

MINUTES

FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50

July 13, 2021

The Board of Directors (the "Board") of Fort Bend County Municipal Utility District No. 50 (the "District") met in regular session by teleconference and videoconference, with access by telephone and video 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 13th day of July, 2021, and the roll was called of the members of the Board being present by telephone and/or video:

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

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

Also attending the teleconference were Robert Ferguson of Parkway Lakes Development, Inc.; Esther Flores of Tax Tech, Inc. ("Tax Tech"); 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 ("ABHR").

Ms. Miller reviewed certain recommended protocols for conducting the District's meeting via teleconference and videoconference. 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

Ms. Miller offered any members of the public attending the meeting by telephone the opportunity to make public comment. There were no members of the public requesting to make public comment. In response to an inquiry by Director Lewis, Mr. Browne stated he will provide the Board with an update regarding the backflow device maintained by Walmart in the District that was reported to be leaking.

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 on June 8, 2021. After review and discussion, Director Lewis moved to approve the minutes of the regular meeting held on June 8, 2021, as submitted. Director Bridges 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. She reported that 96.24% of the 2020 tax levy had been collected as of June 30, 2021. Ms. Flores recommended the District terminate the existing tax account at Wells Fargo and open a new tax account at Allegiance Bank. She also discussed the Treasury Management Services documents with Allegiance Bank for banking services and reviewed an Amended and Restated Contract for the Assessment and Collection of Taxes with Tax Tech. Ms. Miller reviewed a Depository Pledge Agreement with Allegiance Bank.

After review and discussion, Director Bridges moved to (1) approve the tax assessor/collector's report and payment of the bills listed in the report; (2) approve termination of the tax account at Wells Fargo and authorize Tax Tech to open a new account at Allegiance Bank; (3) approve the Depository Pledge Agreement with Allegiance Bank; (4) authorize the Board President to execute the Treasury Management Services documents with Allegiance Bank following ABHR review and approval; (5) approve the Amended and Restated Contract for the Assessment and Collection of Taxes with Tax Tech; and (6) direct that the documents 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."

ADOPT RESOLUTION NOMINATING CANDIDATE FOR BOARD OF DIRECTOR ELECTION FOR FORT BEND CENTRAL APPRAISAL DISTRICT

Ms. Miller stated that the Board has the opportunity to nominate a candidate for the Fort Bend Central Appraisal District Board. She reviewed a Resolution Nominating Candidate for Board of Directors Election for Fort Bend Central Appraisal District. After review and discussion, Director Lewis moved to approve the Resolution Nominating Candidate for Board of Directors Election for Fort Bend Central Appraisal District reflecting the nomination of Mike Rozell. Director Lajoie seconded the motion, which passed by unanimous vote, with all directors voting "yea."

ASSOCIATION OF WATER BOARD DIRECTORS ("AWBD") SUMMER CONFERENCE, APPROVE REIMBURSEMENT OF ELIGIBLE EXPENSES, AND AUTHORIZE ATTENDANCE AT THE ASSOCIATION OF WATER BOARD DIRECTORS WINTER CONFERENCE

The Board discussed the AWBD summer conference. Ms. Austin noted the expenses were submitted in accordance with the District's travel reimbursement guidelines. After review and discussion, Director Lewis moved to approve reimbursement of eligible expenses for the summer conference and authorize all interested directors to attend the AWBD winter conference. Director Bridges seconded the motion, which passed by unanimous vote, 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. After review and discussion, Director Stubblefield moved to approve the bookkeeper's report, investment report, and payment of the bills listed in the report. 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 97.7% and reported on maintenance performed at the District's facilities.

Mr. Browne reported on a permit excursion at the wastewater treatment plant ("WWTP") during the month of May 2021.

Mr. Browne reviewed pictures of a sidewalk and driveway sinkage at 22110 Torricelli Lane, copies of which are included in the operator's report. He stated MDS investigated the issue and determined there is no indication of infiltration into the storm sewer or sanitary sewer systems and that the sinkage is not a result of District facilities. Following discussion, the Board requested that MDS continue to monitor changes to the sidewalk and driveway.

Mr. Brown reported that MDS submitted a final report (the "Report") of qualifying leak adjustment requests in connection with the February 2021 Freeze Event to the North Fort Bend Water Authority ("NFBWA") prior to the July 1, 2021, deadline. Ms. Miller stated that, in addition to the Report, the NFBWA requires submittal of a Waived Retail Gallons Certificate and recommended submittal to the NFBWA of same.

Mr. Browne reported that Lift Pump No. 1 at Lift Station No. 5 is in need of repair. He reviewed a proposal from NTS, a copy of which is included in the operator's

report, to repair the pump in the amount of \$4,737.00 or replace the pump with a new Flygt NP3102 pump in the amount of \$9,716.00.

The Board discussed telephone and internet service options for the District. Mr. Browne recommended replacing the land lines and existing auto-dialers at Lift Station Nos. 1, 3, 4, 5, and 6 with auto-dialers from Electrical Field Services at a cost of \$3,000.00 each.

Mr. Browne reported that the annual water line flushing and fire hydrant inspections will be performed between July 19, 2021 – July 23, 2021.

After review and discussion, Director Lewis moved to (1) approve the operator's report; (2) authorize execution and submittal of the Waived Retail Gallons Certificate for the February 2021 Freeze Event fee adjustment credits to the NFBWA; (3) approve replacement of Lift Pump No. 1 at Lift Station No. 5 with a new Flygt NP3102 pump in the amount of \$9,716.00; (4) authorize MDS to replace the existing auto-dialers at Lift Station Nos. 1, 3, 4, 5, and 6 with auto-dialers from Electrical Field Services at a cost of \$3,000.00 each; and (5) authorize MDS to turn over four accounts in the total amount of \$568.15, deemed to be uncollectible, to a collection agency. Director Bridges 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 Lewis 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, and to authorize MDS to continue to set up payment plans with District customers on an as-needed basis until further notice. Director Bridges seconded the motion, which passed by unanimous vote, with all directors voting "yea."

SMART METER MATTERS

The Board discussed the installation of electronic water meters ("Smart Meters") offered by Accurate Meter & Supply in the Grand Trails development in the District and considered entering into an agreement with Badger Meter, Inc. ("Badger")

regarding software management for Smart Meters within the District. Ms. Miller then reviewed a Badger Meter Beacon AMA Managed Solution Master Agreement with Badger.

Mr. Browne reviewed an updated MDS rate schedule with the Board, proposed to be effective July 1, 2021, reflecting updates for Smart Meters.

Ms. Miller then reviewed a Resolution Establishing Rules and Regulations Governing the Use of the District's Online Portal System. Ms. Miller stated that a notice of the rules and regulations is required to be published in a newspaper of general circulation in the District.

Mr. Browne reported he anticipates that the Smart Meters ordered by MDS for the District will not be delivered until October 1, 2021, and stated MDS will install temporary meters in the Grand Trails development until the District's Smart Meters may be installed.

Following discussion, the Board directed ABHR to prepare an amended District Rate Order for adoption at the August meeting reflecting necessary Smart Meter updates.

After review and discussion, Director Lewis moved to (1) approve the proposed rate schedule and authorize execution of a Second Amendment to Service Agreement between the District and MDS to be effective as of July 1, 2021; (2) approve the Beacon AMA Managed Solution Master Agreement with Badger and direct that the Agreement be filed appropriately and retained in the District's official records; and (3) adopt the Resolution Establishing Rules and Regulations Governing the Use of the District's Online Portal System, direct that the Resolution be filed appropriately and retained in the District's official records, and authorize publication of notice of the rules and regulations. Director Mathews seconded the motion, which passed by unanimous vote, with all directors voting "yea."

GARBAGE AND RECYCLING SERVICE MATTERS, INCLUDING ANNUAL CPI RATE ADJUSTMENT

Ms. Miller reported that, pursuant to the First Amendment to Residential Solid Waste Collection Contract between the District and Best Trash, L.L.C., effective July 1, 2021, the garbage and recycling collection rate increased to \$19.33 per month per connection. The Board considered amending the District's Rate Order to increase the base sewer service rate. Following discussion, the Board concurred to consider amending the District's Rate Order to increase the base sewer service rate next month.

Director Mathews gave a report regarding a resident in the District who is running a business from their home and has an excessive amount of trash collected by Best Trash on a routine basis. Following discussion, Director Mathews stated he will

distribute photographs to the Board of the excessive amount of trash being put out for collection at the residence, and the Board concurred to further discuss the issue next month.

APPROVE INTERLOCAL AGREEMENT WITH THE FORT BEND SUBSIDENCE DISTRICT ("FBSD") FOR THE WATER WISE PROGRAM

Ms. Miller reviewed an Interlocal Agreement between the District and the FBSD for participation in the WaterWise program and noted that the agreement provides for sponsorship of certain students at Hubenak Elementary for the 2021-2022 school year. Following review and discussion, Director Mathews moved to approve and authorize execution of the Interlocal Agreement between the District and the FBSD for the WaterWise program, and direct that the Agreement be filed appropriately and retained in the District's official records. Director Lajoie seconded the motion, which passed unanimously, with all directors voting "yea."

NFBWA MATTERS

Ms. Miller reviewed a letter from the NFBWA, a copy of which is filed in the District's official records, regarding a correction to the NFBWA's pumpage reporting online system.

Discussion ensued regarding a District event on water conservation. Following discussion, the Board concurred to hold the water conservation event in the fall and to further discuss event details next month.

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, INCLUDING PROPOSALS FOR SECURITY SERVICES

Ms. Williams gave an update on construction of the permanent WWTP and lift station and stated construction is 95% complete. She recommended that the Board approve Pay Estimate No. 18 in the amount of \$292,358.37 to C4 Partners, LLC.

WATER PLANT NO. 2

Ms. Williams gave an update on construction of Water Plant No. 2 ("WP No. 2") and stated construction is 95% complete. She recommended that the Board approve Pay Estimate No. 24 in the amount of \$87,373.40 to Nunn Constructors, Ltd. ("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 construction is complete. She recommended approval of Pay Estimate Nos. 4 and 5 to Fellers & Clark, LP ("Fellers") in the amounts of \$72,295.19 and \$187,142.11, respectively. In response to an inquiry by Director Bridges, Ms. Williams stated that a representative of R.G. Miller will inspect the landscaping at the entrance of the Grand Meadows subdivision and confirm that the damage caused by Fellers has been corrected prior to releasing Pay Estimate No. 4.

PAVING TO SERVE GRAND TRAILS, SECTION 1

Ms. Williams gave an update on construction of the paving to serve Grand Trails, Section 1 and stated construction is complete. She recommended approval of Pay Estimate No. 5 in the amount of \$201,599.94 to DeCrosta Construction, LLC.

SUB-REGIONAL DETENTION PHASE II

Ms. Williams gave an update on construction of the sub-regional detention phase II project and stated construction is complete. She recommended approval of Pay Estimate No. 7 in the amount of \$96,778.40 to C.E. Barker, Ltd.

SUB-REGIONAL DETENTION PHASE III

Ms. Williams gave an update on design of the sub-regional detention phase III project and stated that the District has not yet received developer advances for the project.

DISTRICT EAST DETENTION FACILITIES PHASE II

Ms. Williams gave an update on design of District East Detention Facilities Phase II. She stated that plans have been submitted to the City of Houston.

TEXAS DEPARTMENT OF TRANSPORTATION ("TxDOT") DRAINAGE
DITCH IMPROVEMENTS PROJECT

Ms. Williams gave an update on design of the TxDOT drainage ditch improvements project and stated that plans have been submitted to TxDOT for review.

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 reviewed correspondence received from Percheron Field Services on behalf of Fort Bend County (the "County") requesting that the District donate a permanent drainage easement needed for the County's future Peek Road project. Following discussion, the Board requested that a representative from Percheron Field Services attend the next meeting to discuss the request for the easement with the Board.

Director Lewis reported that a portion of a Fencecrete fence located at the Shops of Bella Terra has fallen. Following discussion, the Board directed R.G. Miller to determine whether the fence is District property.

Mr. Mathews discussed storm water ponding on Peek Road across from Whiskey River. Following discussion, the Board directed R.G. Miller to investigate the cause of the ponding.

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. 18 in the amount of \$292,358.37 to C4 Partners, LLC for construction of the permanent WWTP and lift station; (3) approve Pay Estimate No. 24 in the amount of \$87,373.40 to Nunn for construction of WP No. 2; (4) approve Pay Estimate No. 4 in the amount of \$72,295.19 to Fellers for construction of the water, sewer, and drainage facilities to serve Grand Trails, Section 1, subject to confirmation from R.G. Miller that the damage to the landscaping at the entrance of the Grand Meadows subdivision caused by Fellers has been corrected; (5) approve Pay Estimate No. 5 in the amount of \$187,142.11, to Fellers for construction of the water, sewer, and drainage facilities to serve Grand Trails, Section 1; (6) approve Pay Estimate No. 5 in the amount of \$201,599.94 to DeCrosta Construction, LLC for construction of the paving to serve Grand Trails, Section 1; and (7) approve Pay Estimate No. 7 in the amount of \$96,778.40 to C.E. Barker, Ltd., for construction of the sub-regional detention

phase II project. Director Lewis 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 then reviewed a proposal from Champions, a copy of which is attached, in the amount of \$5,500.00 to desilt two earthen pilot channels located at the Grand Meadows Detention Pond B. Following review and discussion, Director Lewis moved to (1) accept the report from Champions; and (2) approve the proposal from Champions in the amount of \$5,500.00. Director Bridges 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.

DISTRICT WEBSITE MATTERS

There was no discussion on this matter.

DEVICE ACCESS POLICY FOR DISTRICT PROPERTY

The Board concurred to discuss a device access policy related security considerations for District property during Executive Session.

REPORT REGARDING LEGISLATIVE MATTERS

Ms. Miller distributed a report prepared by ABHR regarding legislative matters pertaining to the 87th Regular Session of the Texas Legislature.

MEETING PLANNING MATTERS

Following discussion, the Board concurred to hold the next regular meeting on August 10, 2021, at 9:30 a.m., at ABHR with supplemental access via teleconference.

DEVELOPMENT IN THE DISTRICT

Mr. Ferguson gave an update on development in the District. Discussion ensued regarding project costs eligible for reimbursement to Parkway Lakes Development, Inc., by the District from future bond proceeds.

OPERATION OF DISTRICT FACILITIES (CONTINUED)

Mr. Browne reported he received confirmation from MDS that the backflow device maintained by Walmart in the District is still leaking. The Board directed MDS to discuss the issue with Walmart.

CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO CONDUCT A PRIVATE CONSULTATION WITH ATTORNEY TO DISCUSS PENDING OR CONTEMPLATED LITIGATION, OR A SETTLEMENT OFFER, AND SECTION 551.076, TEXAS GOVERNMENT CODE, TO DELIBERATE THE DEPLOYMENT, OR SPECIFIC OCCASIONS FOR IMPLEMENTATION, OF SECURITY PERSONNEL OR DEVICES

The Board convened in Executive Session at 11:54 a.m., pursuant to Section 551.071 of the Texas Government Code, to conduct a private consultation with attorney to discuss pending or contemplated litigation or a settlement offer and pursuant to Section 551.076 of the Texas Government Code, to deliberate the deployment, or specific occasions for implementation, of security personnel or devices.

RECONVENE IN OPEN SESSION AND AUTHORIZE APPROPRIATE ACTION REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION

The Board reconvened in regular session at 12:37 p.m. Director Bridges made a motion to authorize distribution of a request for proposals ("RFP") for security cameras at District facilities subject to approval of the RFP by Director Mathews. Director Lajoie seconded the motion, which passed by unanimous vote, with all directors voting "yea."

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

(SEAL)





Secretary, Board of Directors

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