

## MINUTES

### FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50

July 14, 2020

The Board of Directors (the "Board") of Fort Bend County Municipal Utility District No. 50 (the "District") met in regular session by teleconference, with access by telephone available to the public, pursuant to Texas Government Code Section 551.125 and Governor Greg Abbott's emergency disaster declaration dated March 13, 2020, on the 14th day of July, 2020, and the roll was called of the members of the Board being present by telephone:

Craig Lewis	President
Leon Bridges	Vice President
Peter Lajoie	Secretary
Reginald Stubblefield	Assistant Secretary
Vacant	Assistant Vice President

and all of the above were present, thus constituting a quorum.

Also attending the teleconference were Esther Flores of Tax Tech, Inc.; Jordan Williams of R.G. Miller Engineers, Inc. ("R.G. Miller"); Wendy Austin of District Data Services, Inc.; Calvin Browne of Municipal District Services, LLC ("MDS"); Phil Halbert of Champions Hydro-Lawn, Inc. ("Champions"); Christie Leighton of Best Trash, LLC ("Best Trash"); and Christina Miller, Aaron Carpenter, and Cheryl Panozzo of Allen Boone Humphries Robinson LLP.

Ms. Miller reviewed certain recommended protocols for conducting the District's meeting via teleconference. She announced that the meeting was being recorded and that consultant reports presented at the meeting were posted online and available to the public in the form of an "agenda packet" prior to the start of the meeting at [www.districtdirectory.org/agendapackets/fbcmud50](http://www.districtdirectory.org/agendapackets/fbcmud50).

#### PUBLIC COMMENT

Ms. Miller offered any members of the public attending the meeting by telephone the opportunity to make public comment. There being no members of the public requesting to make public comment, the Board moved to the next agenda item.

OPERATIONS AND SERVICE REQUIREMENTS RELATING TO COVID-19 EPIDEMIC AND RATIFICATION OF ANY EMERGENCY ACTIONS, IF NECESSARY

Mr. Browne confirmed that there were no adverse District service impacts resulting from the COVID-19 epidemic.

MINUTES

The Board reviewed the minutes of the regular meeting held June 9, 2020. After review and discussion, Director Lewis moved to approve the minutes of the regular meeting held June 9, 2020, as submitted. Director Lajoie seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

TAX ASSESSMENT AND COLLECTION MATTERS

Ms. Flores reviewed the tax assessor/collector's report, a copy of which is attached. She reported that 99.15% of the 2019 tax levy had been collected as of June 30, 2020. After review and discussion, Director Lewis moved to approve the tax assessor/collector's report and payment of the bills listed in the report. Director Bridges seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

FINANCIAL AND BOOKKEEPING MATTERS

Ms. Austin presented the bookkeeper's report, including the investment report, a copy of which is attached, and submitted the District's bills for payment. She requested the Board approve check no. 9075 in the amount of \$100.00 and stated that check no. 9075 will replace check no. 8935 to Eduardo Baca in the same amount, which was lost in the mail. After review and discussion, Director Lajoie moved to (1) approve the bookkeeper's report, investment report, and payment of the bills listed in the report; and (2) authorize the bookkeeper to stop payment on check no. 8935 to Eduardo Baca in the amount of \$100.00 and approve replacement check no. 9075 to Eduardo Baca in the same amount. Director Lewis seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

REVIEW ARBITRAGE REBATE REPORT FOR SERIES 2015 BONDS

Ms. Miller stated that OmniCap Group LLC has completed the Interim Excess Earnings Report on the Series 2015 Bonds (the "Report"). She added the Report reflects that no yield reduction payment is due to the Internal Revenue Service.

## DISCUSS ASSOCIATION OF WATER BOARD DIRECTORS ("AWBD") SUMMER CONFERENCE, INCLUDING AWBD SIMPLY VOTING

Ms. Miller stated that the AWBD is using Simply Voting, a web-based online voting system, for its annual Board of Trustees election to occur during the AWBD summer conference beginning August 7, 2020. She said each AWBD member district will be able to cast a ballot by designating a board member as the district's voting member representative to cast the ballot on behalf of the district. After discussion, Director Bridges moved to designate Director Lewis as the District's voting member representative to cast the District's ballot in the 2020 AWBD Board of Trustees election. Director Lajoie seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

## OPERATION OF DISTRICT FACILITIES

Mr. Browne reviewed the operator's report, a copy of which is attached. He reported that water accountability for the previous month was 99% and reported on maintenance performed at the District's facilities.

Mr. Browne reported that the annual water line flushing and fire hydrant inspections will be performed during the week of July 20, 2020.

After review and discussion, Director Stubblefield moved to approve the operator's report. Director Lajoie seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

## HEARING ON TERMINATION OF WATER AND SEWER SERVICE TO DELINQUENT CUSTOMERS AND AUTHORIZE TERMINATION OF SERVICE

Following discussion, Director Stubblefield moved to (1) continue suspension of termination of water and sewer service to delinquent customers and waive late fees and penalties for the current billing cycle; and (2) authorize MDS to set up payment plans with District customers on an as-needed basis until further notice. The motion was seconded by Director Lajoie. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

## GARBAGE AND RECYCLING SERVICE MATTERS

Ms. Leighton reviewed a letter from Best Trash, a copy of which is attached, and stated that the annual CPI increase for 2020 is 2.9%, which results in an increased rate for garbage collection in the District of \$0.53 per month per connection. She added that Best Trash will increase the current garbage collection rate starting with the July 2020 billing cycle.

## NORTH FORT BEND WATER AUTHORITY (“NFBWA”) MATTERS

Ms. Miller updated the Board on NFBWA matters.

## DEVELOPMENT IN THE DISTRICT

There was no report on development in the District.

## ENGINEERING MATTERS

Ms. Williams presented the engineer’s report, a copy of which is attached, including the projects specifically addressed as follows:

### PARK WESTHEIMER BOULEVARD EXTENSION AND DRAINAGE IMPROVEMENTS

Ms. Williams gave an update on construction of the Park Westheimer Boulevard extension and drainage improvements and stated construction is 95% complete.

### PERMANENT WASTEWATER TREATMENT PLANT (“WWTP”) AND LIFT STATION

Ms. Williams gave an update on construction of the permanent WWTP and lift station and stated construction is 40% complete. She recommended approval of Pay Estimate No. 8 in the amount of \$1,401,621.22 to C4 Partners, LLC (“C4 Partners”).

### WATER PLANT NO. 2

Ms. Williams gave an update on construction of Water Plant No. 2 and stated construction is 80% complete. She recommended the Board approve Pay Estimate No. 12 in the amount of \$138,755.15 to Nunn Constructors, Ltd. (“Nunn”).

### WATER, SEWER AND DRAINAGE FACILITIES AND PAVING TO SERVE GRAND TRAILS, SECTION 1

Ms. Williams reported that R.G. Miller received bids for construction of the water, sewer, and drainage facilities and paving to serve Grand Trails, Section 1, and she recommended the Board award the contract to the second lowest bidder, Fellers & Clark, LP (“Fellers & Clark”), in the amount of \$1,500,580.00. She indicated that R.G. Miller recommends the second bidder due to the extent to which Fellers & Clark is able to meet the District’s timing needs for project completion. The Board concurred that, in its judgment, Fellers &

Clark 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.

#### SUB-REGIONAL DETENTION PHASE II

Ms. Williams gave an update on design of the sub-regional detention phase II project and stated plans have approved by all agencies. She reported that R.G. Miller received bids for construction of the sub-regional detention phase II project, and she recommended the Board award the contract to the lowest bidder, C.E. Barker ("C.E. Barker"), in the amount of \$412,071.46. The Board concurred that, in its judgment, C.E. Barker 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.

#### DETENTION FACILITIES TO SERVE DISTRICT EAST

Ms. Williams reported on construction of the detention facilities to serve District East and stated construction is 95% complete. She stated Jones & Carter, Inc., recommends that the Board approve Pay Estimate No. 5 in the amount of \$10,499.67 to R&T Ellis Excavation, Inc. ("R&T Ellis") for a reduction in retainage from 5% to 1% of the contract amount, because the work is substantially complete. Ms. Miller discussed Texas Water Code provisions regarding the District's ability to reduce retainage upon the Board's determination that the amount retained is in excess of the amount adequate for the financial protection of the District to complete the project. Ms. Williams then recommended the Board approve Change Order No. 1 to the contract with R&T Ellis, resulting in an increase to the contract in the amount of \$41,050.00, to expand the existing detention pond to the amenity pond and add a hinge system to the grate at the outfall. After discussion, and based on the recommendation of Ms. Williams, the Board determined that: (i) following reduction, the amount of retainage would be adequate to protect the District's interests; and (ii) Change Order No. 1 is beneficial to the District.

#### DRAINAGE STUDY

Ms. Williams reported on the required updates to the District's drainage study based on the Atlas 14 rainfall study.

DEEDS, EASEMENTS, APPRAISALS, CONSENTS TO ENCROACHMENT, ENCROACHMENT AGREEMENTS, ASSIGNMENTS OF CAPACITY, REQUESTS FOR SERVICE, UTILITY CONVEYANCES, OUT-OF-DISTRICT SERVICE AGEEMENTS, UTILITY COMMITMENT LETTERS, AND CONVEYANCES FO DISTRICT PROPERTY

Ms. Miller presented a Utility Commitment Letter with PacFin 6, Ltd., for 17 ESFC for 60,000 square feet of retail and 30 ESFC for 9,000 square feet of restaurant use for the proposed development of a six-acre tract of land located at corner of the Westpark Tollway and Creeks End Boulevard.

Ms. Williams requested the Board's approval and acceptance of the following easements for the Grand Trails development: a 0.3427-acre water line easement; a 0.076-acre and a 0.0023-acre sanitary sewer easement; and a 0.0146-acre and a 0.0046-acre storm sewer easement.

Ms. Miller reported on the proposed acquisition of land needed for Fort Bend County's future Beechnut Boulevard expansion project.

FORT BEND COUNTY SOUND WALL INSTALLATION PROJECT

Discussion ensued regarding the possibility of Fort Bend County installing a sound wall (the "Sound Wall") along the proposed TX-99 frontage road from Long Meadow Farms to Bellaire Boulevard. Ms. Williams stated that she discussed the proposed Sound Wall with Fort Bend County Toll Road Authority and currently there are no plans for Fort Bend County to construct the Sound Wall.

After review and discussion, based on the engineer's recommendation, Director Bridges moved to (1) approve the engineer's report; (2) approve Pay Estimate No. 8 in the amount of \$1,401,621.22 to C4 Partners for construction of the permanent WWTP and lift station; (3) approve Pay Estimate No. 12 in the amount of \$138,755.15 to Nunn for construction of Water Plant No. 2; (4) award the contract for construction of the water, sewer, and drainage facilities and paving to serve Grand Trails to Fellers & Clark, in the amount of \$1,500,580.00, based upon the engineer's recommendation; (5) award the contract for construction of the sub-regional detention phase II project to C.E. Barker, in the amount of \$412,071.46, based upon the engineer's recommendation; (6) approve Pay Estimate No. 5 in the amount of \$10,499.67 to R&T Ellis including a reduction in retainage to 1% of the contract for construction of the detention facilities to serve District East based on the Board's determination that the amount retained is in excess of the amount adequate for the financial protection of the District to complete the project; (7) approve Change Order No. 1 in the amount of \$41,050.00 to the contract with R&T Ellis for construction of the

detention facilities to serve District East, based on the Board's finding that the change order is beneficial to the District and the engineer's recommendation; (8) approve the Utility Commitment Letter with PacFin 6, Ltd., subject to finalization, and direct that the letter be filed appropriately and retained in the District's official records; and (9) accept and authorize execution of the 0.3427-acre water line easement; the 0.076-acre and 0.0023-acre sanitary sewer easements; and the 0.0146-acre and 0.0046-acre storm sewer easements and direct that the easements be filed appropriately and retained in the District's official records. Director Lajoie seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

REPORT ON MAINTENANCE OF DISTRICT DETENTION PONDS AND FACILITY SITES

Mr. Halbert reviewed a report from Champions on maintenance of the District's detention ponds and facility sites, a copy of which is attached. Following review and discussion, Director Lajoie moved to accept the report from Champions. Director Bridges seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

PARK AND RECREATIONAL FACILITY PLANNING MATTERS

The Board deferred discussing a Resolution Establishing Rules and Regulations Governing the Use of District Detention and Recreation Facilities until next month.

DISTRICT WEBSITE MATTERS

There was no discussion on District website matters.

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

/s/ Peter Lajoie  
Secretary, Board of Directors



LIST OF ATTACHMENTS TO MINUTES

	Minutes <u>Page</u>
Tax Assessor/Collector's report .....	2
Bookkeeper's report.....	2
Operator's report.....	3
Letter from Best Trash.....	3
Engineer's report.....	4
Report from Champions .....	7