

MINUTES  
FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 10

January 25, 2024

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 January, 2024, 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:

Ike Akinwande	President
Sibu Varghese	Vice President
Polee Love	Secretary
Johnny J. Cantu	Assistant Vice President
Nico Calgulada	Assistant Secretary

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

Also attending the meeting were Albert Ramirez of Lake Management Services, LP; David Beyer of Storm Water Solutions, LLC; Greg McGrath and Kevin Garcia of McGrath & Co., PLLC; Kelley Jurecek of Tax Tech, Inc. ("Tax Tech"); Michael Murr of Murr Inc.; Michael Rusk and Jacob Clark of LJA Engineering, Inc ("LJA"); Mary Ann Mihills of Municipal Accounts & Consulting, LP; Nik Raha of the City of Sugar Land; Jeff Perry of Levee Management Services, LLC ("LMS"); and Angie Lutz, Jessica Holoubek and Shammara Polk of Allen Boone Humphries Robinson LLP ("ABHR").

PUBLIC COMMENTS

Ms. Lutz offered any members of the public attending the meeting the opportunity to make public comment. There being no members of the public requesting to make a public comment, Ms. Lutz moved to the next agenda item.

DIRECTOR MATTERS

APPOINT NEW DIRECTORS

Ms. Lutz reported that on January 9, 2024, the Commissioners Court of Fort Bend County moved to re-appoint Director Cantu to the Board with a term of June 25, 2023, through June 25, 2027, and expanded the number of Directors from three to five and appointed Ike Akinwande and Nico Calgulada to terms of January 25, 2023 through January 25, 2027 to fill the two current terms and appointed Polee Love and Sibu Varghese to terms of January 9, 2024 through January 9, 2028.

APPROVE SWORN STATEMENTS, OFFICIAL BONDS, AND OATHS OF OFFICE OF NEW DIRECTORS

Ms. Lutz reviewed and discussed the Sworn Statement, Official Bond, Candidate Affidavit, and Oath of Office as required by the Texas Constitution and Texas Water Code to be executed by Mr. Akinwande, Mr. Love, and Mr. Varghese. She stated that due to Mr. Calgulada not being present at today's meeting, he will be officially sworn in at another Board meeting.

REORGANIZE THE BOARD AND EXECUTION OF DISTRICT REGISTRATION FORM

The Board then considered reorganizing the Board.

Discussion ensued regarding who should serve as President on the Board. Following review and discussion, Director Varghese moved to appoint Director Akinwande to serve as President on the Board. Director Love seconded the motion, which passed unanimously.

Discussion ensued regarding who should serve as Assistant Vice President on the Board. Following review and discussion, Director Akinwande moved to appoint Director Cantu to serve as Assistant Vice President on the Board. Director Varghese seconded the motion, which passed unanimously.

Discussion ensued regarding who should serve as Vice President on the Board. Following review and discussion, Director Cantu moved to appoint Director Varghese to serve as Vice President on the Board. Director Akinwande seconded the motion, which passed unanimously.

Discussion ensued regarding who should serve as Secretary on the Board. Following review and discussion, Director Cantu moved to appoint Director Love to serve as Secretary on the Board. Director Akinwande seconded the motion, which passed unanimously.

Discussion ensued regarding who should serve as Assistant Secretary on the Board. Following review and discussion, Director Akinwande moved to appoint Director Calgulada to serve as Assistant Secretary on the Board. Director Cantu seconded the motion, which passed unanimously.

The Board has been reorganized as follows:

Ike Akinwande	President
Sibu Varghese	Vice President
Polee Love	Secretary
Johnny J. Cantu	Assistant Vice President
Nico Calgulada	Assistant Secretary

The Board then considered authorizing the execution of a District Registration Form. Ms. Lutz stated the revised District Registration Form must be filed with the Texas Commission on Environmental Quality ("TCEQ") to show the new Directors.

#### OPEN MEETINGS ACT AND PUBLIC INFORMATION ACT TRAINING REQUIREMENTS

Ms. Lutz reviewed a memorandum from ABHR regarding the Texas Open Meetings Act requirements. She noted the Directors, as public officials, are required to complete a course on training responsibilities on the governmental body and its members under the Texas Government Code, Chapter 551, within 90 days of taking the Oath of Office. She requested Directors Akinwande, Love, and Varghese forward their certificates of completion to ABHR for filing in the District's official records.

#### CONFLICT OF INTEREST DISCLOSURE REQUIRED BY CHAPTER 1776 OF THE TEXAS LOCAL GOVERNMENT CODE, INCLUDING REVIEW OF DISCLOSURE FORMS ADOPTED BY THE TEXAS ETHICS COMMISSION AND LIST OF LOCAL GOVERNMENT OFFICIALS

Ms. Lutz discussed potential Texas Open Meeting Act violations and the inappropriateness of individual actions by one Board member to instruct a District consultant to act.

Ms. Lutz next reviewed Chapter 176 of the Texas Local Government Code, which requires directors and consultants to disclose certain conflicts of interest. Ms. Lutz reviewed with the Board the forms adopted by the Texas Ethics Commission for making disclosures under Chapter 176 and noted that the forms are required to be filed with the records administrator for the District. Ms. Lutz encouraged Directors Akinwande, Love, and Varghese to contact ABHR if assistance is needed in determining whether a conflict requires disclosure or in making a required disclosure.

Following review and discussion, Director Cantu moved to (1) appoint Ike Akinwande, Polee Love, and Sibiu Varghese to the Board of Directors; (2) approve the Sworn Statements, Official Bonds, Candidate Affidavits, and Oaths of Office for Directors Akinwande, Love, and Varghese and direct that the documents be filed appropriately and retained in the District's official records, and that the Oaths of Office be filed with the Secretary of State, as required by law; (3) authorize ABHR to file the updated District Registration Form with the TCEQ; (4) accept the Open Meetings Act and Public Information Act training requirements; and (5) accept the conflict of interest disclosure, including the list of local government officers. Director Akinwande seconded the motion, which passed unanimously.

## MINUTES

The Board considered approving the minutes of the November 10, 2023, parks meeting, the November 30, 2023, regular meeting, and the January 9, 2024, special meeting. Following review and discussion, Director Cantu moved to approve the minutes, revised as discussed. Director Akinwande seconded the motion, which passed unanimously.

## ACCEPT PETITION TO CHANGE TO ELECTION OF BOARD OF DIRECTORS PURSUANT TO TEXAS WATER CODE, CHAPTER 57

Ms. Lutz presented and reviewed a Petition To Change to Election of Board of Directors Pursuant to Texas Water Code, Chapter 57. The Board then considered accepting the Petition to Change to Election of Board of Directors (the "Petition") pursuant to Texas Water Code, Chapter 57. Following discussion, the Board concurred to defer acceptance of the Petition to allow the Board time to review the documentation presented.

## DISTRICT ELECTION MATTERS

Ms. Lutz discussed procedures related to the 2024 Election of Directors. She reviewed a Resolution Designating an Agent of the Secretary of the Board of Directors during the 2024 Election of Directors for the District.

Ms. Lutz then reviewed an Order Calling Election of Directors.

Ms. Lutz stated that the District may contract with Fort Bend County (the "County") to conduct the District's 2024 Election of Directors.

Ms. Lutz discussed that Notice of Election may be required to be posted or published and provided to the County Clerk and Voter Registrar of the County.

The Board reviewed a Resolution Adopting Voting System.

Ms. Lutz stated that early voting rosters must be posted during the early voting period for the May 4, 2024, Election of Directors.

Following discussion, the Board concurred to defer action on these items.

## AUDIT FOR FISCAL YEAR END SEPTEMBER 30, 2023

Mr. McGrath reviewed the District's audit for the fiscal year ending September 30, 2023. Following review and discussion, Director Akinwande moved to approve the District's audit and authorize filing, subject to finalization. Director Varghese seconded the motion, which passed unanimously.

## PHASE II MS4 STORMWATER MANAGEMENT PLAN

Mr. Beyer updated the Board on the District's Storm Water Management Plan ("SWMP"). He reviewed the year 5 annual report for the SWMP, and a summary of the year 6 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 6 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.

Following review and discussion, Director Cantu moved to (1) approve the year 5 annual SWMP report; and (2) the related public education materials. Director Varghese seconded the motion, which passed unanimously.

## CITY OF SUGAR LAND ("COSL") MATTERS

Mr. Raha discussed COSL matters and requested ABHR remove the hog taskforce item from the agenda.

## 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 regarding issues with the Lake 1 well meter. He stated the well is operational, but the meter is currently inoperable and to maintain compliance with the subsidence District, an operational meter is required in order to record water usage. Mr. Ramirez stated the subcontractor will inspect the meter next week and once inspected they will provide a quote to repair or replace the meter.

Mr. Ramirez informed the Board that the Lake 5 fountain was pulled on January 19, 2024, due to it failing a field test as it was tripping the service breaker. He stated the fountain is under warranty and should be repaired and put back in sometime next week.

Mr. Ramirez informed the Board that the irrigation well near the dog park and the irrigation pump in Lake 2 were turned off and drained in preparation of the freeze. He stated they were turned back on today and checked for leaks and no issues were found. Mr. Ramirez stated he did reach out to Rome Alfaro with Houston Landscapes Unlimited and informed him that the irrigation well and pump were fully operational.

Following review and discussion, Director Cantu moved to approve the lake maintenance report. Director Varghese 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. Ms. Mihills informed Directors Akinwande, Love, and Varghese that she will provide their information to AWBD and request their log in information be provided directly to them so they can register for the summer conference if interested in attending. She further advised that she would go over the travel guidelines with Directors Akinwande, Love, and Varghese at a later date. Following review and discussion, Director Love 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 (2) authorize attendance at the summer conference. Director Varghese 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.

Discussion ensued regarding Director per diems and the Board requested ABHR add an agenda item to discuss further at the next regular Board meeting.

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

#### TAX ASSESSMENT AND COLLECTIONS MATTERS

Ms. Jurecek reviewed the monthly tax assessor/collector's report from December 31, 2023, including the tax bills presented for payment, which was reviewed and approved at the January 9, 2024, Board meeting. A copy of the tax assessor/collector's reports is in the District's files.

#### 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 on the turf replacement at the Clubhouse Park next to the RiverPark Recreation Center, in which the park land is owned by the District. He stated this project is complete and the construction fence is scheduled to come down shortly and an inspection is scheduled for Monday.

Mr. Murr informed the Board that the Frisbee Course will be added to his report as an inspection item for future meetings. He also updated the Board regarding additional drop zone signage that was approved at the January 9, 2024, Board meeting. He stated these will be installed at finished hole nos. 4 and 6.

Mr. Murr reminded the Board of previous discussions regarding pergola maintenance at the pool/RiverPark Recreation Center. He stated all of the pergolas are in need of repair and the shade structure over the pergolas needs to be replaced. Mr. Murr recommends obtaining bids for the repairs.

Mr. Murr updated the Board on the tree replacement project along the Grand Parkway. He stated there are six remaining trees to be planted.

Mr. Murr informed the Board that he was informed of a broken gate along the perimeter of the District which is a penetration point for hogs to enter. He stated he is working to get this repaired.

Following review and discussion, Director Cantu moved to (1) approve the park maintenance report. Director Vannerson seconded the motion, which passed unanimously.

#### NEXT MEETING DATE, LOCATION, AND TIME

The Board concurred to hold a special meeting on January 30, 2024, at 6:30 p.m. at Memorial Hermann Hospital in Sugar Land.

Discussion ensued regarding items to be included on the agenda for the January 30, 2024, special meeting including (1) public comments; (2) Director matters including the swearing in of Director Cagulada; and (3) discussion on consultant responsibilities.

The Board requested Tax Tech send an excel spreadsheet of all resident addresses to the Board.

The Board requested ABHR contact Classic Messaging and request they send a list of the email addresses and phone numbers in their possession in connection with the emergency alert system to the Board.

Discussion ensued regarding methods of posting of public meetings and Ms. Lutz confirmed that agendas are posted with the Fort Bend County Clerk, the District's website, and in the District by Mr. Perry at the RiverPark Recreation Center and the pump station.

Discussion ensued regarding which consultants should attend the January 30, 2024, Board meeting and the Board requested representatives for the following matters: (1) financial matters; (2) engineering matters; (3) operation matters; and (4) park and

recreational matters. Mr. Rusk and Mr. Clark advised they would not be able to attend but they would ensure a representative of LJA would be in attendance. The Board advised that Ms. Mihills did not need to attend but did request ABHR contact the financial advisor to attend the meeting. Ms. Lutz informed the Board that ABHR would not be able to attend the meeting. Mr. Perry stated a representative from LMS would be in attendance and Mr. Murr stated he would attend the meeting as well. The Board concurred that the tax assessor/collector did not need to attend the meeting.

The Board decided to hold a special meeting on February 12, 2024, at 11:30 a.m. at ABHR to discuss only the Petition and the potential upcoming election, and to hold their next regular meeting on February 22, 2024, at 11:30 a.m. at ABHR.

### ENGINEER'S REPORT

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

Mr. Rusk provided an update regarding Brazos River erosion matters. He stated the Brazos River is projected to rise and LJA will inspect when levels drop for any erosion.

Mr. Rusk provided an update on the generator replacement and site improvement project, as reflected in the report. He stated that LJA has completed the design and is currently working with CenterPoint for routing of the gas line for the generator. Mr. Rusk requested the Board authorize LJA to advertise for bids for this project.

Mr. Clark provided an update regarding the Park at the Levee (Enclave), as reflected in the report. He stated LJA will proceed with bidding on the project prior to the February Board meeting.

Mr. Clark stated that the Board has a standing park meeting on the 2<sup>nd</sup> Friday of the month at the at the RiverPark Subdivision Recreation Center at 8:30 a.m., to have a more detailed discussion regarding park items. Following discussion, the Board concurred to hold a park meeting on February 9, 2024, at 8:30 a.m., at the at the RiverPark Subdivision Recreation Center.

Mr. Clark provided an update regarding the Overlook Trail Extension. He stated the project is substantially complete and that LJA is currently waiting for the stone to arrive to wrap the columns at the pavilion.

Following review and discussion, Director Love moved to (1) approve the engineering report; and (2) authorize LJA to advertise for bids for the generator replacement and site improvement project, as discussed. 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 informed the Board that a faulty coolant sensor in the generator needed to be replaced. He stated that in between meetings he contacted Director Cantu to receive authorization to make the necessary repairs in an amount not to exceed \$1,800.00. Mr. Perry confirmed that the sensor was replaced the next day and is fully operational.

Mr. Perry updated the Board regarding the Fort Bend County Levee Improvement District No. 7 Brazos River project.

Following review and discussion, Director Cantu moved to (1) approve the operations report; and (2) ratify approval to replace the faulty coolant sensor in an amount not to exceed \$1,800.00. Director Love seconded the motion, which passed unanimously.

## PARK LAND SUBSTITUTION WITH THE CITY OF SUGAR LAND FOR ONGOING PARK AND RECREATIONAL PROJECTS, INCLUDING APPROVE AGREEMENT BETWEEN THE DISTRICT AND RIVERPARK ON THE BRAZOS PROPERTY OWNERS ASSOCIATION, INC.

There was no further discussion regarding this agenda item.

## PERIMETER LEVEE MATTERS

Mr. Perry provided an update regarding perimeter levee matters and discussed available conferences for Board members to attend.

## REPORTS FROM DIRECTOR AND/OR DISTRICT CONSULTANTS

There was no discussion regarding this agenda item.

## DISTRICT WEBSITE MATTERS

Director Akinwande discussed potentially having a YouTube channel for the District.

## ADOPT RESOLUTION ESTABLISHING ADDITIONAL IN-DISTRICT MEETING PLACES

There was no discussion regarding this agenda item.

EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE

The Board did not convene in executive session.

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



A handwritten signature in black ink, consisting of stylized, overlapping loops and lines.

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Secretary, Board of Directors

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