

MINUTES
FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 10

July 25, 2019

The Board of Directors (the "Board") of Fort Bend County Levee Improvement District No. 10 (the "District"), met in regular session, open to the public, on the 25th day of July, 2019, at Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, 24th Floor, Houston, Texas, outside the boundaries of the District, and the roll was called of the members of the Board:

Don Burns	President
Johnny J. Cantu	Vice President/ Assistant Secretary
Rodney Vannerson	Secretary

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

Also present at the meeting were Tonia Murphree and Andrew Brink of Linebarger Goggan Blair & Sampson, LLP; Ryan Baker of Texas Wall and Landscape ("Texas Wall"); Dustin DeRouen of Lake Management Services ("Lake MS"); Guillermo Salcedo of the City of Sugar Land; Kelly Jurecek of Tax Tech, Inc.; Mary Ann Mihills of Municipal Accounts & Consulting, L.P. ("MAC"); Jeff Perry and Ross Autrey of Levee Management Services ("LMS"); Michael Rusk and Jacob Clarke of LJA Engineering, Inc. ("LJA"); Michael Murr of Park Rangers; and Angie Lutz and Anne-Marie Bradford of Allen Boone Humphries Robinson LLP ("ABHR").

MINUTES

The Board considered approving the minutes of the June 27, 2019, regular meeting, which were provided in advance. Following review and discussion, Director Cantu moved to approve the minutes, as provided. Director Vannerson seconded the motion, which passed by unanimous vote.

PUBLIC COMMENTS

No public comments were received from the Board.

PHASE II MS4 STORM WATER MANAGEMENT PERMIT PLAN MATTERS

There was no discussion on this matter.

RESOLUTION VOTING FOR WATER DISTRICT NOMINEE FOR ELECTION OF THE BOARD OF DIRECTORS OF THE FORT BEND CENTRAL APPRAISAL DISTRICT

The Board concurred to defer action on this item.

FINANCIAL AND BOOKKEEPING MATTERS

Ms. Mihills presented and reviewed the bookkeeper's report, a copy of which is attached, and the checks presented for payment, as listed in the report. After review and discussion, Director Cantu moved to approve the bookkeeper's report, including payment of the bills listed in the report. Director Burns seconded the motion, which passed unanimously.

TAX ASSESSMENT AND COLLECTIONS MATTERS

Ms. Jurecek presented and reviewed the tax assessor/collector's report, a copy of which is attached. She reported that 97.71% of the District's 2018 taxes have been collected to date.

Ms. Jurecek then presented and an appeal from the resident at 5910 Canyon Brook Court requesting the Board consider waiving penalty and interest on their delinquent 2018 taxes. She stated the resident has an over 65 exemption and is making quarterly installment payments. The resident stated they were late making one of the installment payments. Ms. Lutz stated the Texas Property Tax Code, Section 33.011 only allows the District to waive fees or penalties for late payment of property taxes due to a limited amount of circumstances, which do not apply in this case.

Following review and discussion, Director Cantu moved to (i) approve the tax assessor/collector's report and payment of the tax bills; and (ii) deny the resident's request to waive the fees and penalties associated with the late payment of property taxes at 5910 Canyon Brook Court, Sugar Land, Texas in accordance with Texas Property Tax Code, Section 33.011. Director Vannerson seconded the motion, which passed unanimously.

REPORT FROM DELINQUENT TAX COLLECTOR

Mr. Brink presented a report on the collection of delinquent 2018 real property taxes, a copy of which is attached.

REPORT ON DEVELOPMENT

Director Vannerson updated the Board regarding a meeting with the developer regarding the conveyance and maintenance of the park in the Enclave at Riverpark.

ENGINEER'S REPORT

Mr. Rusk presented and reviewed the engineer's report, a copy of which is attached.

Mr. Rusk updated the Board on the status of the repair of the retention pond slopes of Lake No. 4 and presented and recommended approval of Pay Estimate No. 3 in the amount of \$143,174.25. He then stated LJA has sent notice to Texas Wall

regarding Texas Wall's late performance under the contract. Mr. Baker provided a status update on the pending items to be completed and the cause for the delay. The Board discussed establishing an August 26, 2019, deadline for completion of the project, after which liquidated damages will be assessed in an amount of \$500 per day pursuant to the contract.

Messrs. Rusk and Salcedo then reviewed a proposed Interlocal Agreement with the City of Sugar Land (the "COSL") for the installation and maintenance of one rain gauge station in the District.

Mr. Rusk presented a proposal from NEC Signage in the amount of \$12,541 for the rehabilitation of seven directional signs in the District and installation of one new directional sign in the District. He then reviewed the proposal distributed at the last Board meeting from Vistex Graphics in the amount of \$13,085 to create and install eight new directional signs in the District. The Board discussed the advantages and disadvantages of rehabilitating the current signs versus installing new signs.

Mr. Rusk stated there are no deeds or easements for the Board's consideration.

Mr. Rusk reported the United States Army Corps of Engineers ("USACE") Rehabilitation and Inspection Program is currently accepting applications from levee improvement districts for initial eligibility inspections to be considered for acceptance into the program.

After review and discussion, Director Burns moved to (i) approve the engineer's report; (ii) approve Pay Estimate No. 3, as recommended; (iii) authorize ABHR to send notice to Texas Wall informing them of an August 26, 2019, deadline to complete the repair of the retention pond slopes of Lake No. 4; (iv) approve the Interlocal Agreement for Installation and Maintenance of One (1) Gauge Station with the COSL; (v) the accept the proposal from Vistex Graphics in the amount of \$13,085 for the creation and installation of eight new directional signs in the District; and (vi) authorize the engineer to submit an application to the USACE Rehabilitation and Inspection Program on behalf of the District. Director Cantu seconded the motion, which passed unanimously.

REPORT FROM LAKE MANAGEMENT SERVICES

Mr. DeRouen provided an update on lake maintenance in the District and Director Vannerson requested Lake MS sync the lake fountains and lights.

CAPITAL IMPROVEMENT PLAN ("CIP")

There was no update to the CIP.

OPERATION OF DISTRICT FACILITIES

Mr. Perry reviewed the operations report and updated the Board regarding the repairs and maintenance performed since the last meeting. A copy of his report is attached.

Mr. Perry discussed the status of two pending insurance claims, including a claim for the damage caused by a vehicle driving into the lake and the repair of the generator. He stated the generator repair claim was officially completely denied and discussion ensued regarding the costs for the repair and rental.

Mr. Perry stated the levee elevation project is currently underway and is scheduled to be completed in early August.

Mr. Perry updated the Board on the status of the silt cleanout in the outfall channel. He reported that an inspection of the outfall has been completed and there are no issues to report.

Mr. Perry reported on erosion matters in the District, noting there has been additional erosion in the powerline easement near the CenterPoint tower. Mr. Salcedo discussed the COSL's ongoing efforts to monitor erosion.

Mr. Perry stated he has received a new proposal to straighten the fence along the main channel in the amount of \$30,000 and requested authorization to proceed with the project. Discussion ensued regarding coordination with District homeowners for the repairs. Director Vannerson requested LMS and LJA also work together to prepare a plan to repair fallen portions of the brick wall in the District.

Mr. Perry updated the Board on the installation of staff gauges in the District, noting the installation is nearly complete.

Mr. Perry reported LMS is coordinating with LJA to determine options for better access to the pump station.

After review and discussion, Director Vannerson moved to approve the operator's report and authorize LMS to straighten the fence along the main channel in an amount not to exceed \$30,000. Director Cantu seconded the motion, which passed unanimously.

PARK AND RECREATIONAL FACILITIES

Mr. Murr reviewed a handout regarding park and recreational matters, a copy of which is attached. No action was taken.

PERIMETER LEVEE MATTERS

The Board discussed Fort Bend Flood Management Association matters and attendance at the NAFSMA summer conference.

DISCUSS MEETING DATE

The Board considered rescheduling the August meeting due to the NAFSMA summer conference and concurred to meet next on August 15, 2019.

LEGISLATIVE MATTERS

Ms. Lutz distributed and reviewed a report prepared by ABHR regarding legislative matters pertaining to the 86th Regular session of the Texas Legislature. A copy of the report is filed in the District's official records.

FORT BEND COUNTY COMMISSIONER COURT UPDATE

The Board discussed the potential advantages and disadvantages of changing to a five member Board and concurred to authorize Director Vannerson to meet with Commissioner DeMerchant to discuss the Board's position on same.

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

(SEAL)



Asst. Secretary, Board of Directors