

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

November 6, 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 6th day of November, 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, thus constituting a quorum.

Also present at the meeting in person or via teleconference were Raj Gandhi, resident of the District; Alex Khoshakhlagh of Pape-Dawson Engineers, Inc. ("Pape-Dawson"); Bill Sweitzer of Sweitzer & Associates ("S&A"); Marissa Iguess of Myrtle Cruz, Inc.; Whitney Milberger of North Fort Bend Water Authority; Shammarie Leon of Bob Leared Interests ("BLI"); and Katie Carner, Allison Leatherwood, 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 September 25, 2024, regular meeting. Following review and discussion, Director Catchings moved to approve the minutes of the September 25, 2024, regular meeting, as presented. Director Verburg seconded the motion, which passed unanimously.

DISTRICT WEBSITE MATTERS

There was no discussion on this agenda item.

## 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. Iguess reviewed and presented four additional checks not included in the bookkeeper's report: (1) Check No. 4736, payable to Director Tueting for completing the Texas Public Information Act training; (2) Check Nos. 4737 and 4738, payable to the City of Fulshear (the "City") as holding checks in the event the Board does not meet on the regular meeting date of November 27, 2024; and (3) Check No. 4739, payable to Director Catchings for completing the Texas Public Information Act training.

Following review and discussion, Director Catchings moved to approve the bookkeeper's report and payment of the bills, including Check Nos. 4736 through 4739, as discussed. Director White 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 2.1% collected as of October 31, 2024.

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

Ms. Leon next reviewed and presented an Amended and Restated Agreement for Services of Tax Assessor and Collector (the "Agreement") with the Board. She stated the proposed Agreement updated BLI's schedule of fees.

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.

Following review and discussion, Director Tueting moved to approve the Agreement and direct that it be filed appropriately and retained in the District's official records. Director Gnospelius 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 the plans have been approved by the City and the project has been advertised.

Mr. Khoshakhlagh informed the Board that one of the bidders requested to use polypropylene pipes for this project. He stated he contacted the City engineer regarding this request, and they advised that the City prefers to continue with the use of reinforced concrete pipes. Following discussion, the Board concurred not to move forward with the use of polypropylene pipes for this project.

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.

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 has completed the design for four of the five sites and submitted the plans to the Natural Resources Conservation Service ("NRCS") on October 23, 2024. Mr. Khoshakhlagh also informed the Board of discussion with the NRCS regarding site no. 5 and if the District can proceed with site nos. 1 through 4. He stated the District has two options: (1) make a formal request for additional time to get a complete set of plans; or (2) move forward with bidding for site nos. 1 through 4 and proceed with site no. 5 at a later date. Ms. Carner informed the Board that the executed Right-of-Entry Agreement was received from the Dowdalls and recommended the Board authorize Pape-Dawson to move forward with the construction of site nos. 1 through 4. Mr. Khoshakhlagh stated Pape-Dawson can revise the plans to remove site no. 5 and proceed with site nos. 1 through 4. Following discussion, the Board concurred to move forward with site nos. 1 through 4, and to split off site no. 5 separately to be bid once all issues are worked out with Fulshear Municipal Utility District No. 2 and the Dowdalls.

CITY OF FULSHEAR EMERGENCY JAMES LANE WATER LINE EXTENSION PROJECT

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

stated Pape-Dawson was notified on October 17, 2024, of low water pressure in Section 3, and that the City worked to resolve the issue.

#### UPDATE ON OF SURPLUS FUNDS APPLICATION

Mr. Khoshakhlagh updated the Board on the surplus funds application, as reflected in his report. He stated the application will be finalized and submitted this month.

#### UTILITY COMMITMENTS

Mr. Khoshakhlagh stated that the deed for the conveyance of the lift station no. 9 site to the City will be placed on the November City Council agenda for consideration and execution.

Following review and discussion, Director Catchings moved to (1) approve the engineer's report; and (2) authorize Pape-Dawson to proceed with site nos. 1 through 4 for the Erosion Protection along Fulshear Creek Bank project, with site no. 5 to proceed later once all issues are resolved. Director Verburg seconded the motion, which passed unanimously.

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

The Board considered accepting a deed from Fulshear Land Partners, Ltd. to the District for rights of way within Fulbrook on Fulshear Creek, Section 11 (the "Deed"). Following review and discussion, Director Tueting moved to accept the Deed and direct that the Deed be filed appropriately and retained in the District's official records. Director Verburg seconded the motion, which passed unanimously.

#### UTILITY CONVEYANCE AND SECURITY AGREEMENTS

There was no discussion regarding this matter.

#### 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. 2 in the amount of \$45,476.84, submitted by

Triple E Growers.

Mr. Sweitzer updated the Board on the Southern Detention Facility Sidewalk Improvements, as reflected in his report.

Mr. Sweitzer updated the Board on the condition of trees on the north side of Fulbrook on Fulshear Creek, Section 4, as reflected in his report. He stated he will bring a proposal next month for an arborist to conduct the previously approved work from the September Board meeting.

Mr. Sweitzer discussed the possibility of a sidewalk extension along Fulshear Trace from Cedar Woods Street to FM 1093. He stated the City engineer has no objection to the District adding a sidewalk in the right of way to complete the pedestrian connection. Mr. Sweitzer stated the estimated cost for the sidewalk is approximately \$26,400.00 for an estimated 800 linear feet including contingencies. Ms. Carner informed the Board that the District has approximately \$174,000 of surplus road construction funds that could be utilized to fund the construction of a sidewalk within the right of way. The Board also discussed constructing a sidewalk along Lake Hill Farm Way to connect the existing sidewalk along FM 1093. Following discussion, the Board directed S&A to include the sidewalks as alternate bid items in the bid package for Fulbrook on Fulshear Creek, Sections 17, 18, and 19, and once bids are received, the Board will make a decision on whether to proceed with the construction of the sidewalks.

Following review and discussion, and based on the landscape architect's recommendation, Director Verburg moved to (1) approve the landscape architect's report; (2) approve Pay Estimate No. 2 in the amount of \$45,476.84, submitted by Triple E Growers; and (3) authorize S&A to include the sidewalks along Fulshear Trace and Lake Farm Hill Way as alternate bid items in the bid package for Fulbrook on Fulshear Creek, Sections 17, 18, and 19. 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 correspondence previously reviewed at the August 28, 2024, meeting regarding a request to remove downed trees. Ms. Carner informed the Board that additional correspondence was received, a copy of which is attached. She reminded the Board that the Board previously approved a proposal from Gleannloch Landscaping and Maintenance Company ("Glamco") to cut, stack, and chip dead/downed trees in the amount of \$10,750.00. Discussion ensued regarding the cost to haul off the debris in the amount of \$9,500.00. Following discussion, the Board concurred to authorize Glamco to

haul off the debris from cutting, stacking, and chipping of dead/downed trees in the nature reserves behind Sunny Meadow Drive.

The Board discussed correspondence previously reviewed at the August 28, 2024, meeting from a resident on Meadow Wood Drive regarding a request for rotten or fallen trees to be removed from the wooded area behind their residence. Following discussion, the Board concurred to authorize Glamco to haul off the debris from cutting, stacking, and chipping of dead/downed trees behind their residence, as previously discussed.

The Board discussed correspondence previously reviewed at the September 25, 2024, meeting from residents on Parkside Passage Drive regarding a request for their back fences to be replaced due to alleged damage from a downed tree during Hurricane Beryl. Ms. Carner reviewed and presented a proposal prepared by Glamco in the amount of \$4,250.00 to replace the fences. A copy of the proposal is attached. Following discussion, the Board concurred to approve the proposal prepared by Glamco in the amount of \$4,250.00 to replace the fences.

The Board reviewed correspondence from a resident on Farm Hill Way regarding maintenance behind their residence. A copy of the correspondence is attached. Following discussion, the Board directed Glamco to continue with the standard mowing of 5 feet beyond the fence line.

The Board reviewed correspondence from a resident on Song Bird Lane regarding continued vehicle light pollution, privacy concerns, excessive noise, excessive vibrations, drainage, and aesthetics. A copy of the correspondence is attached. Ms. Carner discussed potential coordination with the Texas Department of Transportation ("TxDOT") during the design process for the frontage road expansion to advocate for the installation by TxDOT of a sound wall. Following discussion, the Board requested S&A to bring a proposal to the next Board meeting to add additional trees and shrubs as a noise buffer.

The Board reviewed correspondence from a resident on Farm Hill Way regarding quarterly maintenance in Fulbrook on Fulshear Creek, Section 9 behind lots 1, 2, 3, and 4. A copy of the correspondence is attached. Ms. Carner stated Glamco confirmed quarterly maintenance has since been completed.

The Board reviewed correspondence from a resident on Legend Ridge Court regarding trees close to power lines that were trimmed by CenterPoint and the future health of trees. A copy of the correspondence is attached. Following discussion, the Board concurred to address any future tree issues, as needed.

The Board reviewed correspondence from a resident regarding safety concerns pertaining to residents having to cross both lanes of Fulshear Trace to use the trails and The Lodge amenities. A copy of the correspondence is attached. Following discussion,

the Board requested ABHR inform the resident that a connecting sidewalk will be included in the plans for Fulbrook on Fulshear Creek, Section 7.

The Board reviewed correspondence from a resident requesting installation of a rail along the bridge on Fulshear Trace, a copy of which is attached. Ms. Carner informed the Board that the City has been notified of this request.

The Board reviewed correspondence from Mid-Continent Group regarding the insurance claims related to damage caused by Hurricane Beryl for Spanish Moss Crossing and Meadow Wood Drive. Copies of the correspondence are attached.

The Board reviewed a proposal prepared by Glamco in the amount of \$2,037.50 for additional areas to be added to the District's mowing contract for 18 visits annually. A copy of the proposal is attached.

Following review and discussion, Director Verburg moved to (1) authorize Glamco to proceed with hauling off debris from cutting, stacking, and chipping downed/dead trees in the amount of \$9,500.00 behind Sunny Meadow Drive and Meadow Wood Drive, as discussed; (2) approve the proposal prepared by Glamco to replace the fences behind Parkside Passage Drive, as presented; and (3) approve the proposal prepared by Glamco to add the additional areas to the District's mowing contract for 18 visits annually in the amount of \$2,037.50, as presented. Director Catchings seconded the motion, which passed unanimously.

#### DISCUSS MAINTENANCE OF DISTRICT DETENTION FACILITIES, INCLUDING DEVELOPMENT OF MAINTENANCE AGREEMENT WITH FULBROOK ON FULSHEAR CREEK HOMEOWNERS ASSOCIATION (THE "HOA")

Ms. Leatherwood updated the Board on discussion from the August 28, 2024, Board meeting regarding a cost sharing agreement between the District and the HOA for shared maintenance of the detention facilities throughout the District. She stated the draft agreement proposes for the contract for maintenance to run through the HOA and for the District to contribute to the cost for maintenance. She stated ABHR is currently pulling the maintenance schedules and costs for the detention facilities to determine the amount the District will contribute and how costs will be split. Discussion ensued. Following discussion, the Board requested ABHR propose all mowing in the District including detention ponds and the 5-foot maintenance strip adjacent to all homes be handled by the HOA, with the exception of the wetland areas.

#### REPORT ON DEVELOPMENT

There was no discussion regarding this agenda item.

CITY OF FULSHEAR MATTERS

There was no discussion on this agenda item.

NORTH FORT BEND WATER AUTHORITY ("NFBWA") MATTERS

Ms. Milberger introduced herself to the Board and discussed NFBWA matters. Discussion ensued. Following discussion, the Board requested ABHR add a link to the NFBWA newsletter on the District's website.

DISCUSS MEETING SCHEDULE

The Board discussed the regular meeting schedule and concurred to reschedule the next regular Board meeting for December 4, 2024, at 12:00 p.m. at the offices of ABHR.

COMMENTS FROM THE PUBLIC CONT'D

Mr. Gandhi addressed the Board regarding correspondence sent pertaining to maintenance behind the homes on Spring Woods Drive. A copy of the correspondence is attached. Mr Tueting stated the Board will confirm with Glamco that the standard 5 feet is maintained.

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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