

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

June 26, 2024

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 June, 2024, 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 White, thus constituting a quorum.

Also present at the meeting in person or via teleconference were Terry and Gary Mausner, Scott Raphael, and Jacob Neiman, residents of the District; Alex Khoshakhlagh of Pape-Dawson Engineers, Inc. ("Pape-Dawson"); Bill Sweitzer of Sweitzer & Associates; Marissa Iguess of Myrtle Cruz, Inc. ("MCI"); Adam Swonke of Gleannloch Landscaping & Maintenance Company ("Glamco"); Shammarie Leon of Bob Leared Interests; Julie Peak of Masterson Advisors LLC; Casey Fletcher of Lake Management Services, LP; and Katie Carner, Allison Leatherwood, and Shammara Polk of Allen Boone Humphries Robinson LLP ("ABHR").

COMMENTS FROM THE PUBLIC

Mssrs. Mausner addressed the Board regarding concerns pertaining to the condition of trees behind their residences on Lodge Lake Drive. Ms. Carner stated that correspondence was received on May 29, 2024, from the Fulshear Creek Homeowners Association regarding their request for the removal of a leaning tree. A copy of the correspondence is attached. Following discussion, the Board directed Glamco to investigate the matter and bring back a recommendation to the Board.

MINUTES

The Board considered approving the minutes of the May 22, 2024, regular meeting. Following review and discussion, Director Catchings moved to approve the minutes of the May 22, 2024, regular meeting, as presented. Director Tueting seconded the motion, which passed by a vote of 3-0, with Director Verburg abstaining from voting.

## DISTRICT WEBSITE MATTERS

Ms. Carner noted that the hurricane preparedness notice is on the District's website.

## 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.

Ms. Carner informed the Board there are no expenses to approve for the Association of Water Board Directors ("AWBD") summer conference as Director White was unable to attend. The Board next considered authorizing attendance at the AWBD winter conference.

Ms. Iguess requested the Board authorize MCI to open a construction account for the pending bond issue.

Following review and discussion, Director Catchings moved to (1) approve the bookkeeper's report and payment of the bills; (2) authorize any interested Board members to attend the AWBD winter conference; and (3) authorize MCI to open a construction account, as discussed. 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 2023 taxes were 98.9% collected as of May 31, 2024.

The Board considered authorizing the District's delinquent tax attorney, Perdue, Brandon, Fielder, Collins & Mott, LLP, to proceed with the collection of delinquent 2023 property taxes, as of July 1, 2024.

Following review and discussion, Director Tueting moved to (1) approve the tax assessor/collector's report and payment of the tax bills; and (2) authorize the delinquent tax attorney to proceed with the collection of delinquent 2023 property taxes as of July 1, 2024. Director Verburg 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, 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. He stated Pape-Dawson is still in the process of re-design and plan preparation and anticipates submitting plans to the City of Fulshear (the "City") by mid-July.

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.

EROSION PROTECTION ALONG FULSHEAR CREEK BANK

Mr. Khoshakhlagh updated the Board regarding bank erosion along Fulshear Creek, as reflected in his report. He stated Pape-Dawson received documentation from the Natural Resources Conservation Service ("NRCS") on June 10, 2024, stating funds were available and that the District will need to complete the project by January 26, 2025, unless an extension request is submitted. He requested the Board approve and authorize execution of the Emergency Watershed Protection Program ("EWPP") application. Mr. Khoshakhlagh next presented a proposal prepared by Pape-Dawson in the amount of \$94,125.00 for engineering services for the project. A copy of the proposal is included in the engineer's report.

Mr. Khoshakhlagh next requested the Board approve the Professional Services Agreement with Balcones Field Services, LLC for environmental services, subject to review and approval by ABHR.

Mr. Khoshakhlagh next requested the Board approve a proposal prepared by Cibor for geotechnical review in an amount not to exceed of \$24,959.00. A copy of the proposal is attached.

Discussion ensued regarding the timeline for completion and Fulshear Municipal Utility District No. 2's participation in the NRCS project.

CITY OF FULSHEAR EMERGENCY JAMES LAND WATER LINE EXTENSION PROJECT

Mr. Khoshakhlagh updated the Board on the James Lane Water Line Extension project, as reflected in his report.

OTHER ENGINEERING MATTERS, INCLUDING RESIDENT REQUESTS

Mr. Khoshakhlagh reviewed and presented an exhibit prepared by Pape-Dawson of all natural areas in the District for posting on the District's website. Following discussion, the Board requested Pape-Dawson revise the exhibit, as discussed. Ms. Carner stated ABHR would have the revised exhibit posted to the District's website.

OVERVIEW OF PERIMETER WALL LAYOUT AND LINEAR FOOTAGE

Mr. Khoshakhlagh updated the Board on discussion from the May 22, 2024, Board meeting regarding the linear footage of perimeter walls in the District. He stated he will provide this information before the next Board meeting.

UPDATE ON BOND APPLICATION

Mr. Khoshakhlagh updated the Board on the Texas Commission on Environmental Quality's review of the bond application, as reflected in his report.

Following review and discussion and based on the engineer's recommendation, Director Tueting moved to (1) approve the engineer's report; (2) approve and authorize execution of the EWPP application; (3) approve the proposal prepared by Pape-Dawson, as presented; (4) approve and authorize execution of the Professional Services Agreement with Balcones Field Services, subject to review and approval by ABHR; and (5) approve the proposal prepared by Cibor, as presented. Director Gnospelius 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

Mr. Khoshakhlagh updated the Board on the Utility Conveyance and Security Agreement along with the Street Acceptance for Fulbrook on Fulshear Creek, Section 17 including lift station no. 10, as reflected in his report.

## DISCUSS MAINTENANCE OF DISTRICT DETENTION FACILITIES, INCLUDING RELATED PROPOSALS

The Board continued discussion from the May 22, 2024, Board meeting regarding maintenance of the detention facility on the south side of the District. Following discussion, the Board directed Glamco to prepare a proposal for regular mowing and maintenance of the backslope swale, and tractor mowing 18 times per year for the remaining areas.

## 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. He stated the contractor is currently working to obtain the necessary permits and the utilities and parking will be advertised for bids once the permits have been obtained. Mr. Sweitzer informed the Board that the contractor will be submitting plans to the City after the 4<sup>th</sup> of July holiday. Director Verburg discussed the standing water in the tree line area and inquired if mosquito dunks can be placed in the area for mosquito treatment. Following discussion, the Board directed Glamco to bring a proposal for mosquito treatment to the next Board meeting.

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 stated bids for the project will be opened on July 11, 2024.

Mr. Sweitzer updated the Board on the status of the Greenway Enhancements Perimeter Walls to serve Fulbrook on Fulshear Creek, Sections 5, 6, 7, and 19 including repair of damaged walls, as reflected in his report. He reviewed and recommended approval of Pay Estimate Nos. 1 and 2 in the amounts of \$10,856.25 and \$50,540.40, respectively, submitted by Fencecrete America, Inc. ("Fencecrete").

Following review and discussion, and based on the landscape architect's recommendation, Director Verburg moved to (1) approve the landscape architect's report; and (2) approve Pay Estimate Nos. 1 and 2 in the amounts of \$10,856.25 and \$50,540.40, respectively, submitted by Fencecrete. Director Catchings seconded the motion, which passed unanimously.

## MOWING AND MAINTENANCE OF DISTRICT PROPERTY

The Board next reviewed and discussed pending resident requests.

The Board discussed correspondence previously reviewed at the October 25, 2023, Board meeting from a resident on Wild Garden Way regarding erosion concerns behind their residence. Mr. Swonke stated the previously authorized work is complete.

The Board discussed correspondence previously reviewed at the December 13, 2023, Board meeting from a resident on Sunny Meadow Drive regarding the removal of broken tree limbs. Mr. Swonke stated the area is still too wet to complete the previously authorized work.

The Board discussed correspondence previously reviewed at the March 27, 2024, Board meeting and additional correspondence received from a resident on Farm Hill Way regarding drainage concerns within their backyard and concerns regarding maintenance behind and adjacent to their residence. Ms. Carner stated the Board approved a proposal at the March 27, 2024, Board meeting for Glamco to regrade behind the fences, remove dead trees, install select fill, and overseed the bermuda grass in the area. Mr. Swonke stated the quarterly mowing was completed yesterday. He further advised that the select fill and the regrading behind the fences should be handled on Friday and all outstanding items should be completed by the end of next week, weather permitting.

The Board discussed correspondence previously reviewed at the April 24, 2024, Board meeting from a resident on Haven Trace regarding grading/sloping concerns behind their residence. Following discussion, the Board concurred to defer action on the proposal to allow Board members to inspect the area.

The Board discussed correspondence previously reviewed at the May 22, 2024, Board meeting from a resident on Farm Hill Way regarding damage to the wrought iron fence behind their residence due to a fallen tree limb. Mr. Swonke stated the wrought iron fence has been repaired.

The Board discussed correspondence previously reviewed at the May 22, 2024, Board meeting from a resident on Song Bird Lane regarding concerns of excessive light pollution, privacy concerns, excessive noise, excessive vibrations, drainage concerns, and aesthetics near their residence from FM 1093. Mr. Khoshakhlagh stated Pape-Dawson is still looking into this and will update the Board once a pre-construction meeting is held with Hurtado Construction Company for the James Lane water line extension project.

The Board reviewed correspondence from a resident on Thicket Court requesting the removal of a downed tree and repair of their fence. A copy of the correspondence is attached. Mr. Swonke stated the tree was removed and the fence was repaired.

The Board reviewed correspondence from a resident on Founders Pecan Street requesting the removal of vines and web worms in the trees behind their residence. A copy of the correspondence is attached. Following discussion, the Board concurred to take no action.

The Board reviewed correspondence from a resident on Summer Place Court requesting weeds and trees behind their residence be removed. A copy of the correspondence is attached. Mr. Swonke stated the standard maintenance has been performed.

The Board reviewed correspondence from a resident on South Creek Way requesting the removal of web worms in trees behind their residence. A copy of the correspondence is attached. Following discussion, the Board concurred to take no action.

The Board reviewed correspondence from a resident on West Farm Way requesting the removal of a tree branch in the green space area behind Founders Pecan Street. A copy of the correspondence is attached. Mr. Swonke stated the tree branch has been removed.

The Board reviewed correspondence from a resident on Creek Side Court requesting the removal of vines in trees behind their residence. A copy of the correspondence is attached. Following discussion, the Board concurred to take no action.

The Board reviewed correspondence from a resident on Sunny Meadow Drive requesting the removal of several downed trees behind their residence. A copy of the correspondence is attached. Following discussion, the Board concurred to take no action, pursuant to the District's policy for wetlands reserves.

The Board reviewed correspondence from a resident on Creekbend Drive regarding drainage concerns due to stagnant water behind their residence. A copy of the correspondence is attached. Following earlier discussion, the Board directed Glamco to prepare a proposal for mosquito treatment in the area.

Director Gnospelius reported a fallen tree behind The Goddard School and inquired who owns the property. Director Catchings expressed concerns of potential damage to the District's fence. Following discussion, the Board directed Glamco to confirm whether the fence is District property and if so, to verify if there is any damage to the fence and to repair the same as needed.

#### REPORT ON DEVELOPMENT

There was no discussion on this agenda item.

CITY OF FULSHEAR MATTERS

There was no discussion on this agenda item.

DISCUSS MEETING SCHEDULE

The Board concurred to hold their next regular meeting on Wednesday, July 24, 2024, at ABHR.

TAX MATTERS CONT'D

Ms. Carner informed the Board that the election process recently changed for the appointed seats for the Board of the Fort Bend Central Appraisal District ("FBCAD") and as a conservation district, the District has the right to participate in this process. She stated any nominations are due between July 1, 2024 and July 15, 2024. The Board declined to nominate a candidate for the FBCAD Board.

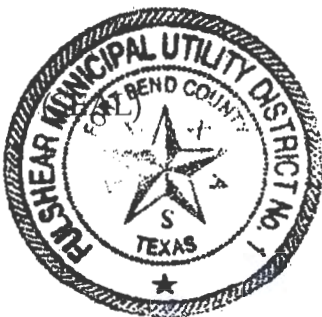
COMMENTS FROM THE PUBLIC CONT'D

There were no additional public 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 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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