

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

December 17, 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 special session, open to the public, at 11:00 a.m. on Friday, December 17, 2021, at 1980 Post Oak Boulevard, Suite 1380, Houston, Texas 77056, a designated meeting place outside the boundaries of the District, and 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: Cindy Grimes with Municipal Accounts & Consulting, LP, the District's Bookkeeper ("MAC"); David Dybala with Jacobs Engineering Group, Inc. ("Jacobs"), the District's Engineer; Bart Downum with Environmental Development Partners ("EDP"), the District's Operator; 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 11:43 a.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 AND TAX ASSESSOR/COLLECTOR'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.

**D. Approve Budget for Fiscal Year Ending December 31, 2022.**

The Board reviewed the budget for fiscal year ending December 31, 2022.

Ms. Grimes then presented the Tax Report, a copy of which is on file in the official records of the District. Ms. Grimes also presented to and reviewed with the Board a draft Interlocal Agreement for Collection of Taxes with Fort Bend County, as discussed at the previous meeting.

Upon motion duly made by Supervisor Medina, seconded by Supervisor Casher, the Board voted unanimously to authorize the payment of the checks and invoices listed therein, including Pay Estimate No. 8 from B-5 Construction Co. for \$345,745.66, and to approve (i) the budget for fiscal year ending December 31, 2022, as presented; (ii) the Bookkeeper's Report; (iii) the Tax Assessor/Collector's Report; and (iv) the Interlocal Agreement for Collection of Taxes with Fort Bend County.

**3. 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) Water Plant #2

- Project currently under construction – Contractor is currently working on a) site grading needed for the installation of the perimeter fence (anticipate installation of fence Dec/Jan), b) installation of MCC/chlorine building (anticipate building being erected next week), c) completion of GST erection, d) supports at BP pad, and e) development/testing of well (anticipate water quality results in Jan).
- Anticipate needing to work with DA and District in January to secure an easement agreement with Centerpoint for bringing electrical power to site.
- Request Board's approval of Pay Estimates No. 8 from B-5 Construction Co. for construction of the project for \$345,745.66.
- Anticipate construction (not including if additional treatment is needed) being completed by mid-2022.
- District Est. Water Conn. Timeline (FBCFWSD#1 WP#1 Conn. Capacity = 1,875).
  - End of 2021 = 1,750
  - Mid 2022 = 1,785

ii) Gateway Acres Subdivision Wastewater Collection System

- Construction plans have been submitted to the appropriate review agencies (TCEQ, CoH, FBC Engineering and Drainage, FBC R&B, Centerpoint, AT&T, and Frontier)

and comments have been received from all of them...it is anticipated that the project will be fully approved by all review agencies and ready for advertisement first part of next year

iii) Fresno Ranchos Subdivision Wastewater Lift Station and Force Main

- Construction plans have been submitted to the appropriate review agencies (TCEQ, CoH, FBC Engineering and Drainage, FBC R&B, FBC Fire Marshall, Centerpoint, AT&T, and Frontier) and comments have been received from all of them, except TCEQ and FBC Fire Marshall...it is anticipated that the project will be fully approved by all review agencies and ready for advertisement by the first part of next year

iv) Gateway Acres Subdivision Wastewater Plumbing Contract

- Currently working on six exhibit boards (3 black and white and 3 with an aerial...2 for each section)...Spreadsheet containing property ownership information for those properties included in the project have been provided to the DA and EDP for preparation of notification letters of upcoming townhall meetings
- Tentative Schedule (actual schedule dependent on when construction plans are bid ready and TCEQ loan secured, which is anticipated to occur first part of next year...could be impacted by available WWTP capacity, which temporary water service agreement is needed to resolve):
  - o Townhall Meetings – January thru May 2022 (once a month)...breaking GA into three sections, with each section having its own meeting in January thru March...April and May would be a general meeting for all sections...utilizing this plan, all sections would have three opportunities to attend a meeting
  - o Anticipate Gateway Acres Sub WW Collection System project being completed in 4Q of 2022, with the plumbing project starting construction immediately afterwards

**(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 Plumbing Project...01/15/2022
- 2015 TWDB DFUND Loan...remaining funds will be used for the Water Plant No. 2 project
- 4<sup>th</sup> TWDB DFUND Loan (\$1.745M)...funds will be used to complete the Water Plant No. 2 project
- 2021 TCEQ Loan (\$10.45M) – TCEQ has issued the Consent Letter and Draft Memo...currently anticipate selling bonds in Feb and closing loan in March...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
- will assist EDP with completion of AWIA emergency response plan, as necessary, that needs to be completed by the end of this year

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

<b>Connected:</b>	
<b>4320 Doreen Avenue (Multi-Family Dwelling)</b>	<b>Interconnect with FBCMUD23</b>
<b>293 Teakwood Avenue (Multi-Family Dwelling)</b>	<b>La Fresno Food Mart</b>
<b>297 Teakwood Avenue (Multi-Family Dwelling)</b>	<b>Lou's Back Porch</b>
<b>Church of God of Prophecy</b>	<b>LT No Limits</b>
<b>Crossroad Market</b>	<b>Mustang Community Center</b>
<b>Dollar General</b>	<b>MVP Auto Parts (Domestic &amp; FW)</b>
<b>Enriguez Tire Shop (East Palm)</b>	<b>New Quality Life Ministries (Church)</b>
<b>FBC Water Connection at Water Plant</b>	<b>New Quality Life Ministries (Restaurant)</b>
<b>First Baptist Church of Fresno (Domestic &amp; FW)</b>	<b>Papa Nick's BBQ Kitchen – Mobile Food Truck</b>
<b>Fresno Gym (3941 FM 521)</b>	<b>PMC International Tire Shop</b>
<b>Fresno Market – FM521 (Domestic &amp; Irrigation)</b>	<b>Quality Paint and Body (Pecan Street)</b>
<b>Fresno Motor</b>	<b>Richard Martini-Rental Livestock Pasture</b>
<b>Fresno Mount Corinth Baptist Church</b>	<b>Robbins Nest for Children (Domestic &amp; FW)</b>
<b>Fresno Volunteer Fire Department</b>	<b>St. James Knanaya Church – Fire Tap</b>
<b>F&amp;R Tax</b>	<b>St. Peters &amp; St. Pauls Orthodox Church of Houston</b>
<b>General Office Space (514 Pecan Street)</b>	<b>Swingby#3 Gas Station (Domestic &amp; Irrigation)</b>
<b>Gulf Coast LP Gas Company</b>	<b>Teleview Terrace Subdivision Lift Station</b>
<b>HEFCO Enterprises</b>	<b>Tiny Toes Academy</b>
<b>Iglesia Bautista Del Calvario Church</b>	<b>Tire Shop at 1739A Trammel Fresno</b>
<b>Iglesia Principe De Paz Church</b>	<b>Valero Gas Station</b>
<b>Interconnect with City of Arcola</b>	<b>Welcome Foods</b>

<b>Connections Pending:</b>	

<b>Processing Application:</b>	
<b>St. James Knanaya Church (Ave C)</b>	
- still in process of reviewing new information from customer, which was provided prior to the November Board meeting	
<b>Fresno Food Mart (Trammel Fresno Rd)</b>	
- waiting on all required docs to complete application (this is second application from customer as previous application had expired)...application submitted in April 2021	

**Status of Non-Residential Applications for Wastewater Service –**

<b>Connected:</b>	
4320 Doreen Avenue (Multi-Family Dwelling)	General Office Space (514 Pecan Street)
293 Teakwood Avenue (Multi-Family Dwelling)	Mustang Comm Center ( <i>minus field bathrooms</i> )
297 Teakwood Avenue (Multi-Family Dwelling)	New Quality Life Ministries (Church)
Church of God of Prophecy	New Quality Life Ministries (Restaurant)
First Baptist Church of Fresno	Quality Paint and Body (Pecan Street)
Fresno Volunteer Fire Department	

<b>Connections Pending:</b>	

<b>Processing Application:</b>	

**(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 FBCFWSD#1 completes its 2<sup>nd</sup> Water Plant

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

to provide update from monthly conversations with CoA Engineer)...once completed, interconnect with CoA will become an emergency water interconnect and the District will owe funds to CoA, per the RFC, for taking back 500 connections worth of water service (plus 125 connections, per the temporary water service agreement)...if it is determined later that there will be a significant delay in the completion of the CoA WP, then the District may want to consider conducting an elevated storage tank waiver application with the TCEQ for additional water connections...need to consider all steps once they complete their WP (pay back CoA, take back 625 connections, discontinue water bills to CoA, close vault to make emergency interconnect, rework RFC into a standard emergency interconnect agreement and a waste disposal agreement)

**(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 of capacity through this expansion) –**

DA is coordinating this matter with the CoA by means of the temporary water service agreement, which would require a) a study to be submitted to the TCEQ in an attempt to re-rate the WWTP from 350 gpd/connection to some lessor amount...if the results of the study are not favorable (less than 250 gpd/connection), then the agreement would require CoA to provide interim capacity...also the RFC could still be modified based on the value determined in the study or an amount allowed by the TCEQ and b) require the WWTP expansion project to be completed on or before June 2024...Currently, per the RFC, the District is only capable of providing wastewater service to 714 connections

**(j) Roadway Widening Projects Within District (which will require utility and service line relocations):**

- **South Post Oak Boulevard Widening Project (from W Sycamore to Trammel Fresno Rd):**

○ **Scope** – Increased ROW width, with 2 lane road and additional lanes throughout sections, with roadside ditches

○ **Schedule** –

- County is currently in process of clearing ROW and acquiring easements
- Road Design Phase – current to end of September 2021
- Utility Relocations – October 2021 to March 2022
- Road Construction – anticipated start April 2022

○ **Estimated Cost** -

- Per communications from County, they will assist financially regarding the relocation of the utilities on a case-by-case basis...initially proposing to fund the relocation of the water mains while the District funds the relocation of the water service lines
- Provided EDP and LJA (FBC Engineer) my recommendations for relocating waterlines for the project...both parties are to review to determine if they agree to changes...EDP to determine costs for these changes and present to Board for their approval and coordinate with FBC for financial assistance
- Currently planning to meet in early January to discuss proposed waterline relocations

- **FM521 Roadway Widening Project (North of SH6):**

○ **Scope** – 4 lane, divided roadway with raised median, curb and gutter, with underground storm sewer lines, side swales, and sidewalk

○ **Schedule** –

- 30% Utility Coordination meeting was conducted in November 2020
- 60% Utility Coordination meeting was conducted in September 2021
- 90% Utility Coordination meeting???...waiting for TxDOT to coordinate

- Anticipate 100% completed construction plans by May 2022
- Anticipate coordinating necessary water and wastewater utility relocations by mid-2022
- Anticipate roadway widening project to start construction in 2023

○ **Estimated Cost –**

- In process of reviewing roadway construction plans to determine extent and cost of utility relocations

- **FM521 Roadway Widening Project (South of SH6):**

○ **Scope –** 4 lane, divided roadway with raised median, curb and gutter, and side path...proposed detention pond along west side of CoA WWTP and new WWTP entrance roadway

○ **Schedule –**

- 30% Utility Coordination meeting was conducted in September 2021
- 60% Utility Coordination meeting???...waiting for TxDOT to coordinate
- Anticipate 100% completed construction plans by March 2022
- Anticipate coordinating necessary wastewater forcemain relocations by mid-2022
- Anticipate roadway widening project to start construction in 2023

○ **Estimated Cost –**

- Will begin efforts to determine extent and cost for utility relocations once roadway plans are further along (possibly include our relocation work in the roadway plans)

- **West Sycamore Road Widening Project:**

○ **Scope –** Proposed 100' ROW, with 4 lane, divided roadway with raised median, curb and gutter, with underground storm sewer lines, and sidewalk

○ **Schedule –**

- Received 30% complete roadway plans
- Requested from County overall project schedule and possibility of including utility relocation work within roadway plans...waiting for a response from County

○ **Estimated Cost –**

- Requested from County if they would assist financially regarding the relocation of utilities...waiting for a response
- Will begin efforts to determine extent and cost for utility relocations once roadway plans are further along

- **Evergreen Road Widening Project (California Rd to Mustang Bayou):**

○ **Scope –** Proposed 80' ROW, with 2-12' lanes, 6' shoulders, asphalt roadway, with roadside ditches

○ **Schedule –**

- Working on 30% complete roadway plans...no overall schedule provided yet

○ **Estimated Cost –**

- Will begin efforts to determine extent and cost for utility relocations once roadway plans are further along...will ask if utility relocations can be included in roadway plans and if FBC will assist financially

- **Evergreen Road Widening Project (Mustang Bayou to FM521):**

○ **Scope –** Proposed 80' ROW, with 2-12' lanes, 6' shoulders, asphalt roadway, with roadside ditches

○ **Schedule –**

- Working on 30% complete roadway plans...no overall schedule provided yet

○ **Estimated Cost –**

- Will begin efforts to determine extent and cost for utility relocations once roadway plans are further along...will ask if utility relocations can be included in roadway plans and if FBC will assist financially

- **Other Road Widening Projects Within District**

○ FBC Representative to provide updates at monthly meetings

The Board discussed the status of the application from St. James Knanaya Church with Mr. Dybala, as discussed at previous meetings. Mr. Dybala informed the Board the engineer and owner have provided the requested information for Jacob's review.



The Board also discussed inviting the County Commissioner for the District's current precinct to a future board meeting to discuss projects impacting the District.

Upon motion made by Supervisor Casher, seconded by Supervisor Carreon, and after full discussion, the Board voted unanimously to approve the Engineer's Report, as presented.

#### **4. OPERATOR'S REPORT/TERMINATION OF SERVICE**

Next the Board recognized Mr. Downum, 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**

Mr. Downum reported substantial system repairs and maintenance as follows:

- Installed residential taps and meters at 7 locations;
- Repaired damages to the water main at 3722 Lissie Street;
- Repaired a damaged service line at 4414 Gardenia Lane; and
- Repaired a service line leak at 735 N. Locust Street.

Mr. Downum then reported the repairs, as discussed at the previous meeting, were in process for the seal and shaft failures on booster pumps #1 and #2 for Water Plant #1. Mr. Downum reported the valve survey of District water lines in connection with the road widening project for South Post Oak, as authorized and discussed at previous meetings, is in process.

##### **B. Requests for Water Taps**

Mr. Downum did not report any requests at this time.

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

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

In response to questions from Supervisor Medina, Mr. Downum informed the Board suspected unauthorized permanent mobile homes used as residences would be evaluated by EDP. Mr. Downum also stated he would investigate the damage on Lissie Street to confirm if required to be backcharged to a particular contractor.

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

#### **5. 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 21, 2021, November 11, 2021, and November 18, 2021 were 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 meetings held on October 21, 2021, November 11, 2021, and November 18, 2021, as presented.

**B. Approve Resolution Regarding Eminent Domain**

Mr. Willis next presented to and reviewed with the Board a proposed Resolution Authorizing Filing with Comptroller of Public Accounts of State of Texas Documentation of Eminent Domain Authority and recommended approval of said resolution. Mr. Willis noted that Texas law requires governmental entities with eminent domain authority to report annually to the Comptroller certain information relating to the District's eminent domain authority.

**C. Approve Order Designating Meeting Place Outside the District**

Mr. Willis next presented to and reviewed with the Board a proposed Order Designating Meeting Place Outside the District for 1570 W. Sycamore, Fresno, Texas, and recommended approval of said order. Mr. Willis noted townhall meetings would still be conducted at the Community Center, however, this would provide an alternate meeting location in the event the center was not accessible for a regular meeting.

Upon motion by Supervisor Casher, seconded by Supervisor Carreon, the Board voted unanimously to (i) adopt the Resolution Authorizing Filing with Comptroller of Public Accounts of State of Texas Documentation of Eminent Domain Authority and (ii) adopt the Order Designating Meeting Place Outside the District for 1570 W. Sycamore, Fresno, Texas, and authorize publication of notice.

**6. REGIONAL PLANT COMMITTEE REPORT**

Supervisor Hamilton then presented the Regional Plant Committee Report.

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

**7. 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.

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PASSED, ADOPTED, and APPROVED this 2/17/22.

*Calvin Caster*  
Secretary

[SEAL]

