

MINUTES
FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 10

March 28, 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 28th day of March, 2024, at Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, 26th 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 Kristy Hebert of Tax Tech, Inc.; Michael Murr of Park Rangers.; Michael Rusk and Jacob Clark of LJA Engineering, Inc ("LJA"); Mary Ann Mihills of Municipal Accounts & Consulting, LP; Jeff Perry of Levee Management Services, LLC ("LMS"); and Angie Lutz and Shammara Polk of Allen Boone Humphries Robinson LLP ("ABHR").

PUBLIC COMMENTS

Director Akinwande 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, Director Akinwande moved to the next agenda item.

MINUTES

The Board considered approving the minutes of the January 25, 2024, regular meeting, the January 30, 2024, special meeting, the February 9, 2024, parks meeting, the February 12, 2024, special meeting, the February 15, 2024, special meeting, and the March 8, 2024, parks meeting. Ms. Lutz informed the Board that Director Akinwande provided ABHR with comments to the January 30, 2024, special meeting minutes, the February 15, 2024, special meeting minutes, and the March 8, 2024, parks meeting minutes. Discussion ensued regarding the comments to the minutes. Following review and discussion, Director Varghese moved to approve the minutes, revised as discussed. Director Love seconded the motion, which passed unanimously.

ANNUAL REPORT

Ms. Lutz reviewed an Annual Report containing updated financial and operating data to be filed in accordance with the continuing disclosure provisions contained in the bond resolutions. She stated that the District is required to file certain financial and operating data with the Municipal Securities Rulemaking Board through the Electronic Municipal Market Access ("EMMA") system in compliance with SEC Rule 15c12-12. Ms. Lutz informed the Board that due to the last scheduled regular meeting on March 1, 2024, being cancelled, and to ensure timely submission to the appropriate governmental agencies, she signed and approved the report on the District's behalf. Discussion ensued regarding the last year bonds were issued for the District, interest rates for the selling of bonds, and what party is responsible for repayment of the bonds.

Following review and discussion, Director Varghese moved to approve ratification of the Annual Report, submission of the District's updated financial and operating data to EMMA in compliance with the continuing disclosure provisions contained in the bond resolutions and direct that the Report be filed appropriately and retained in the District's official records. Director Love seconded the motion, which passed unanimously.

REVIEW OF PROCEDURES FOR CONTINUING DISCLOSURE COMPLIANCE

The Board then reviewed the District's procedures for continuing disclosure compliance. Ms. Lutz stated that no changes are required at this time. Discussion ensued regarding the timeline for approval of routine documentation. Ms. Lutz informed the Board that ABHR maintains a District calendar of all routine agenda items requiring approval of the Board, and Director Akinwande requested ABHR provide a copy of the District calendar for review.

Following review and discussion, Director Varghese moved to approve the District's procedures for continuing disclosure compliance. Director Love seconded the motion which passed unanimously.

RESOLUTION ESTABLISHING DIRECTOR FEES OF OFFICE AND DISTRICT REIMBURSEMENT POLICY

Ms. Lutz reminded the Board of discussion from the January 25, 2024, Board meeting regarding House Bill No. 2815 that went into effect on June 18, 2023, regarding the maximum special district director fees of office at the per diem amount set by the Texas Ethics Commission for members of the legislature. She stated that pursuant to House Bill No. 2815, the current maximum amount for director fees of office is \$221.00. The Board considered increasing director fees of office from \$150.00 to \$221.00, and going forward the maximum amount automatically will be indexed for inflation. Discussion ensued regarding the cap of \$7,200 for the fiscal year, what conferences a Director can attend that counts as a per diem, and what is reimbursable when a Director attends a conference. Following discussion, the Board concurred to table the discussion.

DESIGNATION OF A DIRECTOR TO MAKE DECISIONS BETWEEN BOARD MEETINGS

The Board next considered designating a Director to make decisions in between Board meetings. Ms. Lutz reminded the Board that Director Cantu was given all authority for decision making in between Board meetings at the last Board meeting of the previous Board on January 9, 2024. She stated that the LMS contract states they can contact one Board member to make a decision regarding an emergency repair in an amount between \$2,500.00 and \$25,000.00. Ms. Lutz further advised that Mr. Perry has the authority to make a decision for an emergency repair under \$2,500.00. Ms. Lutz next informed the Board that Lake Management Services, LP has the same policy as LMS. Mr. Murr informed the Board that in his contract he has the authority to handle any emergency irrigation repairs and anything in connection with WaterLogic in the amount of up to \$2,500.00 and anything over that amount he would contact a Board member for approval. Mr. Perry discussed with the Board that there are instances in between Board meetings where emergency repairs need to take place that can't wait for an official Board meeting to get approval. He further advised that any approved repairs would be ratified at the next regular Board meeting. Discussion ensued, and the Board concurred to appoint Director Akinwande as the first point of contact and appoint Director Varghese as the second point of contact for any emergency repairs over \$2,500.00 and under \$25,000.00 for LMS, Lake Management Services, LP, and Park Rangers, as well as any change orders and pay estimates that require approval.

Following review and discussion, Director Love moved to appoint Director Akinwande as the first point of contact and Director Varghese as the second point of contact to make decisions between Board meetings, as discussed. Director Varghese seconded the motion, which passed unanimously.

2024 ELECTION MATTERS

The Board discussed a date to canvass the results from the May 4, 2024, election. Ms. Lutz informed the Board that only two Directors are needed to accept the results of the election received from Fort Bend County and the Board can adopt the Order Canvassing the Election at the May 23, 2024, regular meeting. Discussion ensued, and the Board concurred to hold a special meeting on May 14, 2024, at 11:30 a.m. at ABHR to canvas the election.

PHASE II MS4 STORMWATER MANAGEMENT PLAN

Director Love informed the Board of a crew member of Houston Landscape Unlimited ("HLU") blowing grass clippings into the storm sewer drain. Discussion ensued, and the Board requested ABHR prepare and send a letter addressed to the RiverPark on the Brazos Property Owners Association ("POA") regarding this issue.

CITY OF SUGAR LAND ("COSL") MATTERS

Director Cantu informed the Board of a gas station in the District that had excessive amounts of trash at the receptacle and that the City of Sugar Land (the "City") removed all of the trash once reported. Director Cantu encouraged Board members to report any issues or concerns to the City by calling 311.

Director Cantu informed the Board of lights across from the RiverPark Recreation Center constantly going out and stated that he has contacted CenterPoint and copied Nik Raha with the City on the communication.

LAKE MANAGEMENT SERVICES

Ms. Lutz provided an update from Lake Management Services, LP, with the Board regarding lake maintenance and repairs performed in the District.

Ms. Lutz stated that Lake Management Services, LP has advised that the power unit that was approved was installed approximately two weeks ago.

Ms. Lutz next review and presented a proposal prepared by Lake Management Services, LP in the amount of \$466.21 to replace the pressure switch on the west end of the irrigation system. She reminded the Board that Director Cantu approved this repair on March 21, 2024, and that as of today the pressure switch has been installed and irrigation is back up and running. Director Varghese discussed concerns of the lights not matching after the pump was replaced and the pressure is not the same as one fountain goes higher than the other and requested ABHR inform Lake Management Services, LP to look into these matters further. Director Varghese advised of a dead tree in the lake at the Enclave and requested ABHR notify the appropriate point of contact with CIA Services to look into the issue further.

Following review and discussion, Director Varghese moved to approve the ratification of the proposal, as presented. 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.

Director Love inquired about the contingencies line item under construction costs in connection with the \$2,115,000 Unlimited Park Bonds, Series 2021. Mr. Rusk stated that contingencies were added to account for any possible changes in cost. He stated that even though it is listed as one line item, it is meant to be a component for each project listed.

Following review and discussion, Director Varghese 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. Hebert reviewed the monthly tax assessor/collector's reports, including the tax bills presented for payment. A copy of the tax assessor/collector's reports is attached.

Following review and discussion, Director Love moved to approve the tax reports and the checks presented for payment. Director Varghese seconded the motion, which passed unanimously.

RESOLUTION CONCERNING EXEMPTIONS FROM TAXATION

The Board discussed the District's tax rate exemptions, and considered adopting a Resolution Concerning Exemptions from Taxation ("Resolution"). Ms. Lutz stated the District currently offers a \$20,000 exemption for residents who are disabled and/or 65 years of age or older and a 20% general homestead exemption, not less than \$5,000. After review and discussion, Director Cantu moved to adopt the Resolution granting a \$20,000 exemption for residents who are disabled and/or 65 years of age or older and a 20% general homestead exemption, not less than \$5,000. Director Love seconded the motion, which passed unanimously.

ENGINEER'S REPORT

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

CHANNEL EROSION MATTERS

Mr. Rusk provided an update regarding Brazos River erosion matters, as reflected in the report. He stated there are no visible erosion areas.

DEEDS AND EASEMENTS

There was no discussion regarding this agenda item.

CAPITAL IMPROVEMENT PLAN

GENERATOR REPLACEMENT AND SITE IMPROVEMENT PROJECT

Mr. Rusk provided an update on the generator replacement and site improvement project, as reflected in the report. He stated LJA has completed the design and plans to receive bids on April 3, 2024. Director Varghese inquired as to why the District is moving from a diesel generator to a natural gas generator and Mr. Rusk stated logistics was the main

concern. He further advised that in the past there were issues of getting diesel to the site and the timeliness of receiving the diesel gasoline.

PARK DESIGN PROJECTS

PARK AT THE LEVEE (ENCLAVE)

Mr. Clark provided an update regarding the Park at the Levee (Enclave) project, as reflected in the report. He stated two bids were received for the Park at the Levee (Enclave) project and the lowest bidder was DL Meacham LP in the amount of \$719,252.70. Mr. Clark stated that he cannot make a recommendation of award at this time due to the City not approving the plans until the land swap is finalized. Ms. Lutz informed the Board that she has followed up with the attorney for the POA, Walt Spears, and he has stated they are working on the land swap. Mr. Clark recommends the Board review the bid tabulation and he will bring a full-size plan set and review the bids at the next parks meeting on April 12, 2024.

OVERLOOK TRAIL EXTENSION

Mr. Clark provided an update regarding the Overlook Trail Extension project, as reflected in the report. He stated LJA has completed the design and plans to receive bids on April 3, 2024. He reviewed and recommended approval of Pay Estimate No. 7 in the amount of \$30,141.36, payable to Advanced Construction and Development, LLC ("Advanced"). Mr. Clark further advised that the items previously discussed at the March 8, 2024, parks meeting should be addressed no later than tomorrow and LJA is currently waiting to receive a cost amount for an on/off component for electricity to the pavilion. Director Akinwande inquired about the timeline for the completion of the additional items and to schedule a walk through. Mr. Clark advised that the project should be complete by tomorrow and a walk through could be scheduled to coincide with the parks meeting on April 12, 2024.

Director Cantu requested LJA have the contractor clean up the area by tomorrow as there will be an Easter egg hunt over the weekend.

Mr. Clark next discussed bond funds and the projects associated with those funds. He stated he had previously presented a spreadsheet in 2023 of the actual cost and will bring an updated spreadsheet to the next parks meeting for the Board to review.

Director Cantu stated he liked the dawn to dusk sensor rather than the timer for the electricity at the pavilion due to needing to have someone go and manually change the timer when the time changes.

Director Akinwande requested LJA provide the name of the contractor on the updated cost spreadsheet for the park projects to be discussed at the next parks meeting.

Director Varghese inquired about who maintains the splashpad and what action is taken to maintain it. Ms. Lutz stated that presumably the City maintains the splashpad. Mr. Murr stated that he isn't aware of the City's procedures, but typical maintenance of a splash pad would include: (1) winterizing it; (2) stopping water service during the winter; (3) turning off the valves; (4) cleaning out all solenoids of any debris; (5) painting; (6) fixing any leaks; and (7) pressure washing.

Following review and discussion and based on the engineer's recommendation, Director Varghese moved to (1) approve the engineering report; (2) hold on awarding the bid for the Park at the Levee project; and (3) approve Pay Estimate No. 7. in the amount of \$30,141.36, submitted by Advanced. Director Love seconded the motion, which passed unanimously.

REVIEW EMERGENCY PREPAREDNESS PLAN ("EPP") AND AUTHORIZE FILING OF UPDATES, IF NECESSARY

The Board discussed the District's EPP. Mr. Rusk stated that the District's consultants have reviewed the District's EPP and there are no changes needed at this time.

Following review and discussion, Director Love moved to approve the Emergency Preparedness Plan and authorize filing of updates, if necessary. Director Varghese seconded the motion, which passed unanimously.

REVIEW CRITICAL LOAD SPREADSHEET FOR DISTRICT'S FACILITIES AND AUTHORIZE ANNUAL FILING

The Board reviewed the District's critical load spreadsheet, which had been previously provided to the District's operator, engineer, and bookkeeper for review. Ms. Lutz noted that the critical load information on the District's facilities is required to be reviewed at least annually and provided to certain entities, which include the District's electricity provider, the Public Utility Commission, and other governmental entities. Following review and discussion, Director Varghese moved to approve the critical load spreadsheet, authorize providing it to the appropriate entities, and direct that a copy be retained in the District's official records. Director Love 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 Fort Bend County Levee Improvement District No. 7 Brazos River project, as reflected in his report.

Director Varghese inquired as to when the District would pump water from the neighborhood to the River. Mr. Perry stated that if the river rises and blocks gravity flow, which seals off the flap gates, at that time any internal water in the district would need to be pumped out.

Director Varghese next inquired about the life span of the existing pump. Mr. Perry stated that the typical life span of a submersible pump is between 25-30 years. He stated that the number of hours is not what determines a pump's life span, it is the technology.

Following review and discussion, Director Love moved to approve the operations report. Director Cantu 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.

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 reminded the Board of previous discussions regarding pergola maintenance at the pool/RiverPark Recreation Center. He stated the specifications have been developed and are out for bids. Mr. Murr informed the Board that the vendor recommends replacing the whole structure. He stated he will request two quotes and report back to the Board. Mr. Murr also informed the Board that the POA has requested pricing for the three pergolas inside the fenced area. He stated that he was also informed of a pergola that needs to be replaced at Magnolia Park. Mr. Murr informed stated he recommends adding the shade cloth at a later date as he does not believe they are needed at this time. Director Varghese inquired as to the cause of the rot. Mr. Murr stated holding water is the main cause of this issue and advised that the previous columns stayed on the ground and soaked water up and the skirting around them held water in. He stated he

requested an aluminum brace be installed that will keep the column off the ground and the skirting will be installed with gaps to allow them to breathe.

Mr. Murr informed the Board that the zip line deck has been ordered and will arrive the first week of April. He stated the current deck has been cordoned off and the seat line has been disassembled.

Mr. Murr informed the Board that he is looking into the cost benefit of replacing or repainting the fence at Thistle Rock Park.

Mr. Murr informed the Board that trees will be pruned at Thistle Rock and one dead tree will be replaced at Magnolia Park

Mr. Murr informed the Board that Park Rangers has completed servicing all hog gates around the perimeter of the levee.

Mr. Clark discussed that at the request of the Board at the March 8, 2024, parks meeting, he informed Mr. Murr of the repairs at the overlook where the expansion joint was coming apart. Mr. Murr stated he is looking into this and advised that concrete is very hard to repair and easier to replace. He stated that a possible temporary fix is to put in a shep patch.

Mr. Clark next discussed at the request of the Board at the March 8, 2024, parks meeting there be an additional trash receptable be installed at the pavilion and Mr. Murr is going to check and see if he has an extra one to install.

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

PERIMETER LEVEE MATTERS

Ms. Lutz reviewed and discussed a letter received from the Federal Emergency Management Agency regarding the community rating service to provide lower flood rates.

Director Akinwande requested ABHR provide an updated list of all available conferences for Directors to attend.

REPORTS FROM DIRECTOR AND/OR DISTRICT CONSULTANTS

There was no discussion regarding this agenda item.

DISTRICT MATTERS

There was no discussion regarding this agenda item.

NEXT MEETING AGENDA ITEMS, DATE, LOCATION, AND TIME

The Board concurred to hold a parks meeting on April 12, 2024, at 8:30 a.m. at the RiverPark Recreation Center. Ms. Lutz informed the Board that CIA Services has advised the District will still need to sign a contract to reserve the RiverPark Recreation Center but will no longer need to pay to rent the facility. Discussion ensued regarding holding regular Board meetings in the District and the Board reviewed the Resolution Establishing Additional Out-Of-District Meeting Places. The Board next concurred to hold a regular meeting on April 25, 2024, at 6:00 p.m. at the RiverPark Recreation Center.

DISTRICT WEBSITE AND COMMUNICATION MATTERS

Director Love inquired about how to notify residents of upcoming District events and meetings with posted signs. Ms. Lutz stated the Board could authorize a member of the Board or a consultant to create signs to be posted in the District, post it on the website, or coordinate with the POA to create signs. Discussion ensued and the Board concurred to authorize Director Love to create signs for posting in the District in an amount not to exceed \$3,000.00.

Director Akinwande inquired as to who the current website vendor is for the District and Ms. Lutz informed him that Classic Messaging LLC is the current website vendor for the District. Director Akinwande requested ABHR obtain the username and password to access the domain.

Director Akinwande next discussed how the current website is outdated in appearance. He stated he would like access of the District's website and would like to move forward with a different website vendor.

Director Akinwande requested the Board authorize an amount not to exceed \$250.00 to purchase a new website domain name of: FBCLID10.com. He stated that he would like to move forward with renovating the website using Google sites. Director Akinwande stated he wants to ensure there is a way to get a message out to residents, so they know what is going on with the District. Ms. Lutz inquired if Director Akinwande would like ABHR to move forward with requesting quotes from other website vendors and the Board declined. Ms. Lutz informed Director Akinwande that if he is going to take control of the website, she would provide a memorandum that website requirements for governmental entities.

Director Akinwande discussed having a YouTube channel for the District. He stated he has created the YouTube channel, and it is about to go live. Director Akinwande stated that the purpose of the YouTube channel is for informational purposes only.

Following review and discussion, Director Love moved to (1) authorize Director Love to get signs created for posting in the District in an amount not to exceed \$3,000.00; and (2) authorize Director Akinwande to purchase a new website domain name in an amount not to exceed \$250.00.

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



A handwritten signature in black ink, consisting of stylized initials.

Secretary, Board of Directors

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