

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

December 4, 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 4th day of December, 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 were Alex Khoshakhlagh of Pape-Dawson Engineers, Inc. ("Pape-Dawson"); Bill Sweitzer of Sweitzer & Associates; Julie Peak of Masterson Advisors LLC; Marissa Iguess of Myrtle Cruz, Inc.; Adam Swonke of Gleannloch Landscaping & Maintenance Company ("Glamco"); 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 November 6, 2024, regular meeting. Following review and discussion, Director Verburg moved to approve the minutes of the November 6, 2024, regular meeting, as presented. Director Catchings seconded the motion, which passed unanimously.

DISTRICT WEBSITE MATTERS

There was no discussion on this agenda item.

STORMWATER PERMITTING MATTERS, INCLUDING APPLICATION FOR COVERAGE UNDER 2024 TPDES GENERAL PERMIT NO. TXR040000, AND APPROVE MASTER SERVICES AGREEMENT WITH STORM WATER SOLUTIONS AND PROPOSAL FOR SERVICES

Ms. Carner informed the Board that the District will be required to have a Texas Pollutant Discharge Elimination System General Permit as the District now meets the necessary requirements. She stated Storm Water Solutions, LLC ("SWS") is a consultant who can provide the necessary services, and they are currently coordinating with the City of Fulshear (the "City") to determine if the City will obtain a permit and the District will be covered under the City's permit or whether the District will need to obtain its own permit. Ms. Carner stated the deadline for submittal of the necessary documentation is mid-February and that a representative from SWS will be attending the January Board meeting to provide additional information. Discussion ensued.

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

Ms. Carner reviewed the District's Travel Reimbursement Guidelines and the Board discussed expenses for the upcoming AWBD winter conference. Following review and discussion, Director Tueting moved to authorize up to two nights of lodging, up to three fees of office, and reasonable meals for any Director attending the conference, to be submitted in accordance with the District's Guidelines. Director Verburg seconded the motion, which passed unanimously.

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 Check No. 4756 in the amount of \$204.09, payable to Director Verburg 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 No. 4756, as discussed. 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 5.8% collected as of November 30, 2024.

Following review and discussion, Director Verburg moved to approve the tax assessor/collector's report and payment of the tax bills. 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 stated that bids were received for the construction of Water, Sewer, Drainage and Paving Facilities to serve Fulbrook on Fulshear Creek, Section 11. Mr. Khoshakhlagh recommended that the Board award the contract to Hurtado Construction Company ("Hurtado") in the amount of \$1,598,728.47. 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. Following discussion, the Board requested Pape-Dawson ensure that the removal of silt fencing at the conclusion of the project is included in the contract. Mr. Khoshakhlagh also requested the Board authorize the execution of the plat for Section 11.

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 informed the Natural Resources Conservation Service ("NRCS") of the District submitting a request for a time extension and that NRCS is agreeable to provide an extension of one year, subject to the District submitting a formal request in writing. Mr. Khoshakhlagh stated ABHR is preparing the letter and requested that the Board authorize execution of the letter, subject to final review.

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 reviewed and recommended approval of Pay Estimate No. 1 and Final in the amount of \$245,780.00 and Change Order No. 1 to increase the contract in the amount of \$6,800.00, submitted by Hurtado. Mr. Khoshakhlagh stated that Change Order No. 1 is for material price changes due to the delay in starting the project. He noted the City will be responsible for payment of the additional cost pursuant to the agreement between

the District and the City. The Board determined that Change Order No. 1 is beneficial to the District.

UPDATE ON OF SURPLUS FUNDS APPLICATION, INCLUDING AUTHORIZE AUDITOR TO PREPARE SUPPLEMENTAL REIMBURSEMENT REPORT FOR SERIES 2024 BONDS

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.

Ms. Carner requested the Board authorize McCall Gibson Swedlund Barfoot PLLC ("McCall Gibson") to prepare the supplemental developer reimbursement report for amounts to be reimbursed to the developer from the proceeds of the Series 2024 Bonds.

Following review and discussion, and based on the engineer's recommendation, Director Catchings moved to (1) approve the engineer's report; (2) award the contract for the construction of Water, Sewer, Drainage and Paving Facilities to serve to Fulbrook on Fulshear Creek, Section 11 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) authorize execution of the Fulbrook on Fulshear Creek, Section 11 plat; (4) approve Pay Estimate No. 1 and Final for the James Lane water line extension in the amount of \$245,780.00 to Hurtado and Change Order No. 1 to increase the contract in the amount of \$6,800, submitted by Hurtado, based on the Board's determination that the Change Order is beneficial to the District and accept the project; and (5) authorize McCall Gibson to prepare the supplemental developer reimbursement report for amounts to be reimbursed to the developer from the proceeds of the Series 2024 Bonds. Director Gnospelius seconded the motion, which passed unanimously.

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

The Board reviewed proposals from Berg Oliver Associates, Inc. ("Berg Oliver") in the amounts of \$3,275.00 and \$3,480.00, respectively, to conduct phase I environmental assessments for a 24.05-acre tract between Fulbrook on Fulshear Creek, Sections 16 and 17 and a portion of Reserve A within Fulbrook on Fulshear Creek, Section 14. The Board next considered accepting deeds from Fulshear Land Partners, Ltd. to the District regarding same (collectively, the "Deeds"). Following review and discussion, Director Gnospelius moved to (1) approve the proposals from Berg Oliver Associates, Inc.; and (2) accept the Deeds, subject to final review of the phase I environmental assessments and direct that the Deeds be filed appropriately and retained in the District's official records. Director Catchings 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.

Mr. Sweitzer updated the Board on the Southern Detention Facility Sidewalk Improvements, as reflected in his report. He noted the project would be included with the Fulbrook on Fulshear creek, Sections 17, 18, and 19 landscape development project.

Mr. Sweitzer updated the Board on Landscape Development of Fulbrook on Fulshear Creek, Sections 17, 18, and 19, including Fulshear Trace and Lake Farm Way proposed sidewalk extensions, as reflected in his report. He stated a site observation was conducted for a potential extension of the sidewalk on Lake Farm Way, and he determined that the extension is not feasible.

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 the Board's request for an arborist to investigate the condition of trees on the north side of Fulbrook on Fulshear Creek, Section 4. He stated he will bring a proposal next month for an arborist to conduct the previously approved work from the September Board meeting, after the previous arborist elected not to perform the work.

Director Gnospelius requested an update regarding additional landscaping along James Lane and FM 1093. Mr. Sweitzer recommended looking into installing trellises. Following discussion, the Board requested Mr. Sweitzer look into the cost to install trellises.

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. Mr. Swonke stated the previously approved work is now complete and all debris has been hauled off. He stated in the process of hauling off the debris three sidewalk panels were broken. He requested the Board authorize Glamco to replace the panels with thicker concrete at no cost to the District.

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. Mr. Swonke stated the previously approved work is now complete and all debris has been hauled off.

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. Mr. Swonke stated the previously approved work is now complete.

The Board discussed correspondence previously reviewed at the September 25, 2024, meeting from a resident on Spring Woods Drive regarding a request for the removal of broken branches in trees from Hurricane Beryl. Mr. Swonke stated he investigated the area and did not recommend any action. The Board concurred not to take any action on the request, as recommended.

The Board discussed correspondence previously reviewed at the September 25, 2024, meeting from a resident on Song Bird Lane regarding continued vehicle light pollution, privacy concerns, excessive noise, excessive vibrations, drainage, and aesthetics. Mr. Sweitzer will look into the cost to install trellises, as previously discussed.

The Board reviewed correspondence from a resident on Summer Place Court regarding maintenance performed behind their residence. A copy of the correspondence is attached. Following discussion, the Board concurred to authorize Glamco to regrade, compact, and re-seed the depressed area on District property behind the residence for an amount not to exceed \$2,500.00.

The Board reviewed correspondence from a resident on Trickle Creek Court regarding a request for the orange safety fencing be re-installed on District property beside and behind their residence. A copy of the correspondence is attached. Mr. Swonke stated the orange safety fencing has been replaced.

Director Verburg inquired about whether a replacement had been found for the large pecan tree that was removed near The Lodge. Mr. Swonke stated that the developer looked for a replacement in Fulbrook on Fulshear Creek, Section 11 but a suitable tree

was not found. Discussion ensued. Following discussion, the Board requested Pape-Dawson coordinate with Hurtado to seek a replacement tree.

Following review and discussion, Director Verburg moved to (1) authorize Glamco to replace the sidewalk panels with thicker panels, at no cost to the District; and (2) approve an amount not to exceed of \$2,500.00 to regrade, compact, and re-seed the area on District property behind Summer Place Court. Director Gnospelius 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. Carner 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 ABHR is still working with the HOA and hopes to have the agreement draft finalized for the January Board meeting, pending receipt of additional information from Glamco and the HOA.

REPORT ON DEVELOPMENT

There was no discussion regarding this agenda item.

ATTORNEY'S REPORT

REVIEW AND UPDATE EMINENT DOMAIN REPORT TO THE TEXAS COMPTROLLER

Ms. Carner stated ABHR filed the District's 2024 eminent domain report, as required, with the Texas Comptroller.

CITY OF FULSHEAR MATTERS

There was no discussion on this agenda item.

2025 DIRECTORS ELECTION

Ms. Carner discussed procedures related to the 2025 Directors Election.

ADOPT RESOLUTION DESIGNATING AN AGENT OF THE SECRETARY OF THE BOARD OF DIRECTORS DURING THE 2025 BOARD OF DIRECTORS ELECTION PERIOD

Ms. Carner reviewed a Resolution Designating an Agent of the Secretary of the Board of Directors During the 2025 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 2025 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 2025 Directors Election.

Following review and discussion, Director Catchings moved to (1) adopt a Resolution Designating an Agent of the Secretary of the Board During the 2025 Directors Election Period appointing Shammara Polk 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 2025 Directors Election; and (3) authorize execution of a contract with Fort Bend County to administer the District's election, if necessary. Director Tueting 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 for January 22, 2025, at 12:00 p.m. at the offices of ABHR.

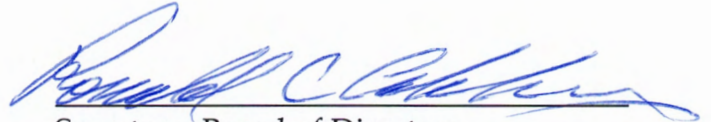
COMMENTS FROM THE PUBLIC CONT'D

There were no 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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