

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

November 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 special session, open to the public, on Tuesday, November 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; Supervisor-Elect Erasto Vallejo; and Michael R. Willis and Tamara Sharkey of Sanford Kuhl Hagan Kugle Parker Kahn LLP (“SK Law”), the District’s Attorney.

Supervisor Carreon joined the meeting in progress.

The meeting was called to order at 6:03 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. 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, including the outstanding payment of Pay Estimate No. 8 (final) to R Construction Company as discussed later in the meeting during the Engineer’s Report.

B. Review Investment Report.

The Board reviewed the investment report.

C. Review Collateral Pledge Report.

The Board reviewed the Collateral Pledge report.

Ms. Grimes also presented to the Board the proposed 2021 budget for consideration at the next meeting.

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

3. TAX REPORT

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

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

4. ENGINEER'S REPORT

The Board recognized Mr. Dybala, who then 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
 - As discussed in a previous meeting, Mr. Willis sent R Construction Company ("R Construction") and Mr. Eugene Koh letter outlining the District's position on the dispute over the agreement for dumping of dirt onto Mr. Koh's property. Both parties have complied with the conditions in this letter as of the date of this meeting.
 - Mr. Dybala informed the Board that R Construction left a sanitary sewer plug in a sanitary sewer line at the intersection of Pecan Street and the Union Pacific Railroad west right-of-way. The cost associated with removing the plug, including pumping and hauling wastewater within the system, is \$10,675.48. This amount will be withheld from the remaining \$50,000 being held, and R Construction will receive the balance of \$39,324.52.
- Fresno Gardens North Subdivision Wastewater Plumbing Contract
 - Mr. Dybala informed the Board the project is in progress, including plugging wells, decommissioning septic systems, and connecting residents to the public wastewater system.
 - Mr. Dybala requested Board approval of Invoice No. 1 from Geotest for material testing services in the amount of \$1,785.65.
 - Completion is anticipated in December 2020/January 2021.

- Water Plant #2
 - Mr. Dybala informed the Board the project received 3 bids with the low bidder being B-5 Construction Company, Inc. with a bid total in the amount of \$4,043,542.00. Mr. Dybala reported TWBD has approved the construction proposals.
 - Jacobs anticipates the following schedule:
 - December 2020 – Execute Contract
 - January 2021 – March 2022 – Construction
 - District Estimated Water Connection Timeline (FBCFWSD#1 WP#1 Connection Capacity = 1,750)
 - End of 2020=1,675
 - End of 2021=1,750
 - Anticipate completing District’s WP#2 by end of 2021 or early 2022.

- Water Plant #1
 - Mr. Dybala informed the Board Jacobs received 4 bids for the recoating of internal surfaces of the hydrotanks and ground storage tanks, with low bidder being A&H Coating Services LLC with a bid in the amount of \$44,250.00.
 - Mr. Dybala anticipates approval of a short form contract at the December meeting and work occurring January to March of 2021.
 - Mr. Dybala requested the Board’s approval of proposal from Preventive Services to perform coating inspections for the project for \$5,000.00.

- Teleview Terrace Lift Station Upgrades
 - Mr. Dybala informed the Board installation of a third pump to increase the capacity of the lift station is in progress.

- 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.

- 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.

- Gateway Acres Subdivision Wastewater Plumbing Contract
 - Townhall meetings will be conducted once the public wastewater lines for this area are under construction.

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 received additional information from COA for completion of the report.

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. Applications are typically submitted annually in March.

E. Projections for District Water and Wastewater Projects

- Need to update information every January and July.

F. Discuss Emergency Preparedness Plan

- Jacobs and EDP will review the EPP in April of each year to determine if changes are necessary. The EPP is required for upcoming AWIA compliance, and Mr. Dybala informed the Board EDP is preparing to perform required facilities assessments and Jacobs will determine requirements for preparation of an Emergency Response Plan.

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.

Mr. Dybala reminded the Board that Mr. Coyle will have four months to have his business connections completed, as discussed at previous meetings.

H. Trammel Fresno Road Widening Project

- EDP is preparing the final waterline adjustment list to present to the Board. Mr. Willis and 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. No response has been received by either Mr. Willis or EDP and the account will be turned over to collections.

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

- Jacobs is waiting on an update from COA; and awaiting record drawings once the project is complete.

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. Mr. Dybala requested this item be removed as the customer has not taken any action since its application.

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 occurred to discuss the impact on District facilities. Jacobs received the design files and will review for conflicts with District utilities.

Upon motion made by Supervisor Casher, and seconded by Supervisor Carreon, and after full discussion, the Board voted unanimously to approve (i) the Engineer’s Report, (ii) the payment of \$39,324.52 to R Construction, (iii) payment of Invoice No. 1 from Geotest of \$1,785.65, (iv) the bid in the amount of \$4,043,542.00 from B-5 Construction Company, Inc., (v) the bid in the amount of \$44,250.00 from A&H Coating Services LLC, (vi) the proposal in the amount of \$5,000.00 from Preventive Services, and (vii) the removal of NalcoChampion from consideration to provide service from the Engineer's Report.

5. 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 seven locations;
- Completed installation of reflective collars on fire hydrants;
- Replaced booster pump coupling; and
- Repaired leaking service line.

Ms. Campbell next reported the emergency well repair for Water Plant No. 1 is complete and the well is back in service. The interconnect with Fort Bend Municipal Utility District No. 23 was closed, and EDP will coordinate for payment of water charges.

Ms. Campbell reported the estimated cost of \$28,750.00 for the installation of the third lift pump at lift station #1, and requested approval.

Ms. Campbell reported a customer at 618 Cleo Street requested an adjustment due to a water leak and is eligible for an adjustment in the amount of \$39.00 pursuant to the rate order.

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 informed the Board that EDP has been attempting to complete the connections to Mr. Kevin Murray's property at 4910 Doreen, but has been unable to obtain the required information regarding an irrigation system Mr. Murray states is on the property. Mr. Murray's father indicated, at previous meetings, he was an alternate point of contact for Mr. Murray. The consensus of the Board is to have Mr. Willis and EDP notify Mr. Murray and his father that they will have until December 31 to provide the required information to EDP or the connections will not be completed and the meters pulled.

Upon a motion duly made by Supervisor Casher, seconded by Supervisor Fleck, and after full discussion, the Board voted unanimously to (i) approve the Operator's Report, repairs to the water and wastewater system, and the account termination list, (ii) authorize installation of the lift pump in the amount of \$28,750.00, (iii) approve the adjustment of \$39.00 for the customer at 618 Cleo Street, and (iv) authorize Mr. Willis to prepare a letter to Mr. Murray and his father regarding connection to the District's service.

6. 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 October 15, 2020 and October 20, 2020, were presented for approval.

Upon motion duly made by Supervisor Fleck, seconded by Supervisor Medina, the Board voted unanimously to approve the minutes of the meetings held on October 15, 2020 and October 20, 2020, as presented.

B. Discuss Regional Facilities Contract

Mr. Willis noted the amendment of the contract with COA, as discussed at previous meetings, is in process.

C. Adopt Order Canvassing Supervisors Election

The Board next considered adoption of a proposed Order Canvassing Election Returns. Mr. Willis read the returns of the Election held for and within the District on November 3, 2020, which indicated that Calvin Casher, Rosa Linda Medina, and Erasto Vallejo were each elected to the Board for four year terms.

Upon motion made by Supervisor Hamilton, and seconded by Supervisor Casher, the Board voted unanimously to adopt the Order Canvassing Election Returns, as submitted.

D. Consider Qualifications of Supervisors

The Official Oath of Office and Sworn Statement of Supervisor Casher were then presented for approval. The Board noted that Supervisor Casher had executed the Sworn Statement and taken the Oath of Office, in accordance with the provisions of Section 49.055 of the Texas Water Code.

Upon motion made by Supervisor Casher, and seconded by Supervisor Carreon, the Board voted unanimously to accept said Sworn Statement and Oath and to authorize that each be filed and retained in the District's official records, and that such Oath be filed with the Secretary of State of the State of Texas.

E. Appoint Tax Assessor/Collector

The Board next considered the appointment of a resident Tax Assessor/Collector to the vacant position. The consensus of the Board was to appoint Mr. Greg Fleck.

Upon a motion made by Supervisor Casher, seconded by Supervisor Carreon, and after full discussion, the Board voted unanimously to appoint Mr. Greg Fleck to the unexpired 2-year term of Tax Assessor/Collector.

F. Consider Qualifications of Tax Assessor/Collector

The Official Oath of Office and Sworn Statement of Mr. Fleck were then presented for approval. The Board noted that Mr. Fleck had executed the Sworn Statement and taken the Oath of Office, in accordance with the provisions of the Texas Water Code.

Upon motion made by Supervisor Casher, and seconded by Supervisor Carreon, the Board voted unanimously to accept said Sworn Statement and Oath and to authorize that each be filed and retained in the District's official records, and that such Oath be filed with the Secretary of State of the State of Texas.

G. Discuss Purchases for District Business

Consideration was then given to authorizing the District's purchase of tablets for the newly elected Supervisor's use for District business, as discussed at previous meetings.

Upon a motion made by Supervisor Casher, seconded by Supervisor Carreon, and after full discussion, the Board voted unanimously to approve the purchase of an additional iPad Pro at the same terms as the previously purchased iPads.

7. REGIONAL PLANT COMMITTEE REPORT

Supervisor Hamilton then presented the Regional Plant Committee Report.

Upon a motion made by Supervisor Casher, seconded by Supervisor Carreon, and after full discussion, the Board voted unanimously to approve the Regional Plant Committee Report.

8. AUTHORIZE AUDIT FOR FYE ENDING DECEMBER 31, 2020

The Board recognized then considered authorizing McCall Gibson Swedlund Barfoot PLLC, pursuant to its contract with the District, to audit the District's financial records for the fiscal year ending December 31, 2030.

Upon a motion made by Supervisor Medina, seconded by Supervisor Casher, and after full discussion, the Board voted unanimously to authorize McCall Gibson Swedlund Barfoot PLLC to audit the District's financial records.

9. 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 December 17, 2020 .



Secretary, Board of Supervisors

