

MINUTES
FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 10

December 23, 2021

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 23rd day of December, 2021, 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 except Director Burns, thus constituting a quorum.

Also attending in person or via telephone were Bailey Mihills, a Member of the Public; Robert Wilson of the City of Sugar Land ("COSL"); Michael Murr of Park Rangers; Kelley Jurecek of Tax Tech, Inc. ("Tax Tech"); Mary Ann Mihills of Municipal Accounts & Consulting, L.P.; Michael Rusk and Jacob Clark of LJA Engineering, Inc. ("LJA"); Albert Ramirez of Lake Management Services, LP; Justin Raley and Kyle Doty of WaterLogic ("WL") and Brooke Milbauer, Anne-Marie Bradford, and Shammara Polk of Allen Boone Humphries Robinson LLP ("ABHR").

PUBLIC COMMENTS

Director Vannerson offered any members of the public attending the meeting by telephone the opportunity to make public comment. There being no members of the public wishing to address the Board, Director Vannerson moved to the next agenda item.

MINUTES

The Board considered approving the minutes of the November 30, 2021, regular meeting. Following review and discussion, Director Cantu moved to approve the minutes, as presented. Director Vannerson seconded the motion, which passed unanimously with all directors voting in favor of the motion.

PHASE II MS4 STORM WATER MANAGEMENT PLAN IMPLEMENTATION

There was no discussion regarding this matter.

CITY OF SUGAR LAND ("COSL") MATTERS

The Board discussed landscaping along Highway 99 and garbage concerns within the District.

LAKE MANAGEMENT SERVICES

Mr. Ramirez reviewed a lake maintenance report with the Board and discussed lake maintenance and repairs performed in the District. A copy of the lake maintenance report is attached.

DIRECTOR EXPENSES FOR THE ASSOCIATION OF WATER BOARD DIRECTORS WINTER CONFERENCE

The Board reviewed the District's Travel Reimbursement Guidelines for the upcoming Association of Water Board Directors winter conference in Galveston, Texas.

AMEND LANDSCAPE MAINTENANCE AGREEMENT BETWEEN THE DISTRICT AND RIVERPARK ON THE BRAZOS PROPERTY OWNERS ASSOCIATION, INC.

The Board discussed amending the landscape maintenance agreement between the District and the RiverPark on the Brazos Property Owners Association, Inc. (the "POA") to increase the annual contribution from the District to the POA from \$175,000 to \$200,000 for the new recreational facilities, effective January 1, 2022. Following review and discussion, Director Cantu moved to approve the Amended and Restated Landscape Maintenance Agreement. Director Vannerson seconded the motion, which passed unanimously.

FINANCIAL AND BOOKKEEPING MATTERS

Ms. Mihills reviewed the bookkeeper's report, including the checks presented for payment as listed in the report, a copy of which is attached. She additionally presented checks no. (i) 4824 payable to the Association of Water Board Directors for Director Burns attendance at the winter conference; and (ii) 4834 payable to Big Trees, Inc. in the amount of \$29,250 for thirteen 12-foot oak trees. Ms. Mihills further stated that check no. 2409 payable to WL in the amount of \$8,400 would be released

Following review and discussion, Director Cantu moved to approve the bookkeeper's report, including payment of the bills listed in the report and the additional checks presented. Director Vannerson seconded the motion, which passed unanimously.

TAX ASSESSMENT AND COLLECTIONS MATTERS

Ms. Jurecek reviewed the monthly tax assessor/collector's report, including the tax bills presented for payment. A copy of the tax assessor/collector's report is attached. She reported that 11.20% of the District's 2021 taxes have been collected to date. Following review and discussion, Director Cantu moved to approve the tax report and the checks presented for payment. Director Vannerson seconded the motion, which passed unanimously.

ENGINEER'S REPORT

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

Mr. Rusk provided an update regarding the construction of the Pump Station Site Access Improvements and Sluice Gates Installation. He stated there are no pay estimates for the Board's consideration.

Mr. Rusk provided an update regarding Brazos River erosion matters.

Mr. Rusk advised he has updated the District's capital improvement plan to include the future pump and generator replacements.

Mr. Clark discussed the status of design and plan approval of the various park projects included in the bond application. He stated the plans are still being completed for the Park at the Levee (Enclave) and the Frisbee Course and Overlook Trail Extension projects have been submitted for review. Discussion ensued regarding the timeline for the approval of the projects.

Mr. Clark then reported that the COSL 4B Corporation is not accepting grant applications until the end of February or beginning of March, and the District would not be allowed to begin the construction of the parking lots until the money has been awarded, if selected.

OPERATION OF DISTRICT FACILITIES

The Board reviewed an operations report and Ms. Bradford reviewed an update provided by the District's operator in advance regarding the repairs and maintenance performed since the last meeting. A copy of the operations report is attached

PARK AND RECREATIONAL FACILITIES

Mr. Murr reviewed the park maintenance report, a copy of which is attached, and updated the Board regarding the maintenance of park and recreational facilities in the District.

Discussion ensued regarding repairing hog fences in the District.

Mr. Murr then discussed the replacement of an additional 90 trees along the Grand Parkway and he stated the estimated cost is \$193,000. The Board inquired if any necessary regrading is included in the estimate and Mr. Murr stated it is not. The Board requested that Mr. Murr provide an additional quote for same. Discussion then ensued regarding funding. Mr. Vannerson and Mr. Murr discussed the emergency nature of this work and declared the tree installation to be an emergency.

Following review and discussion, Director Vannerson moved to (i) approve the park and recreational facilities report; (ii) declare tree installation an emergency; and (iii)

approve the proposal from Bid Trees in an amount not to exceed \$193,000 for tree replacement along the Grand Parkway. Director Cantu seconded the motion, which passed unanimously.

PERIMETER LEVEE MATTERS

There was no discussion on this agenda item.

REPORTS FROM DIRECTOR AND/OR DISTRICT CONSULTANTS

The Board discussed the recent levee improvement district seminar and the process for posting emergency messages on the District's website. Following discussion, the Board concurred to authorize ABHR, LJA, and the District's operator to coordinate to post any needed messages.

Mr. Raley and Mr. Doty reviewed an annual water management report with the Board, a copy of which is filed in the District's official records. Mr. Raley and Mr. Doty recommended the Board authorize replacement of the District's current controller cartridges with new two-way communicating controller cartridges in the amount of \$2,940 per cartridge. Discussion ensued, and the Board concurred to replace the cartridges as the current ones fail.

The Board then requested WL provide an annual presentation to the Board in September.

ATTORNEY'S REPORT

Ms. Milbauer reported ABHR will file the District's Eminent Domain Authority Annual Report with the Comptroller of the State of Texas pursuant to Senate Bill 1812. She then discussed *Hidalgo County Water Improvement District No. 3 v. Hidalgo County Water Irrigation District No. 1*, a pending case regarding the use of governmental immunity as a defense against condemnation. Discussion ensued.

Ms. Milbauer reviewed with the Board a memorandum regarding designating addresses and methods for receipt of requests for public information under the Texas Public Information Act ("TPIA Requests"), a copy of which is attached. The Board considered designating a mailing address and an email address and approving other methods for receipt of TPIA Requests, pursuant to Section 552.234 of the Texas Government Code. After review and discussion, Director Cantu moved to: (1) adopt a Resolution Establishing Addresses and Methods for Texas Public Information Act Requests ("Resolution") to (a) designate the address of the District's official office as the mailing address and fbl010@txdistricts.info as the email address for receipt of TPIA Requests to the District, and (b) direct that the designated addresses and methods be printed on the sign displayed by the District under Section 552.205, Texas Government Code, and posted continuously on the District's Internet website; and (2) direct the

Resolution to be filed appropriately and retained in the District's official records. Director Vannerson seconded the motion, which passed unanimously.

DISTRICT WEBSITE MATTERS

The Board discussed general updates to the District's website, including adding a link to the tax assessor-collector's website for residents to pay their property tax statements.

EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE

The Board convened into executive session at 12:42 p.m. pursuant to section 551.071, Texas Government Code. ABHR, Mr. Rusk and Mr. Murr were present.

RECONVENE IN OPEN SESSION AND AUTHORIZE APPROPRIATE ACTION

The Board reconvened in open session at 1:01 p.m. No action was taken.

The Board concurred to hold the next regular meeting on January 27, 2022, and the next parks meeting scheduled for January 14, 2022.

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

(SEAL)




Secretary, Board of Directors

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