

MINUTES
FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 10

January 31, 2023

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 31st day of January, 2023, 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 attending the meeting were Mary Ann Mihills of Municipal Accounts & Consulting, LP; Michael Murr of Murr Incorporated; Kristy Hebert of Tax Tech, Inc.; Albert Ramirez of Lake Management Services, LP; Jacob Clark of LJA Engineering, Inc ("LJA"); Jeff Perry of Levee Management Services, LLC; David Beyer of Storm Water Solutions, LLC; Nik Raha of City of Sugar Land ("COSL"); Crystal Horn of McGrath & Co., PLLC; and Angie Lutz and Shammara Polk of Allen Boone Humphries Robinson LLP ("ABHR").

PUBLIC COMMENTS

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

MINUTES

The Board considered approving the minutes of the November 30, 2022, regular meeting, and December 9, 2022, special meeting, as presented. Following review and discussion, Director Cantu moved to approve the minutes, as presented. Director Burns seconded the motion, which passed unanimously.

AUDIT FOR FISCAL YEAR END SEPTEMBER 30, 2022

Ms. Horn reviewed the District's audit for the fiscal year ending September 30, 2022. Following review and discussion, Director Vannerson moved to approve the District's audit and authorize filing, pending finalization. Director Cantu seconded the motion, which passed unanimously.

ANNUAL REPORT REGARDING POST-ISSUANCE COMPLIANCE POLICY

Ms. Lutz reported on the District's compliance activities during the prior calendar year related to bond financings. She stated that no corrective action is required at this time.

PHASE II MS4 STORMWATER MANAGEMENT PLAN

Mr. Beyer updated the Board on the District's Storm Water Management Plan ("SWMP"). He reviewed the year 4 annual report for the SWMP, and a summary of the year 5 training and goals under the SWMP, copies of which are attached.

Mr. Beyer began his training session with the Board and other consultants. He stated the topic of the year 5 training was stormwater pollution prevention, the minimum control measures, and bacteria-specific elements. Mr. Beyer explained the importance of keeping household hazardous waste, pet waste, and yard waste out of the storm sewers to prevent adding to bacterial impairment. He then continued with the training, thoroughly explaining the sources of bacteria and outlining the program elements of the SWMP that deal with these sources.

Discussion ensued regarding signage placed around the frisbee course and adding legal language on the signs to alleviate liability to the District. The Board directed Mr. Beyer and ABHR to look into what language could be added to the signs.

Following review and discussion, Director Vannerson moved to (1) approve the year 4 annual SWMP report; and (2) the related public education materials. Director Cantu seconded the motion, which passed unanimously.

CITY OF SUGAR LAND ("COSL") MATTERS

Mr. Raha updated the Board regarding a water leak surrounding the fire hydrant between Lake #1 and the feeder road. He stated he contacted Public Works for the COSL and is currently awaiting an update.

The Board discussed the potential land swap between the District and the COSL and the Board directed Mr. Raha to contact the COSL attorney to see if any additional assistance could be provided.

The Board discussed a portion of the sidewalk was removed near the trailhead of the Frisbee course and the Board directed Mr. Raha to contact the COSL to find out what their plans are for repairing/replacing the sidewalk.

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.

Mr. Ramirez updated the Board on the repairs to the irrigation system next to pond 2. He stated the repairs will take place this week.

Discussion ensued regarding establishing a protocol between the Riverpark on the Brazos Property Owners Association and Lake Management Services for handling the removal of discs from the lake and dropping in a depository at the recreation center for residents and guests to search through should their disc get lost in the lake.

APPROVE AMENDMENT TO SERVICE AGREEMENT WITH WATERLOGIC

Ms. Lutz reviewed and presented a First Amendment to the Service Agreement between the District and WaterLogic, Inc. (the "Amendment")

Following review and discussion, Director Vannerson moved to approve the Amendment, as presented and direct that it be filed and retained in the District's official records. Director Cantu seconded the motion which passed unanimously.

ASSOCIATION OF WATER BOARD DIRECTORS ("AWBD") CONFERENCES

The Board discussed the AWBD winter conference. The Board then considered authorizing attendance at the summer conference. Following review and discussion, Director Burns moved to (1) approve reimbursement of all eligible expenses for Directors who attended the winter conference, which the bookkeeper confirmed were submitted in accordance with the District's guidelines, and to authorize attendance of any interested Directors at the summer conference; and (2) authorize attendance at the National Association of Flood and Stormwater Management Agencies Annual Meeting in Seattle Washington from July 24, 2023 through July 27, 2023. Director Cantu 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.

The Board discussed the Emergency Reserve fund and one million dollar reserve fund the District had accumulated pursuant to the District's plan and policy. Following discussion, the Board concurred to take no action and to defer further discussion until the next Board meeting.

Ms. Mihills informed the Board that she and Mr. Jacobs are still determining where to reallocate funds from projects that will be postponed to District projects that will be completed. She stated the shaded items on the report totaling \$258,194 will be reallocated to fund other District projects.

Ms. Lutz then stated that in accordance with the District's Investment Policy, the District's bookkeeper and the District's Investment Officer, are required to execute disclosure statements that disclose any relationships with banks and brokers who seek to

sell investments to the District. She added that the disclosure statements will be filed with the Texas Ethics Commission ("TEC").

Following review and discussion, Director Cantu moved (1) to approve the bookkeeper's report, including the payment of the bills listed in the report; and (2) accept the disclosure statements and authorize filing with the TEC. Director Vannerson seconded the motion, which passed unanimously.

TAX ASSESSMENT AND COLLECTIONS MATTERS

Ms. Hebert 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 80.09% of the District's 2022 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. Clark reviewed the engineer's report, a copy of which is attached.

Mr. Clark provided an update regarding Brazos River erosion matters. He stated the river continues to remain at a low level.

Mr. Clark provided an update on the District's capital improvement plan. He stated LJA is preparing a cost estimate for the generator.

Mr. Clark provided an update regarding the Frisbee Course. He stated LJA is coordinating the final Change Order which includes removal of site signage and the Pay Application as discussed at the January 13, 2023, parks meeting. He reviewed and presented a proposal from Gorilla Disc Golf ("GDC") in the amount of \$21,250 for the fabrication and installation of signage and 9 additional tee signs. Discussion ensued regarding costs of signage and tee boxes and how this will affect the overall cost of the project. The Board concurred to approve the concrete component and 9 additional tee box pads in an amount not to exceed \$15,000 and to approve the proposal from Gorilla Disc Golf in an amount not to exceed \$21,250. Director Vannerson advised that the grand opening date for the Frisbee Course is scheduled for April 30, 2023.

Mr. Clark provided an update regarding the Park at the Levee (Enclave). He stated LJA is currently awaiting direction on the best way to proceed. Discussion ensued and the Board concurred to put the project on hold and direct Mr. Raha to coordinate communication with Councilman Kermally and the COSL attorney regarding the land swap.

Mr. Clark provided an update regarding the Overlook Trail Extension. He stated the contractor is currently addressing comments to bonds and insurance and anticipate execution of the contract and issuance of the Notice to Proceed in mid-February.

Following review and discussion, Director Vannerson moved to (1) approve the engineering report; (2) approve proposal from GDC in an amount not to exceed \$21,250; and (3) approve the concrete component and 9 additional tee box pads in an amount not to exceed \$15,000. Director Cantu seconded the motion, which passed unanimously.

OPERATION OF DISTRICT FACILITIES

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

Mr. Perry updated the Board regarding the meeting with the Homeowner's Association representative. He stated it was a productive meeting and they would like to meet on a more frequent basis to discuss any issues moving forward.

Mr. Perry discussed future drainage projects outlined in the District's Capital Improvement Plan. He recommended the replacement of the generator and replacing the pumps at the pump station. Discussion ensued regarding budgeting for the recommended projects.

Following review and discussion, Director Burns moved to approve the operations report. Director Cantu seconded the motion, which passed unanimously.

EDUCATION/TRAINING COMPLIANCE STATUS

Ms. Lutz informed the Board that the list of each Director's continuing education during the 2022 calendar year has been filed with Fort Bend County.

RESOLUTION REQUESTING APPOINTMENT OF DIRECTORS BY THE FORT BEND COUNTY COMMISSIONERS COURT

Ms. Lutz stated Directors Burns, Cantu, and Vannerson's terms expired on January 25, 2023. She then reviewed a Resolution Requesting Appointment of Directors by the Fort Bend County Commissioners' Court (the "Resolution") to appoint Directors Burns, Cantu, and Vannerson to a new four-year term expiring January 25, 2027.

Following review and discussion, Director Cantu moved to adopt the Resolution and direct that it be filed appropriately and retained in the District's official records. Director Vannerson seconded the motion, which passed unanimously.

PARK LAND SUBSTITUTION WITH THE CITY OF SUGAR LAND FOR ONGOING PARK AND RECREATIONAL PROJECTS

The Board discussed the park land substitution with the COSL for ongoing park and recreational projects.

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.

Mr. Murr updated the Board regarding the Lighting at Magnolia Park. He stated lights have been energized and the site has been cleaned. He further advised that the brick shields, light focus, and final clean up is all that is left for this project.

Mr. Murr updated the Board on the replacement of additional trees along the Grand Parkway. He stated this project will be completed soon and that one tree from the recreation center has been transplanted to the Enclave Pond, with benches and pads to follow.

Mr. Murr updated the Board on the tube separation on a slide at the recreation center. He stated he received a call from the manufacturer advising the repair is complete. He also updated the Board on the turf replacement at the recreation center and advised in the interim they are patching up any problem areas.

The Board discussed pavement markings needing to be replaced throughout out the District and directed Mr. Raha to coordinate with the COSL.

Mr. Murr informed the Board that the zip line is not operational at the moment and that parts have been ordered and will be installed once received.

Mr. Murr updated the Board on the eight locations where fence railings either needed to be repaired or replaced throughout the District. He stated the COSL will not be participating with the repairing or replacing of the fence railings. Mr. Murr advised that an in-depth survey of the areas has been conducted and an initial cost estimate is \$80,000.

LANDSCAPING MATTERS

There was no discussion regarding this agenda item.

PERIMETER LEVEE MATTERS

The Board discussed perimeter levee matters.

REPORTS FROM DIRECTOR AND/OR DISTRICT CONSULTANTS

There was no discussion on this agenda item.

DISTRICT WEBSITE MATTERS

There was no discussion on this agenda item.

EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE

The Board did not convene in executive session.

RECONVENE IN OPEN SESSION AND AUTHORIZE APPROPRIATE ACTION

The Board did not convene in executive session.

The Board concurred to hold the next regular meeting on February 23, 2023, and the next parks meetings on February 10, 2023.

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




Secretary, Board of Directors

LIST OF ATTACHMENTS TO MINUTES

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