

MINUTES  
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50

December 1, 2021

The Board of Directors (the "Board") of Fort Bend County Municipal Utility District No. 50 (the "District") met in regular session, open to the public, on the 1st day of December, 2021, at the offices of Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, 1<sup>st</sup> Floor Conference Room, Houston, Texas, outside the boundaries of the District, and the roll was called of the members of the Board:

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 present at the meeting were: Fred Hazel, Blake Karban, and Brian Munger of Davis Development ("Davis"); Alex Flores of Tax Tech, Inc. ("Tax Tech"); Jordan Williams of R.G. Miller Engineers, Inc. ("RG 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").

PUBLIC COMMENTS

Ms. Miller reported that the hearing for the pending case involving Katy Dojo LLC and the District is now set for December 16, 2021.

Ms. Miller reported that the North Fort Bend Water Authority ("NFBWA") received a complaint from a resident of Fort Bend County Municipal Utility District No. 133 regarding a leaking backflow device in the District, which is maintained by Walmart, and indicated that the correspondence had been forwarded to MDS.

Director Lewis reported that Dale Terry of the Harris-Fort Bend Emergency Services District No. 100 appeared before the start of today's Board meeting and inquired regarding the status of the District's plan review for the proposed volunteer fire department community center located at the intersection of Peek Road and Beechnut Road.

## MINUTES

The Board reviewed the minutes of the regular meeting held on November 9, 2021. After review and discussion, Director Bridges moved to approve the minutes of the regular meeting held on November 9, 2021, as submitted. Director Lajoie seconded the motion, which passed by unanimous vote.

## TAX ASSESSMENT AND COLLECTION MATTERS

Mr. Flores reviewed the tax assessor/collector's report, a copy of which is attached. After review and discussion, Director Lajoie 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.

## AUDIT FOR FISCAL YEAR ENDED SEPTEMBER 30, 2021

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 then requested that the Board approve check no. 9642 to HARCO Insurance Services ("HARCO") in the amount of \$13,123.00 and check no. 9643 to Best Trash in the amount of \$28,260.46. After review and discussion, Director Mathews moved to approve the bookkeeper's report, investment report, and payment of the bills listed in the report, as well as check no. 9642 to HARCO in the amount of \$13,123.00 and check no. 9643 to Best Trash in the amount of \$28,260.46. Director Lajoie seconded the motion, which passed by unanimous vote.

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

The Board discussed the upcoming Association of Water Board Directors winter conference to be held January 28 and 29, 2022. After discussion, Director Mathews moved to authorize directors attending the conference up to three per diems, two nights' hotel accommodations, mileage, and reimbursement of any meals not sponsored by the conference. Director Bridges seconded the motion, which passed by unanimous vote.

## GARBAGE AND RECYCLING SERVICE MATTERS

Ms. Leighton discussed Best Trash's 2021-2022 Christmas and New Year holidays (the "Holidays") schedule and reported that there will be no interruption to the District's garbage and recycling service due to the Holidays this year.



## NFBWA MATTERS

Ms. Miller updated the Board on NFBWA matters. She discussed the District's participation in the Larry's Toolbox Water Conservation Program (the "Program") and stated that based on the operator's report the District is anticipated to fulfill the Program requirements for the year 2021. She then discussed the 2022 NFBWA Water Provider Conservation Program, which will replace the current Program.

## 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 95.8% and reported on maintenance performed at the District's facilities.

Mr. Brown reported on certain certification obligations that the District must meet under the America's Water Infrastructure Act of 2018 (the "Act"). Mr. Brown stated that, pursuant to the Act, the District must certify to the Environmental Protection Agency that its community water system has completed an Emergency Response Plan (the "Plan"). He discussed the District's Plan.

Mr. Browne reported that the smart meters ordered by MDS for the District are on back order and he anticipates the smart meters will be delivered in January 2022. He noted that MDS is installing temporary meters in the Grand Trails development until the District's smart meters may be installed.

Ms. Miller reported that written notification of termination of the Lease Agreement between the District and AUC Group, Inc., was provided to AUC Group, Inc., and the final rent payment will occur for the month of January. Ms. Williams noted that removal of the interim wastewater treatment plant ("WWTP") may not be complete until June 2022.

Ms. Williams reported that the request for proposals ("RFP") for security cameras at District facilities is under review by RG Miller and she anticipates that the RFP will be distributed in January or early February 2022.

After review and discussion, Director Mathews moved to (1) approve the operator's report; (2) approve the Emergency Response Plan, authorize the filing of the certification of the Plan with the Environmental Protection Agency, and direct (a) the Plan to be filed, confidentially, in the District's official records and (b) the confirmation of certification be filed in the District's official records; and (3) authorize MDS to turn over six accounts in the total amount of \$1,262.19, deemed to be uncollectible, to a collection agency. Director Lajoie seconded the motion, which passed by unanimous vote.

## 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 Mathews 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 Lajoie seconded the motion, which passed by unanimous vote.

## DEVELOPMENT IN THE DISTRICT

Ms. Williams reported that the District received a request from Davis for sanitary sewer and water service for a proposed multi-family development (the "Davis Development") at the northeast corner of Bellaire Boulevard and Peek Road (the "Tract"). She noted that, per the Financing Agreement between the District and Parkway Lakes Master, Ltd. (the "Financing Agreement"), the Tract is not an authorized tract multi-family development. Mr. Hazel and Mr. Karban responded to questions from the Board regarding the proposed multi-family development. Following discussion, the Board requested that ABHR prepare an amendment to the Financing Agreement to permit the Davis Development at the Tract for Board review at the next meeting.

## 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 WASTEWATER TREATMENT PLANT ("WWTP") AND LIFT STATION, INCLUDING PROPOSALS FOR SECURITY SERVICES

Ms. Williams gave an update on construction of the permanent WWTP and lift station. She stated that construction is complete and operator training has been scheduled for next week.

## WATER PLANT NO. 2

Ms. Williams gave an update on construction of Water Plant No. 2. She stated that construction is 99% complete. She reported that the replacement valve for the meter station has not yet been received by the NFBWA.

## 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.

## 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.

## SUB-REGIONAL DETENTION PHASE III

Ms. Williams gave an update on design of the sub-regional detention phase III project and stated she anticipates that initial plans will be submitted for agency review by the end of next week. She noted that the District only received developer advances for design of the project.

## DISTRICT EAST DETENTION FACILITIES PHASE II

Ms. Williams gave an update on construction of District East Detention Facilities Phase II. She reported bids were received for the project and recommended the contract be awarded to the low bidder, Texas Bulkhead, in the amount of \$72,800.00. Ms. Williams then reported that bids for outfall modifications for Atlas 14 were also received and recommended the contract for the outfall modifications also be awarded to Texas Bulkhead, the low bidder, in the amount of \$20,625.00. Based upon the engineer's recommendation, the Board concurred that, in its judgment, Texas Bulkhead was a responsible bidder whose work would result in the best and most economical completion of the project.

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

Ms. Williams gave an update on design of the TxDOT drainage ditch improvements project and reported paperwork for the permit was submitted to TxDOT.

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

Ms. Williams reported that the District received a request for an additional 20 equivalent single-family sanitary sewer and water connections ("ESFC") for a proposed expansion to the Westpark Springs Hospital facility.

After review and discussion, and based on the engineer's recommendation, Director Mathews moved to (1) approve the engineer's report; (2) approve the award of the contract for construction of the District East Detention Facilities Phase II project to Texas Bulkhead, in the amount of \$72,800.00, subject to approval of the payment and performance bonds and review of the certificate(s) of insurance and endorsements, if any, provided by the contractor; (3) approve the award of the contract for the East Detention Facilities outfall modification project to Texas Bulkhead, in the amount of \$20,625.00, subject to review of the certificate(s) of insurance and endorsements, if any, provided by the contractor; and (4) authorize ABHR to prepare a Utility Commitment Letter for an additional 20 ESFCs for the proposed expansion to the Westpark Springs Hospital. Director Lajoie seconded the motion, which passed by unanimous vote.

## REPORT ON MAINTENANCE OF DISTRICT DETENTION PONDS AND FACILITY SITES

Mr. Halbert gave a report on maintenance of the District's detention ponds and facility sites.

## 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.



REVIEW AND UPDATE EMINENT DOMAIN REPORT TO THE TEXAS COMPTROLLER

Mr. Carpenter 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, 84<sup>th</sup> Texas Legislature.

Mr. Carpenter updated the Board on an ongoing case related to the use of eminent domain authority by a governmental entity against another governmental entity, *Hidalgo County Water Improvement District No. 3 v. Hidalgo County Water Irrigation District No. 1*.

DISTRICT WEBSITE MATTERS

There was no discussion on this matter.

MEETING SCHEDULE

Following discussion, the Board concurred hold its next regular meeting on Wednesday, January 5, 2021 at 12:00 p.m. and to change the District's regular meeting date and time to the first Wednesday of each month at 12:00 p.m.

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 did not convene in Executive Session.

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

(SEAL)



  
Secretary, Board of Directors

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