review and discussion, Director Gnospelius moved to authorize Glamco to remove the downed trees behind Legend Creek Drive for an amount not to exceed \$2,000.00. Director Tueting seconded the motion, which passed unanimously.

DISCUSS MAINTENANCE OF DISTRICT DETENTION FACILITIES, INCLUDING DEVELOPMENT OF MAINTENANCE AGREEMENT WITH FULBROOK ON FULSHEAR CREEK HOMEOWNERS ASSOCIATION

Ms. Carner updated the Board on discussion from the August 28, 2024, Board meeting regarding an agreement between the District and the HOA for shared maintenance of the detention facilities throughout the District. She stated Glamco is preparing a proposal for the scope of work that would transfer from the District to the HOA. Ms. Carner requested the Board review the agreement draft that was provided to the Board in advance of the Board meeting.

REPORT ON DEVELOPMENT

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

CITY OF FULSHEAR MATTERS

There was no discussion on this agenda item.

2025 DIRECTORS ELECTION

ACCEPT CERTIFICATE DECLARING UNOPPOSED STATUS OF CANDIDATES FOR ELECTION TO THE BOARD OF DIRECTORS

Ms. Carner discussed procedures related to the 2025 Directors Election. She presented a Certificate Declaring Unopposed Status of Candidates for Election to the Board of Directors executed by the Board Secretary stating that the District received three candidate applications for the three director positions for the 2025 Directors Election.

ADOPT ORDER CANCELLING ELECTION AND DECLARING UNOPPOSED CANDIDATES ELECTED TO OFFICE

Ms. Carner presented an Order Cancelling Election and Declaring Unopposed Candidates Elected to Office stating that the May 3, 2025, Directors Election is cancelled and that the unopposed candidates, Brooks Tueting, Ron Catchings, and Todd Gnospelius, are declared elected to office to serve from the May 3, 2025, election until the May 5, 2029, election.

AUTHORIZE CANCELLATION OF COUNTY CONTRACT FOR ELECTION SERVICES

Ms. Carner discussed that the Board had approved entering into a contract with Fort Bend County to administer the District's 2025 Directors Election. The Board considered cancelling the contract.

Following review and discussion, Director Catchings moved to (1) accept the Certificate Declaring Unopposed Status of Candidates for Election to the Board of Directors; (2) adopt the Order Cancelling Election and Declaring Unopposed Candidates Elected to Office; and (3) authorize cancellation of the contract with Fort Bend County for election services for the 2025 Directors Election. Director White seconded the motion, which passed unanimously.

DISCUSS MEETING SCHEDULE

The Board discussed the regular meeting schedule and concurred to hold the next regular Board meeting on March 26, 2025, at 12:00 p.m. at the offices of ABHR.

COMMENTS FROM THE PUBLIC CONT'D

There were no additional 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 convened in Executive Session at 1:54 p.m. pursuant to Section 551.071 of the Texas Government Code to conduct a private consultation with their attorney to discuss pending or contemplated litigation or a settlement offer. Ms. Carner, Ms. Polk, and Mr. Khoshakhlagh also were present.

RECONVENE IN OPEN SESSION

The Board reconvened in Open Session at 2:02 p.m. and took no action.

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



  
Secretary, Board of Directors



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