

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

September 24, 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 special session, open to the public, on Thursday, September 24, 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, except Supervisor Carreon, thus constituting a quorum.

Also present at the meeting were: David Dybala with Jacobs Engineering Group, Inc. (“Jacobs”), the District’s Engineer; and Michael R. Willis and Tamara Sharkey of Sanford Kuhl Hagan Kugle Parker Kahn LLP (“SK Law”), the District’s Attorney. Charles Coyle, a member of the public, later joined the meeting in progress.

The meeting was called to order at 6:06 p.m. and the following business was transacted.

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

The Board noted there were no members of the public present who wished to address the Board concerning matters on the Agenda at this time.

**2. FRESNO GARDENS NORTH PLUMBING PROJECT**

The Board recognized Mr. Dybala who reported to the Board the status of Mr. Koh’s property at 4098 W. Davis Road which has an estimated 100 cubic yards (“cu yd”) of topsoil and another 780 cu yd of clay-like fill material. Mr. Dybala notes he and Mr. Willis discussed Mr. Koh’s conditions, including limited working hours, grading, and organic re-seeding, when determining an estimate of \$25,000 to complete the work on Mr. Koh’s property; however, such estimate would not include any additional non-construction costs associated with an agreement for dumping or removal of dirt from Mr. Koh’s property. Mr. Willis and Mr. Dybala then reminded the Board the contract with R Construction Company (“R Construction”) contains a clause where dump of fill material on adjacent land is permitted with written authorization from the landowner and that there was not a final signed agreement between Mr. Koh and R Construction.

The Board discussed how much out of the final payment to R Construction should be withheld in order to ensure adequate funds for payment for the work and other associated costs in the event R

Construction is unable to resolve the dispute with Mr. Koh. Supervisor Hamilton discussed possibly withholding \$75,000 to ensure sufficient funds were available for unexpected costs. The consensus of the Board was to withhold \$50,000 and release the rest of the final pay estimate to R Construction for the completed work.

Upon motion made by Supervisor Casher, and seconded by Supervisor Fleck, and after full discussion, Supervisors Casher, Fleck, and Medina voted unanimously to withhold \$50,000 and otherwise approve Pay Estimate No. 8 (final) from R Construction in the amount of \$300,967.28. Supervisor Hamilton voted no.

**3. HEAR FROM THE PUBLIC.**

The Board recognized Mr. Coyle who discussed the state of the roads in the area of the recently completed Fresno Gardens North plumbing system project. Mr. Coyle reports he questioned the county regarding their projected timeline for road resurfacing and was told they were waiting for the District to complete the wastewater project before such resurfacing. Mr. Dybala informed Mr. Coyle the plumbing work is complete and the sewer work is not anticipated to cause additional road damage. Mr. Dybala notes he informed the county its roadwork could proceed as no boring was planned, but the county was inclined to wait for the projected completion of the sewer work early next year. Mr. Dybala directed Mr. Coyle to the road and bridge department for further information.

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

