

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

May 20, 2021

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, May 20, 2021, 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
Rosa Linda Medina	Vice-President
Calvin Casher	Secretary
Rodrigo Carreon	Assistant Secretary
Erasto Vallejo	Assistant Secretary

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

Also present at the meeting were: Mayor Burton, Llarance Turner, Annette G. Goldberg, Greg Abarr and John Montgomery, representatives of the City of Arcola, Texas; 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; Greg Fleck, the District’s Tax Assessor/Collector; Dwayne Grigar with Fort Bend County Precinct No. 1; Charles Coyle, member of the public; and Maria S. Parker, 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 6:03 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. HEAR REQUEST FROM CITY OF ARCOLA FOR ADDITIONAL WATER CAPACITY

The Board recognized Mr. Montgomery who presented the City of Arcola’s (“CoA”) request for additional water capacity. Mr. Montgomery presented several options, which primarily focused on gaining additional connections through either an amendment to existing interconnect agreements with the District and other districts or through a new arrangement with the District. Mr. Dybala noted the option calling for a new arrangement with CoA allowed for recalculation of the District’s connections and provided the 125 connections requested by CoA as well as an additional 175 connections now becoming available for the District’s use. Ms. Parker and Mr. Willis noted this option would involve a lease or temporary service agreement with CoA. Mr. Willis and Ms. Parker stressed that, while the District is amenable to assisting CoA, it is important for the Board to receive some assurances concerning the joint wastewater treatment plant expansion that was initiated in November 2019. The District will need the additional wastewater

capacity in the near future, and no progress has been made to date. Finally, Mr. Willis and Ms. Parker noted that the Board could issue a memorandum of understanding regarding the District's intent to enter into an agreement for the additional connections with CoA to allow CoA to begin its development process. The consensus of the Board was to issue a memorandum of understanding at this meeting and discuss the terms of the proposed agreement further at future meetings.

Upon motion duly made by Supervisor Hamilton, and seconded by Supervisor Casher, the Board voted unanimously to authorize CoA to continue its research into options for additional connections, authorize Mr. Willis to prepare the memorandum of understanding for an agreement to provide additional connections, and authorize special meetings to discuss the terms of the proposed agreement with CoA.

At this time, Mayor Burton, Mr. Turner, Ms. Goldberg, Mr. Abarr, Mr. Montgomery, and Ms. Parker left the meeting.

3. 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 invoices discussed in more detail under 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.

Upon motion duly made by Supervisor Medina, seconded by Supervisor Casher, and after full discussion, the Board voted unanimously to approve the Bookkeeper's Report, as presented, and authorize the payment of the checks and invoices listed therein, including the invoices discussed under the Engineer's Report.

4. TAX REPORT

The Board recognized Mr. Fleck who then presented the Tax Report, a copy of which is on file in the official records of the District.

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

5. 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, and is excerpted below:

(a) Report on status of projects:

i) Fresno Gardens North Subdivision Wastewater Plumbing Contract (67 properties included)

- Project is fully completed, including Contractor repairing private water well at 643 North Locust St and submitting all required closeout documents
- Request Board's approval of Invoice No. 3 (Final) from T Construction for construction of project for \$167,335.10

ii) Water Plant #1 Recoat Work (Recoat Internal Surface of HPTs and Floor of GST#1)

- A&H Coating Services, LLC completed the recoat work of the internal surfaces of the westernmost HPT and GST...the GST is back in service, but the HPT is needing repair to a couple of couplings, and paint touch up afterwards, before being placed back into service...EDP to provide update regarding when they believe the HPT will be placed back into service
- The easternmost HPT will have its internal surfaces recoated once the westernmost HPT is placed back into service
- Anticipate all work being completed in June

iii) Water Plant #2

- B-5 Construction Co. is in process of completing earthwork at water plant site and anticipates this month to start working on foundations for various components of the water plant site...Contractor has completed the installation of the off-site waterline and a portion of the on-site waterline and is coordinating with EDP to provide a water meter needed for testing
- Request Board's approval of Invoice No. 1 from B-5 Construction Co. for construction of project for \$246,776.40
- Request Board's approval of Invoice No. 2 from Terracon for material testing services for \$552.00
- Request Board's approval of Invoice No. 2 (Final) from Pape Dawson for surveying services for \$4,350.00
- Anticipate construction being completed by mid-2022
- District Est. Water Conn. Timeline (FBCFWS#1 WP#1 Conn. Capacity = 1,875)
 - End of 2021 = 1,716
 - Mid 2022 = 1,750

iv) Gateway Acres Subdivision Wastewater Collection System

- Construction plans are being completed...anticipate in June plans being submitted to the FBC, CoH, and TCEQ for comment/approval

v) Fresno Ranchos Subdivision Wastewater Lift Station and Force Main

- Construction plans are being completed...anticipated in June plans being submitted to the FBC, CoH, and TCEQ for comment/approval

vi) Gateway Acres Subdivision Wastewater Plumbing Contract

- townhall meetings will be conducted once Projects “iv” and “v” are being advertised or under construction, which is anticipated to 4thQ of this year

(b) Authorize Engineer to Prepare Plans and Specifications for Water/Wastewater Projects

- no action items

(c) Report on status of project funding and take necessary action related thereto.

- Project One-Year Warranty Expiration Dates
 - Fresno Gardens N Sub WW Collection System...06/17/2021
 - Fresno Gardens N Sub WW Plumbing Project...01/15/2022
- 2015 TWDB DFUND Loan...remaining funds will be used for the Water Plant No. 2 project
- 4th TWDB DFUND Loan (\$1.745M)...funds will be used to complete the Water Plant No. 2 project
- 2021 TCEQ Loan (estimated at \$10.45M) – draft BAR has been provided to DA and FA for their review and comment...once their comments have been received and addressed, the BAR will be submitted to the TCEQ for their review and approval...funds from the BAR are needed to fund the completion of a) Gateway Acres Sub WW Collection System project b) Fresno Ranchos Sub LS and FM project, and c) CoA WWTP Expansion project
 - FBC CDBG Funds...will pursue funding source for future plumbing projects

(d) Projections for District Water and Wastewater Projects

- request Board approval to update information every January and July

(e) Discuss Emergency Preparedness Plan and take any necessary action related thereto

- review EPP in April each year to determine if any updates are required

(f) Status of Non-Residential Applications for Water Service –

Connections Pending	
Stop N’ Grubb (Mobile Food Truck at 3502 Jan Street)	
- Request that Board consider this application expired...original application submitted in July 2019...multiple attempts were made to contact customer (phone calls and tap letter submittal in June 2020) regarding their request for water service without a response being provided back	
Quality Paint and Body (Pecan Street)	
- EDP to provide update regarding connection	
General Office Space (514 Pecan Street)	
- EDP to provide update regarding connection	
Fresno Gym (3941 FM 521)	
- EDP to provide update regarding connection	

Processing Application	
St. James Knanaya Church (Ave C)	
- waiting for customer to provide plumber’s info...informed customer that application is over a year old...per	

customer, they have had issues with FBC approving drainage plan for site, but should have plans approved in next couple to three months
Fresno Food Mart (Trammel Fresno Rd) - present application to Board...waiting on all required docs to complete application (this is second application from customer as previous application had expired)
Triplex Living Unit (327 Renfrow Burford Rd) - present application to Board...request Board's approval to start processing application once application fee is received by District Bookkeeper

Status of Non-Residential Applications for Wastewater Service –

Connections Pending	
Quality Paint and Body (Pecan Street) - EDP to provide update regarding connection	
General Office Space (514 Pecan Street) - EDP to provide update regarding connection	

Processing Application	
Triplex Living Unit (327 Renfrow Burford Rd) - present application to Board...request Board's approval to start processing application once application fee is received by District Bookkeeper	

(g) Potential Emergency Water Interconnect with BCMUD21

- conducted phone conversation with LJA (Bill Ehler), engineer for BCMUD21, on December 2016 regarding potential emergency water interconnect between our districts
- possible location for interconnect would be at east end of Renfro Burford Road
- BCMUD21 would be interested in pursuing interconnect (50/50 cost split) once FBCFWS#1 completes its 2nd Water Plant

(h) Status of New CoA WP – CoA anticipates water plant being completed by mid-2022

(i) Status of CoA WWTP Expansion Project (increasing capacity from 0.675 MGD to 0.95 MGD...the District would be receiving an additional 100,000 GPD through this expansion)

- DA is coordinating this matter with CoA, which consists of the DA working to secure documentation from CoA regarding overall project schedule, District's share of project costs, etc...

FM521 Roadway Widening Project – 30% Utility Coordination meeting was conducted on November 12th...new roadway configuration within District will be a 4 lane, divided roadway with raised median, curb and gutter, with underground storm sewer lines, side swales, and sidewalk...it is anticipated that the roadway design plans will be completed in May 2021 and the project will be under construction in May 2023...Jacobs has updated proposed roadway plans to include District's existing water and wastewater utilities and will then determine potential conflicts

Upon motion made by Supervisor Medina, seconded by Supervisor Casher, and after full discussion, the Board voted unanimously to approve preparation of the application for the Triplex Living Unit, remove Stop N' Grubb as expired, and approve the Engineer's Report, as presented.

6. 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 three locations;
- Completed top clean of wet well for lift station #1;
- Repaired landscape after tap install on 202 Main Street; and
- Completed emergency operations and c/s response from Winter Storm Uri.

Ms. Campbell informed the Board the emergency weld repair to Hydro Tank #1 is in process.

Ms. Campbell then informed the Board 4501 FM 521 had requested a leak adjustment and recommended no adjustment be given per the District's rate order.

Ms. Campbell informed the Board the Critical Facility List was complete and would be provided to TDEM and the County. Ms. Campbell also presented the Board with the annual Consumer Confidence Report draft for approval.

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.

Upon a motion duly made by Supervisor Carreon, seconded by Supervisor Vallejo, and after full discussion, the Board voted unanimously (i) to approve the Operator's Report and repairs to the water and wastewater system; (ii) to decline the leak adjustment for 4501 Main Street; (iii) to approve the annual Critical Facility List; (iv) to approve the annual Consumer Confidence Report; and (v) to authorize filing of the NFBWA Water Conservation Plan Annual Report and the TWDB Water Loss Audit Report.

7. 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 meeting held on April 15, 2021, was presented for approval.

Upon a motion made by Supervisor Medina, seconded by Supervisor Casher, and after full discussion, the Board voted unanimously to approve the minutes of the April 15, 2021 meeting as presented.

B. Discuss Regional Facilities Contract

Mr. Willis noted that no action was necessary in connection with this item.

C. Consider approving Resolution Regarding Annual review of Emergency Preparedness Plan

Mr. Willis next presented to and reviewed with the Board the proposed Resolution Regarding Annual Review of Emergency Preparedness Plan (“EPP”) (the “Resolution”), and noted that the Engineer and Operator have not recommended any changes to the EPP at this time.

Upon motion by Supervisor Medina, seconded by Supervisor Casher, the Board voted unanimously to approve the Resolution. A copy of the Resolution is on file in the official records of the District.

D. Consider approving Amended Rate Order

Mr. Willis then presented to the Board an Amended and Restated Rate Order (the “Amended Order”), and noted that the Amended Order is proposed to address any potential cost revisions related to the Operator’s contract amendment that was approved at the last meeting. The President again recognized Ms. Campbell, who reviewed with the Board the recommended changes.

Upon motion duly made by Supervisor Medina, seconded by Supervisor Casher, the Board voted unanimously to approve the Amended Order, as copy of which is on file in the official records of the District.

8. REGIONAL PLANT COMMITTEE REPORT

Supervisor Hamilton then presented the Regional Plant Committee Report.

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

9. HEAR FROM THE PUBLIC.

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

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

[THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK.]

PASSED, ADOPTED, and APPROVED this June 17, 2021.

[SEAL]



Secretary, Board of Supervisors

