

MINUTES

FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50

December 8, 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 8th day of December, 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 District resident Ken Mathews; Robert Pechukas of the Office of Fort Bend County Precinct 3 Commissioner Andy Meyers; Josh Penton of Meritage Homes; Robert Ferguson of Parkway Lakes Development, Inc.; 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"); and Christina Miller, Aaron Carpenter and Cheryl Panozzo of Allen Boone Humphries Robinson LLP ("ABHR").

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 made available to the public in the form of an "agenda packet" prior to the start of the meeting at www.districtdirectory.org/agendapackets/fbcmud50.

PUBLIC COMMENTS

Mr. Pechukas provided an update on the proposed construction of Fort Bend County (the "County") mobility projects within the District. He noted that \$2,000,000.00 from the County's 2020 mobility bond was allocated to fund sidewalk projects. Mr. Pechukas stated that suggestions for County sidewalk projects in the District should be directed to him.

Ms. Miller reported that the District received the following written correspondence from the public: (1) correspondence from a resident of Fort Bend County Municipal Utility District No. 133 ("FB MUD 133") regarding maintenance of District property; (2) correspondence from the owner of Katy Dojo LLC regarding drainage concerns related to the permanent wastewater treatment plant ("WWTP") project; and (3) correspondence from Mr. Ferguson regarding the phasing of the development of the regional detention pond and the timing of the interim solution to District detention capacity.

Director Lewis reported that he received an inquiry from a resident of the Meadows of Parkway Lakes subdivision regarding drainage behind their home. He stated that he also received an inquiry from a resident of the Westpark Lakes subdivision regarding drainage related to a high bank behind their home.

Ms. Miller noted that the above-described correspondence from the public would be discussed later in the meeting under the appropriate agenda items.

DIRECTOR MATTERS

APPOINT NEW DIRECTOR

The Board considered appointing Ken Mathews to fill the vacancy on the Board.

SWORN STATEMENT, OFFICIAL BOND, AND OATH OF OFFICE OF NEW DIRECTOR

The Board considered approving the Sworn Statement, Oath of Office, and Official Bond of Mr. Mathews for his appointment to the Board.

REORGANIZATION OF THE BOARD AND EXECUTION OF DISTRICT REGISTRATION FORM

The Board discussed appointing Mr. Mathews as Assistant Vice President and making no changes to the remaining Board positions.

The Board then considered authorizing the filing of an updated District Registration Form with the Texas Commission on Environmental Quality ("TCEQ") reflecting the appointment and reorganization of the Board.

OPEN MEETINGS ACT AND PUBLIC INFORMATION ACT TRAINING

Ms. Miller reviewed a Memorandum from ABHR regarding the Open Meetings Act and Public Information Act Training Requirements, a copy of which is attached. She stated the Texas Legislature requires each elected or

appointed public official to complete a course of training regarding the responsibilities of the governmental body and its members under the Texas Open Meetings Act, Chapter 551, Government Code.

CONFLICT OF INTEREST DISCLOSURE REQUIRED UNDER CHAPTER 176 OF THE TEXAS LOCAL GOVERNMENT CODE, INCLUDING REVIEW OF DISCLOSURE FORMS ADOPTED BY THE TEXAS ETHICS COMMISSION AND LIST OF LOCAL GOVERNMENT OFFICERS

Ms. Miller reviewed a Memorandum from ABHR regarding conflict of interest disclosure required under Chapter 176 of the Texas Local Government Code and disclosure forms adopted by the Texas Ethics Commission, a copy of which is attached. She also reviewed the List of Local Government Officers required under Chapter 176 of the Texas Local Government Code.

After review and discussion, Director Lewis moved to (1) appoint Ken Mathews to fill the vacancy on the Board with a term ending May 7, 2022; (2) accept the Sworn Statement, Oath of Office, and Official Bond of Director Mathews and direct that these documents be filed appropriately and retained in the District's official records; (3) appoint Director Mathews as Assistant Vice President; (4) authorize filing of the updated District Registration Form with the TCEQ; and (5) approve and authorize execution of the list of Local Government Officers and direct that the list be filed appropriately and retained in the District's official records. Director Lajoie seconded the motion, which passed by unanimous vote, with all directors voting "yea."

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 November 10, 2020. After review and discussion, Director Lewis moved to approve the minutes of the regular meeting held November 10, 2020, as submitted. Director Stubblefield seconded the motion, which passed by unanimous vote, 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. 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, which passed by unanimous vote, with all directors voting "yea."

AUDIT FOR FISCAL YEAR ENDED SEPTEMBER 30, 2020

The Board concurred to defer this item to next month.

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 additional check no. 9242 to the North Fort Bend Water Authority ("NFBWA") in the amount of \$75,575.10, check no. 1257 to C4 Partners, LLC ("C4 Partners"), in the amount of \$312,402.27, and check no. 1258 to Nunn Constructors, Ltd. ("Nunn"), in the amount of \$179,768.38. After review and discussion, Director Lewis moved to approve the bookkeeper's report, investment report, and payment of the bills listed in the report, including check no. 9242 to the NFBWA in the amount of \$75,575.10, check no. 1257 to C4 Partners in the amount of \$312,402.27, and check no. 1258 to Nunn in the amount of \$179,768.38. Director Bridges seconded the motion, which passed by unanimous vote, with all directors voting "yea."

TRAVEL REIMBURSEMENT GUIDELINES AND DIRECTOR EXPENSES FOR ASSOCIATION OF WATER BOARD DIRECTORS WINTER CONFERENCE

The Board discussed the upcoming Association of Water Board Directors virtual winter conference to be held January 29 and 30, 2021.

ELECTRICITY MATTERS, INCLUDING FIRST AMENDMENT TO SALES CONFIRMATION WITH EDF ENERGY SERVICES, LLC

Ms. Miller reviewed a First Amendment to Sales Confirmation between the District and EDF Energy Services, LLC. She noted that the amendment is necessary to add an additional meter at the WWTP site. Following review and discussion, Director Bridges moved to approve the First Amendment to Sales Confirmation and direct that it be filed appropriately and retained in the District's official records. Director Lajoie seconded the motion, which passed by unanimous vote, 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 99.3% and reported on maintenance performed at the District's facilities.

Mr. Browne requested that an item to amend the District's Rate Order be added to the next Board meeting agenda. Discussion regarding proposed amendments to the

Rate Order ensued. Following discussion, the Board concurred to consider amending the District's Rate Order next month.

Ms. Browne presented a brochure on sanitary sewer overflow reporting in connection with the District's Storm Water Management Plan, a copy of which is attached to the operator's report, and requested approval from the Board to insert the flyer in the water bill.

Mr. Browne reported that the analyzer at the Water Plant is obsolete and is not operating properly. He requested that the Board authorize Chlorination Maintenance, Inc., to replace the analyzer at a cost of \$23,640.88.

After review and discussion, Director Bridges moved to (1) approve the operator's report; (2) authorize MDS to include the brochure in connection with the District's Storm Water Management Plan in the water bill; (3) authorize Chlorination Maintenance, Inc., to replace the analyzer at the Water Plant at a cost of \$23,640.88; and (4) authorize MDS to turn over accounts in the total amount of \$1,164.00, deemed to be uncollectible, to a collection agency. Director Stubblefield seconded the motion, which passed by unanimous vote, with all directors voting "yea."

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

The Board conducted a hearing on the termination of utility service. Mr. Browne presented a list of delinquent customers and reported that the residents on the termination list were mailed written notice prior to this meeting in accordance with the District's Rate Order, notifying them of the opportunity to appear before the Board of Directors to explain, contest, or correct the utility service bill and to show reason why utility service should not be terminated for reason of nonpayment. Following review and discussion, Director Lajoie moved that, because the customers on the termination list were neither present at the meeting nor had presented any statement on the matter, utility service should be terminated in accordance with the procedures set forth in the District's Rate Order, and the delinquent customer list should be filed appropriately and retained in the District's official records. Director Stubblefield seconded the motion, which passed by unanimous vote, with all directors voting "yea."

GARBAGE AND RECYCLING SERVICE MATTERS

The Board reviewed the attached 2020-2021 holiday schedule from Best Trash. Following review and discussion, the Board authorized Director Lajoie to post the schedule to the District's website.

NFBWA MATTERS

The Board conducted a drawing for six rain barrels to be distributed as a component of the District's participation in the Larry's Toolbox Water Conservation Program (the "Program") for the 2020 Program year.

Ms. Miller discussed the District's participation in the 2021 Program. The Board discussed the enrollment form for the 2021 Program and the choices for water conservation initiatives. After review and discussion, Director Bridges moved to (1) approve the Larry's Toolbox Enrollment Form as discussed and completed by the Board; and (2) authorize ABHR to submit the enrollment form to the NFBWA. Director Mathews seconded the motion, which passed by unanimous vote, with all directors voting "yea."

DEVELOPMENT IN THE DISTRICT

Mr. Penton gave an update on the Grand Trails development in the District.

Discussion ensued regarding development of ultimate District detention capacity. Ms. Miller noted that development of the next phase of the regional detention pond is dependent upon the District receiving developer advances that would be eligible for reimbursement by the District.

In response to an inquiry by Mr. Ferguson, Ms. Williams stated that the District drainage improvement project based on the Atlas 14 rainfall study, which is currently under design, will provide detention capacity to the one-acre tract located at the southwest corner of Peek Road and Bellaire Boulevard.

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 complete.

PERMANENT WWTP AND LIFT STATION

Ms. Williams gave an update on construction of the permanent WWTP and lift station and stated construction is 85% complete. She recommended approval of Pay Estimate No. 13 in the amount of \$312,402.27 to C4 Partners.

Ms. Williams reported that the District received correspondence from the owner of the Katy Dojo LLC property located to the south of the WWTP site and stated that R.G. Miller will investigate the property owner's complaints regarding drainage issues and concerns of alleged trespassing by the contractor during construction of the WWTP.

WATER PLANT NO. 2

Ms. Williams gave an update on construction of Water Plant No. 2 and stated construction is 88% complete. She recommended the Board approve Pay Estimate No. 17 in the amount of \$179,768.38 to Nunn.

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

Ms. Williams gave an update on construction of the water, sewer, and drainage facilities to serve Grand Trails, Section 1 and stated that a notice to proceed was issued for November 30, 2020. She recommended the Board approve Pay Estimate No. 1 in the amount of \$211,124.25 to Fellers & Clark, LP.

PAVING TO SERVE GRAND TRAILS, SECTION 1

Ms. Williams gave an update on construction of the paving to serve Grand Trails, Section 1.

SUB-REGIONAL DETENTION PHASE II

Ms. Williams gave an update on construction of the sub-regional detention phase II project and stated construction is 95% complete. She recommended the Board approve Pay Estimate No. 4 in the amount of \$62,858.24 to C.E. Barker, Ltd.

DRAINAGE STUDY

Ms. Williams gave an update on design of the necessary District drainage improvements based on the District's updated drainage study.

EFFLUENT REUSE MATTERS, INCLUDING CRESTWATER HOMEOWNERS ASSOCIATION ("CHA") EFFLUENT REUSE PROJECT

Ms. Miller reported that the Water Supply Agreement between the District and CHA terminates on December 31, 2020, if a final and nonappealable permit has not been issued by the TCEQ. She noted that while the TCEQ has not yet issued a final and nonappealable permit, they have issued a draft permit to CHA. She added that CHA has requested an amendment to the agreement to extend

the deadline by one year to provide adequate time for final permit issuance. Ms. Miller then presented a Second Amendment to Water Supply Agreement reflecting the proposed timing extension.

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

Ms. Miller presented a Utility Commitment Letter (the "UCL") for 7 equivalent single-family sanitary sewer and water connections ("ESFC") for a proposed gas station at the southwest corner of Peek Road and Bellaire Boulevard. She noted that the UCL replaces the one for 4 ESFCs approved by the Board for the proposed gas station last month.

Mr. Lewis stated that the District resident located at 6718 Laguna Trace reported that the overflow from a drainage inlet located behind their property drains into their yard and is causing their fence to erode. Following discussion, the Board requested that Ms. Williams determine whether the District is responsible for the maintenance of the inlet.

Mr. Lewis then discussed the fence being installed at the Water Plant site and stated that grading in elevation may be required to ensure that the fence will be level upon completion.

Mr. Lewis also stated that he received a complaint from a District resident who lives on N. Waterlily Drive regarding overflow from a drainage ditch located behind their property draining into their back yard. Following discussion, the Board requested that Ms. Williams investigate the resident's drainage concerns.

After review and discussion, based on the engineer's recommendation, Director Lewis moved to (1) approve the engineer's report; (2) approve Pay Estimate No. 13 in the amount of \$312,402.27 to C4 Partners for construction of the permanent WWTP and lift station; (3) approve Pay Estimate No. 17 in the amount of \$179,768.38 to Nunn for construction of Water Plant No. 2; (4) approve Pay Estimate No. 1 in the amount of \$211,124.25 to Fellers & Clark, LP for construction of the water, sewer, and drainage facilities to serve Grand Trails, Section 1; (5) approve Pay Estimate No. 4 in the amount of \$62,858.24 to C.E. Barker, Ltd., for construction of the sub-regional detention phase II project; (6) approve the Second Amendment to Water Supply Agreement with CHA and direct that the amendment be filed appropriately and retained in the District's official records; and (7) approve the replacement Utility Commitment Letter for

the proposed gas station at the southwest corner of Peek Road and Bellaire Boulevard and direct that the letter be filed appropriately and retained in the District's official records. Director Stubblefield seconded the motion, which passed by unanimous vote, 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. He stated that the District received a complaint from a District resident regarding four-wheel vehicles on the Peek Road Pond.

Ms. Miller reported regarding correspondence from a resident of FB MUD 133 requesting that the District remove debris that the resident collected from a District easement located west of N. Waterlily Drive (the "Easement"). Discussion ensued. Following discussion, the Board concurred that no additional maintenance is required for the Easement.

Director Lewis provided an update on District tree trimming.

Following review and discussion, Director Lewis moved to accept the report from Champions. Director Bridges seconded the motion, which passed by unanimous vote, with all directors voting "yea."

TREE RELOCATION PROJECT

Ms. Miller reviewed a Letter Agreement between the District and Parkway Lakes Master, Ltd., regarding the donation of up to 100 trees by Parkway Lakes Master, Ltd. to the District. She stated that the Letter Agreement sets forth terms by which the District will cause the trees to be relocated at the District's expense to areas within the District's boundaries.

Ms. Miller then reviewed a Service Agreement with B&G Trees, Inc., to provide tree relocation and planting services. Following review and discussion, the Board requested that ABHR revise the Service Agreement to include the relocation of up to 100 trees on an as needed basis at a cost of \$325.00 each.

After review and discussion, Director Lewis moved to (1) approve and authorize execution of the Letter Agreement between the District and Parkway Lakes Master, Ltd., and direct that the Agreement be filed appropriately and retained in the District's official records; (2) approve the Service Agreement with B&G Trees, Inc., as revised, and direct that the Agreement be filed appropriately and retained in the District's official records. Director Mathews seconded the motion, which passed by unanimous vote, 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.

REVIEW AND UPDATE EMINENT DOMAIN REPORT TO THE TEXAS COMPTROLLER

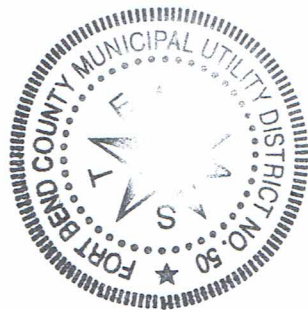
Ms. Miller reported that ABHR has filed the District's Eminent Domain Authority Annual Report with the Comptroller of the State of Texas pursuant to Senate Bill 1812, 84th Texas Legislature.

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.

(SEAL)



/s/ Peter Lajoie
Secretary, Board of Directors

LIST OF ATTACHMENTS TO MINUTES

	Minutes
	<u>Page</u>
Memorandum regarding Open Meetings Act.....	2
Memorandum regarding Conflict of Interest Disclosures.....	3
Tax Assessor/Collector's report.....	3
Bookkeeper's report	4
Operator's report	4
2020-2021 holiday schedule from Best Trash.....	5
Engineer's report.....	6
Report from Champions	9