

**MINUTES OF THE MEETING OF  
FORT BEND COUNTY FRESH WATER SUPPLY DISTRICT NO. 1**

September 17, 2020

**STATE OF TEXAS**

**COUNTY OF FORT BEND**

The Board of Supervisors (the "Board") of Fort Bend County Fresh Water Supply District No. 1 of Fort Bend County, Texas (the "District"), met in regular session, open to the public, on Thursday, September 17, 2020, at 6:00 p.m., via video and telephonic conference, as permitted by the March 16, 2020, Declaration by the Governor of the State of Texas which suspended certain provisions of Chapter 551, Texas Government Code. The roll was called of the members of the Board, to wit:

Paul Hamilton	President
Greg Fleck	Vice President
Calvin Casher	Secretary
Rodrigo Carreon	Assistant Secretary
Rosa Linda Medina	Assistant Secretary

All members of the Board were present, thus constituting a quorum.

Also present at the meeting were: Cindy Grimes with Municipal Accounts & Consulting, LP, the District's Bookkeeper ("MAC"); David Dybala with Jacobs Engineering Group, Inc. ("Jacobs"), the District's Engineer; Breah Campbell with Environmental Development Partners ("EDP"), the District's Operator; Dwayne Grigar with Fort Bend County Precinct No. 1; Eugene Koh, a member of the public; and Michael R. Willis and Tamara Sharkey of Sanford Kuhl Hagan Kugle Parker Kahn LLP ("SK Law"), the District's Attorney.

The meeting was called to order at 6:00 p.m. and the following business was transacted.

**1. CONDUCT PUBLIC HEARING ON PROPOSED 2020 TAX LEVY**

The first item on the agenda was to conduct a public hearing on the tax rate. The Board noted that notice of the public hearing and the tax rate was published pursuant to Chapter 49, Texas Water Code, as required, and the public hearing was opened at 6:05 p.m. The Board noted that no members of the public present wished to discuss the tax rate. The Board closed the public hearing at 6:06 p.m.

**2. ADOPT ORDER SETTING TAX RATE AND LEVYING TAX FOR 2020**

The Board then considered adoption of the proposed Order Setting Tax Rate and Levying Tax for 2020. Having conducted the public hearing as required by law and publishing notice thereof, the Board deemed it appropriate to proceed with setting the 2020 tax rate.

Upon a motion made by Supervisor Fleck, seconded by Supervisor Casher, and after full discussion, the Board voted unanimously to (1) set and levy (i) a debt service tax rate for 2020 in the amount of \$0.59 per \$100 of assessed valuation, and (ii) an operation and maintenance tax of \$0.41 per \$100 of assessed valuation for a total tax rate of \$1.00 per \$100 of assessed valuation, and (2) adopt the

Order Setting Tax Rate and Levying Tax for 2020, a copy of which is on file in the Official Records of the District.

**3. AMENDED NOTICE TO SELLERS AND PURCHASERS**

Consideration was then given to the proposed Amended Notice to Sellers and Purchasers, which notice sets forth the 2020 tax rate.

Upon a motion duly made by Supervisor Fleck, seconded by Supervisor Casher, the Board voted unanimously to approve the Amended Notice to Sellers and Purchasers, a copy of which is on file in the Official Records of the District.

**4. HEAR FROM PUBLIC (MATTERS ON THE AGENDA)**

The Board recognized Eugene Koh, who informed the Board his dispute, as discussed at previous meetings, with R Construction Company for the use of his property at 4098 W. Davis Road for dirt disposal is ongoing. Mr. Willis and Mr. Dybala noted additional information on this dispute would be addressed with the Engineer's Report, later in the meeting.

**5. BOOKKEEPER'S REPORT**

The Board then considered the Bookkeeper's Report presented by Ms. Grimes, a copy of which is on file in the official records of the District, and the invoices and checks presented for payment as follows:

**A. Approval of Bills.**

The Board reviewed the bills presented for payment. In response to a question from Supervisor Medina, Ms. Grimes stated she would review the receipts for the tablets and determine if the assorted activation and insurance charges were placed on individual tablets but apply to all of the tablets.

**B. Review Investment Report.**

The Board reviewed the investment report.

**C. Review Collateral Pledge Report.**

The Board reviewed the Collateral Pledge report.

Upon motion duly made by Supervisor Casher, seconded by Supervisor Medina, and after full discussion, the Board voted unanimously to approve (i) the Bookkeeper's Report and authorize the payment of the checks and invoices listed therein.

**6. TAX REPORT**

Ms. Grimes then presented to the Board the Tax Report.

Upon motion duly made by Supervisor Fleck, seconded by Supervisor Carreon, the Board voted unanimously to approve the Tax Report, as presented.

## **7. ENGINEER'S REPORT**

The Board recognized Mr. Dybala, who presented the Engineer's Report, a copy of which is on file in the official records of the District, as follows:

### **A. Status of Projects**

- Fresno Gardens North Subdivision Wastewater Collection System
  - Mr. Dybala reports the project was completed and has received TWBD approval.
  - Mr. Dybala presented to the Board for approval Pay Estimate No. 8 (final) from R Construction Company ("R Construction") in the amount of \$350,967.28, subject to the approval of the District and determination of the withholding amount.
  - Mr. Dybala discussed the status of Mr. Koh's dispute with R Construction. Mr. Dybala and Mr. Willis are working on an estimate of the costs required in the event the District performs the work required to resolve the dispute, and requested the Board review this once available to determine an amount to withhold from the final payment to R Construction.
  
- Fresno Gardens North Subdivision Wastewater Plumbing Contract
  - Mr. Dybala informed the Board the pre-construction meeting was conducted September 3, 2020, the Notice to Proceed date is September 21, 2020. Mr. Dybala anticipates coordination with property owners next week and project completion in December 2020/January 2021.
  
- Gateway Acres Subdivision Wastewater Collection System
  - The construction project will be on hold until completion of Trammel Fresno Road widening project and securing a new loan.
  - Jacobs is completing the project construction drawings for agency review. Mr. Dybala informed the Board the detailed topographic survey CAD document was received from Landtech, Inc. ("Landtech").
  
- Fresno Ranchos Subdivision Wastewater Lift Station and Force Main
  - Jacobs is completing the construction drawings for agency review. Construction of the new project will be on hold until completion of Trammel Fresno Road widening project and securing a new loan.
  - The Landtech survey proposal discussed above will also be used for this project.
  
- Gateway Acres Subdivision Wastewater Plumbing Contract
  - Townhall meetings will be conducted once the public wastewater lines for this area are under construction.
  
- Water Plant #2
  - Final construction drawings were submitted for TWBD for its approval to advertise the project. Jacobs anticipates approval in September of 2020 and requests Board authorization to advertise subject to TWBD approval.
    - September/October – December 2020 – Advertising, Awarding, and Contract Execution
    - January 2021 – March 2022 – Construction

Upon motion duly made by Supervisor Fleck, seconded by Supervisor Casher, the Board voted unanimously to authorize advertising subject to TWBD approval.

- District Estimated Water Connection Timeline (FBCFWSD#1 WP#1 Connection Capacity = 1,750)
  - o End of 2020=1,675
  - o End of 2021=1,750
  - o Anticipate completing District's WP#2 by end of 2021 or early 2022.

**B. Authorize Engineer to prepare plans and specifications for water and wastewater systems projects as necessary**

- The Board noted that no action was necessary at this time.

**C. Authorize solicitation/advertisement of bids for construction of water system and wastewater system projects as necessary**

- The Board noted that no action was necessary at this time.

**D. Report on status of project funding and take necessary action related thereto**

**1. Project One Year Warranty Expiration Dates**

- Fresno Gardens North Wastewater Collection System warranty expires June 17, 2021.

**2. 2015 TWDB DFUND Loan**

- Jacobs anticipates using remaining funds for Water Plant No. 2 project.

**3. 4th TWBD DFUND Loan**

- Jacobs anticipates using remaining funds for Water Plant No. 2 project.

**4. 2020 TCEQ Loan**

- The anticipated loan amount is approximately \$10,450,000 and would fund the following projects: Gateway Acres Subdivision Wastewater Collection System, Fresno Ranchos Subdivision Lift Station and Force Main project, and certain costs related to the District's share of an Expansion of the City of Arcola (the "City" or "COA") Wastewater Treatment Plant.
- The bond application report is in process and Jacobs is currently waiting for additional information from COA. Mr. Willis will send a letter to COA to request the required information for the bond application.
- Supervisor Carreon informed the Board he spoke with Llarance Turner in August and COA is waiting on information from its engineer for its response to the District. Supervisor Carreon also inquired of Mr. Dybala as to what additional information is needed.

**5. Fort Bend County CDBG Funds**

- Jacobs recommends applying for community development block grant funds once the Gateway Acres Subdivision Wastewater Plumbing project is underway.

**E. Projections for District Water and Wastewater Projects**

- Need to update information every January and July. Mr. Dybala presented the updated exhibits for the website and project display boards.

**F. Discuss Emergency Preparedness Plan**

- Jacobs and EDP will review the EPP in April of each year to determine if changes are necessary.

**G. Requests for Water and Sanitary Sewer Service**

- **Water Service**
  - Mr. Dybala reviewed the status of non-residential applications for water service, updates on applications in process, and pending connections.
- **Wastewater Service**
  - Mr. Dybala reviewed the status of non-residential applications for wastewater service and pending connections.

**H. Trammel Fresno Road Widening Project**

- EDP is preparing the final waterline adjustment list to present to the Board.

**I. Potential Emergency Water Interconnect with Brazoria County Municipal Utility District No. 21**

- Brazoria County Municipal Utility District No. 21 (“BC MUD 21”) is interested in pursuing an interconnect once the District completes Water Plant No. 2 with a 50/50 cost split.

**J. Emergency Water Interconnect with Charleston Municipal Utility District**

- The proposed interconnect with Charleston Municipal Utility District (“Charleston MUD”) is waiting for TCEQ approval. Jacobs received a copy of the final emergency interconnect agreement. A pre-construction meeting was reportedly conducted on March 17, 2020. Mr. Dybala spoke with COA consultants who informed him the project has not yet finished, but once it is complete, record drawings will be provided to the District.

**K. Consider Water Service to NalcoChampion**

- Mr. Dybala noted the customer was informed it can apply for District water service that can be used to fill water tanks for fire event use.

**L. Status of COA Water Plant**

- Mr. Dybala anticipates the City water plant to be complete by the end of 2021.

**M. Status of COA WWTP Expansion Project (0.675 mgd to 0.95 mgd)**

- The Board responded to the City stating the District’s interest in participating in the proposed expansion and reserving a capacity of 100,000 gpd. As discussed at prior meetings, COA is finalizing the estimate and Jacobs will present the District’s estimated share when the estimate is available.

**N. FM 521 Roadway Widening Project**

- Provided record drawings to Dannenbaum and a utility coordination meeting is expected in the coming months to discuss impact on District facilities.

**O. Water Plant No. 1 Inspection**

- Both hydropneumatics tanks require recoating of internal surfaces, a ground storage tank requires recoating, and some piping and equipment will need to be replaced per EDP’s inspection report. A repair schedule and plan will be presented once final reports are received and the project is anticipated to begin in winter of 2020.
- The consensus of the Board was to authorize Jacobs to solicit contract proposals for the repair work.

Mr. Dybala informed the Board Jacobs received a request for record drawings from an engineer for use with the road widening project on Hwy 6 between S. Post Oak and FM 521. Mr. Grigar informed the Board his office has been working on the contracts for several phases of road widening projects, including from Hwy. 6 to FM 2234, south of Hwy. 6, and to Westonfeldt. Supervisor Carreon reports he attended a TXDOT meeting and the widening of FM 521 is projected to eventually go all the way to Hwy. 288.

Mr. Grigar reported he received reports of boring for the Fresno Gardens North wastewater plumbing project and requested an updated schedule on road work from Jacobs. Mr. Dybala stated no boring is scheduled and all work is tying into existing connections and running short leads only and scheduled to meet with Mr. Grigar at the project location to evaluate the upcoming work.

Upon motion made by Supervisor Casher, and seconded by Supervisor Fleck, and after full discussion, the Board voted unanimously (1) to authorize Jacobs to advertise the Water Plant No. 2 project, and (2) to approve the Engineer’s Report.

**8. OPERATOR’S REPORT/TERMINATION OF SERVICE**

Next the Board recognized Ms. Campbell, who submitted to and reviewed with the Board the Operator’s Report, a copy of which is on file in the official records of the District.

**A. Repairs to Water and Wastewater systems**

Ms. Campbell reported substantial system repairs and maintenance as follows:

- Installed residential taps and meters at six locations;
- Repaired well monitor; and
- Performed excavation to verify leak.

Ms. Campbell reported installation of the reflective collars for the fire hydrants, as discussed at previous meetings, is in process.

Ms. Campbell then reported the status of an emergency well repair for Water Plant No. 1 is underway and the District's water is currently being provided pursuant to the interconnect with Fort Bend Municipal Utility District No. 23. Ms. Campbell informed the Board the cause of the issue was bearing failure creating a blockage that eliminated lubrication for the line shaft bearings, and that she is unaware of any prior reworking of this well. Ms. Campbell reported the repair estimate is \$111,500.00, and an insurance claim for the well repair has been filed.

**B. Requests for Water Taps**

Ms. Campbell did not report any requests at this time.

**C. Delinquent Water Accounts and Service Terminations**

Ms. Campbell provided a list of customers that received a delinquent letter by mail and are subject to disconnection of service.

Ms. Campbell also informed the Board that EDP received a notice of rate increase from North Fort Bend Regional Water Authority and will be including an insert explaining the pass through of this rate to customers in the next water bill.

Ms. Campbell then discussed with the Board the status of back-charges billed to Base Construction for damages caused in connection with the road project and potential additional actions for collection. Mr. Willis noted he sent a letter detailing the damages and has not received a response.

Supervisor Carreon inquired about the status of the 3 wet hydrants he had reported to EDP in the area of Jasmine Road, as well as his report to the county regarding standing water and overfilled drainage areas. Ms. Campbell noted the hydrants were likely to appear on the report for the next meeting based on the timing of Supervisor Carreon's call. Mr. Grigar stated the county is reviewing and is still in the process of evaluating drainage in the area.

Upon a motion duly made by Supervisor Medina, seconded by Supervisor Casher, and after full discussion, the Board voted unanimously to approve the Operator's Report, repairs to the water and wastewater system, and the account termination list.

**9. ATTORNEY'S REPORT**

The Board recognized Mr. Willis, who presented the Attorney's report as follows:

**A. Approval of Minutes**

The proposed minutes of the meetings held on August 12, 2020 and August 20, 2020, were presented for approval.

Upon motion duly made by Supervisor Medina, seconded by Supervisor Casher, the Board voted unanimously to approve the minutes of the meetings held on August 12, 2020 and August 20, 2020, as presented.

**B. Discuss Regional Facilities Contract**

Mr. Willis noted the TCEQ inspection of the Regional Wastewater Treatment Plant, as discussed at previous meetings, is still being reviewed with the City of Arcola for a potential issue on ESFCs. Once resolved, Mr. Willis will update the Board.

**10. REGIONAL PLANT COMMITTEE REPORT**

Supervisor Hamilton then presented the Regional Plant Committee Report.

Upon a motion made by Supervisor Fleck, seconded by Supervisor Medina, and after full discussion, the Board voted unanimously to approve the Regional Plant Committee Report, subject to correction of the first page to reflect operations expenses of \$1,713.75 instead of \$2,713.75.

**11. HEAR FROM THE PUBLIC.**

At this time, the Board opened the meeting to comments from the public and noted there were no members of the public present who wished to address the Board.

There being no further business to come before the Board, upon a motion duly made and seconded, the Board voted unanimously to adjourn.

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PASSED, ADOPTED, and APPROVED this 10/15/20.

  
Secretary, Board of Supervisors

