

MINUTES  
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50

April 3, 2024

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 3rd day of April, 2024, at the offices of Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2400, 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
Paula Vitello	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: Bobby Ferguson of Parkway Lakes Development, Inc.; Colin McCreary of Meritage Homes; Alex Flores of Tax Tech, Inc. ("Tax Tech"); Roshell Arterburn of District Data Services, Inc.; Calvin Browne of Municipal District Services, LLC ("MDS"); Mark Gehringer and Marco Montes of R.G. Miller Engineers, Inc. ("R.G. Miller"); Phil Halbert of Champions Hydro-Lawn, Inc. ("Champions"); Kelly Gard of KGA/DeForest Design, LLC ("KGA"); Avik Bonnerjee of B&A Municipal Tax Service, LLC; and Aaron Carpenter and Cheryl Panozzo of Allen Boone Humphries Robinson LLP ("ABHR").

PUBLIC COMMENTS

Mr. Carpenter gave a report regarding correspondence from a District resident regarding landscaping maintenance within the medians in the District on Bellaire Boulevard adjacent to the Shops at Bella Terra. Discussion ensued.

Mr. Carpenter reported that the District received additional correspondence from a resident of the Grand Trails neighborhood regarding the trash and recycling containers in the District provided by Best Trash.

MINUTES

The Board reviewed the minutes of the regular meeting held on March 6, 2024. After review and discussion, Director Bridges moved to approve the minutes of the regular meeting held on March 6, 2024, as submitted. Director Mathews seconded the motion, which passed by unanimous vote.

## REPORT ON SALES TAX AUDIT SERVICES

Mr. Bonnerjee reviewed a report on the District's sales tax revenue accounts, a copy of which is attached. He reviewed new and changed sales and use tax permits issued since the last report for businesses located within the District's boundaries.

## TAX ASSESSMENT AND COLLECTION MATTERS

Mr. Flores reviewed the tax assessor/collector's report, a copy of which is attached. He reported that 96.99% of the 2023 tax levy had been collected as of March 31, 2024. After review and discussion, Director Bridges moved to approve the tax assessor/collector's report and payment of the bills listed in the report. Director Mathews seconded the motion, which passed by unanimous vote.

## RENEWAL OF DISTRICT'S INSURANCE POLICIES

The Board reviewed a proposal for insurance from Brown & Brown Lone Star Insurance Agency Inc. (f/k/a HARCO Insurance Services) ("Brown & Brown"), which includes a list of the District's facilities provided by R.G. Miller. Following review and discussion, Director Mathews moved to approve the proposal for renewal of the District's insurance from Brown & Brown and direct that the proposal be filed appropriately and retained in the District's official records. Director Lewis seconded the motion, which passed by unanimous vote.

The Board concurred to discuss obtaining proposals for renewal of the District's insurance policies from several insurance providers for the term beginning April 9, 2025.

## APPROVE PROJECT AUDIT FOR AND RELATED PAYMENT OF ECONOMIC DEVELOPMENT GRANT PAYMENT TO MRPL RETAIL PARTNERS, LTD., AND MRPL RETAIL PARTNERS II, LTD

The Board concurred to defer this matter to next month.

## PAYMENT TO MERITAGE HOMES OF TEXAS, LLC AND RELATED TO THE ROAD DEVELOPMENT FINANCING AGREEMENT

Mr. Carpenter discussed a project audit conducted by Mark C. Eyring CPA, PLLC for payment to Meritage Homes of Texas, LLC ("Meritage") pursuant to the Road Development Financing Agreement between the District and Meritage. He noted the audit reflects that a payment is due to Meritage in the amount of \$200,000 for the year 2023. After review and discussion, Director Mathews moved to approve the payment to Meritage pursuant to the Road Development Financing Agreement in the amount of \$200,000. Director Bridges seconded the motion, which passed by unanimous vote.

## FINANCIAL AND BOOKKEEPING MATTERS

Ms. Arterburn 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 Bridges moved to approve the bookkeeper's report, investment report, and payment of the bills listed in the report. Director Vitello seconded the motion, which passed by unanimous vote.

## 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 92.0% and reported on maintenance performed at the District's facilities. Mr. Browne then provided an update on installation of smart meters in the District. He also reported that MDS completed two-hour load bank tests on the District's generators in preparation of the 2024 hurricane season.

Mr. Browne stated that MDS provides an annual written report evaluating the effectiveness of the District's Identity Theft Prevention Program (the "Program"), identifying significant instances of identity theft detection, and describing any recommendations regarding changes to the Program. He presented a report on the District's Program. Mr. Browne stated that the report indicates no significant incidents of identity theft detection and MDS recommends no changes to the Program. The Board concurred that it was not necessary to adopt a Program amendment.

After review and discussion, Director Bridges moved to (1) approve the operator's report; and (2) authorize MDS to turn over three accounts in the amount of \$859.18, deemed to be uncollectible, to a collection agency. Director Stubblefield 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 Bridges 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.

REVIEW WATER CONSERVATION PLAN; APPROVE ANNUAL REPORT AND WATER CONSERVATION IMPLEMENTATION REPORT; ADOPT ORDER ADOPTING AMENDED AND RESTATED WATER CONSERVATION PLAN; AUTHORIZE SUBMITTAL TO NORTH FORT BEND WATER AUTHORITY

Mr. Browne reviewed the Water Conservation Plan Annual Report and Five-Year Implementation Report on the Water Conservation Plan with the Board. Mr. Carpenter stated that the Texas Commission on Environmental Quality (“TCEQ”) rules require that the District review and adopt an Amended and Restated Water Conservation Plan prior to May 1, 2024. Mr. Carpenter reviewed an Amended and Restated Water Conservation Plan with the Board. After review and discussion, Director Bridges moved to: (i) approve the Water Conservation Annual Report and Five-Year Implementation Report, direct that the reports be filed appropriately and retained in the District’s official records, and authorize MDS to submit the reports to the appropriate government agencies; and (ii) adopt an Order Adopting Amended and Restated Water Conservation Plan, direct that the Order be filed appropriately and retained in the District’s official records, and authorize ABHR to submit the Amended and Restated Water Conservation Plan to the appropriate government agencies. Director Stubblefield seconded the motion, which passed unanimously.

GARBAGE AND RECYCLING SERVICE MATTERS

There was no discussion on this matter.

NORTH FORT BEND WATER AUTHORITY (“NFBWA”) MATTERS

Mr. Carpenter updated the Board on NFBWA matters and discussed the District’s participation in the Water Provider Conservation Program (the “Program”).

Mr. Carpenter stated that the District has received no additional information regarding the request for a short-term assignment from a developer of a portion of the District’s surface water delivery rights pursuant to the Water Supply Commitment Letter Agreement.

Mr. Carpenter stated that the District entered into an Irrigation System Evaluation Cost Sharing Agreement (“Irrigation Agreement”) for participation in the W.I.S.E. Guys Program in June, 2011. He stated that the W.I.S.E. Guys Program provides evaluations of residential irrigation systems for the District’s customers. Mr. Carpenter stated that the Irrigation Agreement automatically renews for another year if the District does not provide notice of termination at least 60 days prior to the renewal date. Following discussion, the Board concurred to allow the Irrigation Agreement to automatically renew for another year.

DEVELOPMENT IN THE DISTRICT

Mr. Ferguson provided an update on development in the District.

Mr. Carpenter provided an update on the Interim Water Supply Agreement with Fort Bend County Municipal Utility District No. 133 ("FB 133") to temporarily provide the District with eight equivalent single-family connections necessary for the proposed Kroozin Car Wash (the "Car Wash") until the District completes construction of the Water Plant No. 2, Phase 1 Expansion Project. He stated that the owner of the Car Wash no longer desires temporary services.

ENGINEERING MATTERS

Mr. Montes presented the engineer's report, a copy of which is attached, including the projects specifically addressed as follows:

WATER PLANT NO. 2 EXPANSION NO. 1

Mr. Montes gave an update on construction of the Water Plant No. 2 Expansion No. 1 project and stated construction is 50% complete. He recommended that the Board approve Pay Estimate No. 3 in the amount of \$554,674.50 to Alsay Incorporated ("Alsay").

Mr. Montes then recommended that the Board approve Change Order No. 1 to the contract with Alsay, resulting in an increase to the contract in the amount of \$369,000.00 for auxiliary power. After discussion, and based on the engineer's recommendation, the Board determined that Change Order No. 1 is beneficial to the District.

Discussion ensued regarding the recent diesel spill at the Water Plant No. 2 site caused by the contractor for the Water Plant No. 2 Expansion No. 1 project and confirmation of appropriate notifications to regulatory agencies.

WATER, SANITARY SEWER, AND STORM SEWER FACILITIES TO SERVE LIGHT HAVEN AT DISTRICT WEST

Mr. Montes gave an update on construction of the water, sanitary sewer, and storm sewer facilities to serve the Light Haven at District West development in the District and stated that inspection of the project by the TCEQ is complete and punch list items have been addressed. He noted that final inspection of the project by Fort Bend County is pending.

## WESTPARK LAKES DETENTION POND REHABILITATION

Mr. Montes gave an update on construction of the Westpark Lakes Detention Pond Rehabilitation project and stated construction is 99% complete. He noted that hydro mulch application will be completed after construction of the Westpark Lakes trail and landscape amenity improvements project is complete.

## PARKWAY LAKES, SECTION 1, RESERVE K POND REPAIR

Mr. Montes gave a report on the identification and evaluation of repair options for the concrete edge of the Parkway Lakes, Section 1, Reserve K pond. He noted that R.G. Miller engaged a landscape architect to identify and evaluate options for repair and/or enhancement of District lakes and detention ponds, including the evaluation of lake edge treatment, vegetation, and trail connectivity.

## FORT BEND COUNTY BELLAIRE BOULEVARD RIGHT TURN LANE PROJECT

Mr. Montes gave an update on design of the right turn lanes on Bellaire Boulevard to be installed by Fort Bend County and noted that ABHR is negotiating one remaining easement needed for the project with Sam's.

## 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

Mr. Montes discussed a Utility Commitment Letter for 11 equivalent single-family sanitary sewer and water connections and 1 irrigation connection for a proposed Bella Terra commercial development. He noted that no taps will be issued for the development until after the Water Plant No. 2 Expansion No. 1 project is complete and the necessary non-taxable user capital improvement fee has been paid pursuant to the Rate Order.

Mr. Montes discussed preparation of a storm sewer easement (0.3427 acre) which is necessary for the proposed Richmond Community Center development in the District.

Mr. Montes then discussed a proposal from R.G. Miller in the amount of \$15,000.00 for design of the Sub-Regional Detention Basin – Storm Sewer Outfall project for the outfall from the proposed junction box to the Sub-Regional Detention Basin.

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. 3 in the amount of \$554,674.50 to Alsay for construction of the Water Plant No. 2 Expansion No. 1 project; (3) approve Change Order No. 1 in the amount of \$369,000.00 to the contract with Alsay for construction of the Water Plant No. 2 Expansion No. 1 project, based on the Board's finding that the change order is beneficial to the District; (4) approve the Utility Commitment Letter for the proposed Bella Terra commercial development, subject to final review, and direct that the letter be filed appropriately and retained in the District's official records; (5) authorize ABHR to prepare the storm sewer easement (0.3427 acre); and (6) approve the proposal from R.G. Miller in the amount of \$15,000 and authorize R.G. Miller to prepare plans and specifications for the Sub-Regional Detention Basin – Storm Sewer Outfall project. Director Stubblefield seconded the motion, which passed unanimously.

#### STORM WATER PERMITTING MATTERS

The Board reviewed a proposal from Storm Water Solutions, LLC in the amount not to exceed \$50,000.00 for coordination and remediation efforts related to the recent Water Plant No. 2 diesel spill pursuant to the implementation of the District's Stormwater Management Program. Director Lewis stated that Alsay is responsible for payment of the costs related to coordination and remediation efforts related to the diesel spill. Following review and discussion, Director Bridges moved to approve the proposal from Storm Water Solutions, LLC in the amount not to exceed \$50,000.00 and direct that it be filed appropriately and retained in the District's official records. Director Mathews seconded the motion, which passed unanimously.

#### GEOGRAPHIC INFORMATION SYSTEM ("GIS") MATTERS

There was no discussion on this matter.

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

Mr. Halbert provided a report on maintenance of the District's detention ponds and facility sites, a copy of which is attached. He stated he anticipates that replacement of park rules signs in the District will be completed next week.

#### PARK AND RECREATIONAL FACILITY PLANNING MATTERS

Mr. Gard reviewed the landscape architect report, a copy of which is attached. He gave an update on construction of the trail and landscape amenity improvements project for the detention basins located in Westpark Lakes. He reported that a final project walkthrough was held on March 27, 2024. Mr. Gard recommended that the Board approve Pay Estimate No. 12 and Final in the amount of \$79,769.08 to Triple E

Landscapes and acceptance of the project. After review and discussion, Director Bridges moved to (1) approve the landscape architect report; and (2) approve Pay Estimate No. 12 and Final in the amount of \$79,769.08 to Triple E for construction of the Westpark Lakes trail and landscape amenity improvements project and accept the project. Director Mathews seconded the motion, which passed unanimously.

DISTRICT WEBSITE MATTERS

There was no discussion on this matter.

DISTRICT SECURITY MATTERS

Director Mathews provided an update on installation of security cameras for the water plant and wastewater treatment plant. Discussion ensued.

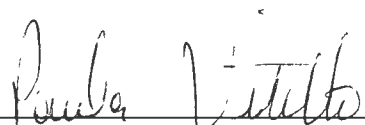
CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 551.071, SECTION 551.076, AND SECTION 551.087 TEXAS GOVERNMENT CODE

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



LIST OF ATTACHMENTS TO MINUTES

	Minutes
	<u>Page</u>
Report on the District's sales tax revenue accounts.....	2
Tax Assessor/Collector's report.....	2
Bookkeeper's report.....	3
Operator's report.....	3
Engineer's report.....	5
Landscape architect report .....	7