

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

September 15, 2022

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, at 6:00 p.m. on Thursday, September 15, 2022, at 4521 F.M. 521 North, Fresno, Fort Bend County, Texas 77545, a designated meeting place inside 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; Wendy Duncan, Bruce Dubiel and Raquel Garcia with Environmental Development Partners ("EDP"), the District's Operator; members of the public, the names of whom are on file in the official public records of the District; and Michael R. Willis of Sanford Kuhl Hagan Kugle Parker Kahn LLP ("SK Law"), the District's Attorney.

The meeting was called to order at 6:04 p.m. and the following business was transacted.

1. HEAR FROM PUBLIC (MATTERS ON THE AGENDA)

At this time, the President opened the meeting to comments from the public.

2. CONDUCT PUBLIC HEARING ON PROPOSED 2022 TAX LEVY

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 6:06 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 6:07 p.m.

3. ADOPT ORDER SETTING TAX RATE AND LEVYING TAX FOR 2022

The Board then considered adoption of the proposed Order Setting Tax Rate and Levying Tax for 2022. Having conducted the public hearing as required by law and publishing notice thereof, the Board deemed it appropriate to proceed with setting the 2022 tax rate.

Upon a motion made by Supervisor Casher, seconded by Supervisor Medina, and after full discussion, the Board voted unanimously to (1) set and levy (i) a debt service tax rate for 2022 in the amount of \$0.50 per \$100 of assessed valuation, and (ii) an operation and maintenance tax of \$0.50 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 2022, a copy of which is on file in the Official Records of the District.

4. AMENDED NOTICE TO SELLERS AND PURCHASERS

Consideration was then given to the proposed Amended Notice to Sellers and Purchasers, which notice sets forth the 2022 tax rate.

Upon a motion duly made by Supervisor Casher, seconded by Supervisor Medina, 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.

5. 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.

Ms. Grimes then presented the Tax Report, a copy of which is on file in the official records of the District. Ms. Grimes noted that the District's 2021 taxes are 93.11% collected as of August 31, 2022.

Ms. Grimes presented to the Board a Seconded Amended and Restated Agreement for Bookkeeping Services (the "Agreement"), noting that MAC is moving to an hourly rate for all of its clients. Ms. Grimes further stated that such change would amount to an approximate \$700-\$900 a month increase.

Upon motion duly made by Supervisor Casher, seconded by Supervisor Carreon, the Board voted unanimously (i) to approve the Bookkeeper's Report; (ii) to authorize the payment of the checks and invoices listed therein, including Pay Estimate No. 16 from B5 Construction Co., Inc. for \$115,697.21 and Invoice No. 18 from Terracon for \$4,308.00; (iii) to approve the Agreement; and (iv) to approve the Tax Assessor/Collector's Report.

6. 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

- Original contract time for project expired on August 15, 2022...DA provided letter to Contractor informing them that project must be fully completed by October 15, 2022 or the District will consider enforcing the contract...DA to provide update regarding Contractor response regarding this matter. Mr. Dybala noted that the Contractor sent a request for an additional 7 days due to weather, and that such request was reasonable. Mr. Dybala noted that the extended contract date is now October 22, 2022.
- Project currently under construction – Contractor currently working on remaining piping items and electrical work and should begin testing next week. In addition to these items, the Contractor is also working on various punchlist items.
- The permanent well pump and motor are installed. Once electrical service is provided to this equipment, testing will be performed and water quality samples will be taken. It is anticipated that by the October Board meeting, water quality information will be available to continue discussions if additional water treatment is necessary.
- Request Board's approval of Pay Estimate No. 16 from B5 Construction Co., Inc. for construction of the project for \$115,697.21.
- Request Board's approval of Invoice No. 18 from Terracon for material testing services for \$4,308.00.
- District Est. Water Conn. Timeline (FBCFWS#1 WP#1 Conn. Capacity = 1,875).
 - End of 2022 = 1,825

ii) Gateway Acres Subdivision Wastewater Collection System

- Request Board's approval of:
 - o Contract documents with Reddico Construction Company, Inc. for construction of this project in the amount of \$5,521,632.00
 - o Proposal from Terracon for material testing services for an estimated amount of \$75,715.00
- Following completion of contract documents, the pre-construction meeting for the project will be scheduled and the NTP with construction issued

iii) Fresno Ranchos Subdivision Wastewater Lift Station and Force Main

- Project bid on Wednesday, September 14, 2022 at 4:30pm...Bid results were not available at the time of this report preparation...discuss with Board bid results and recommendations. Mr. Dybala noted that Reddico was the low bidder for the contract.
- Discuss with Board possibility of assigning a Board member to approve contract documents and material testing proposal (Terracon) between the September and October Board meetings
- Discuss with Board additional funds needed to complete project (drainage design and study required by FBCDD)...anticipate presenting ASA at October meeting

iv) Gateway Acres Subdivision Wastewater Plumbing Contract

- Final townhall meeting was conducted on June 30th for all Gateway Acres sections... a total of 197 applications have been secured for this project
- Anticipate Gateway Acres Sub WW Collection System project being completed 2023 and the plumbing contract being completed 2023/2024

v) Fresno Ranchos Subdivision Wastewater Collection System and Expansion of Teleview Terrace Subdivision Lift Station

- Anticipate later this year presenting proposals for design and construction phase services for these projects

(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
- 4th TWDB DFUND Loan (\$1.745M)...funds will be used to complete the Water Plant No. 2 project
- 2022 TCEQ Loan (\$10.45M) – funds from the loan 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 –

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

Connections Pending:	

Processing Application:	
Kingdom Hall of Jehovah Witnesses (East Sycamore St.)	
- waiting on all required docs from customer to complete application	

Nena's Secret Cuts and Styles – Beauty Salon (Trammel Fresno Rd) - waiting on all required docs from customer to complete application
E&J Auto Sales (Trammel Fresno Rd) - waiting on all required docs from customer to complete application

Status of Non-Residential Applications for Wastewater Service –

Connected:	
4320 Doreen Avenue (Multi-Family Dwelling)	General Office Space (514 Pecan Street)
293 Teakwood Avenue (Multi-Family Dwelling)	Mustang Comm Center (minus field bathrooms)
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	

Connections Pending:	

Processing Application:	

Discussions with Nalco Water – Nalco Water is interested in the possibility of receiving District water service for potable, process, and fire water needs...they are currently reviewing their facility and preparing a proposed plan for a possible connection with the District's system...they were informed that if they want to continue this matter with the District, they will need to submit an application, with fee, so further discussions can continue regarding this matter...District may want to re-evaluate its current water rates for industrial customers.

(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 2nd Water Plant

(h) Status of New CoA WP – CoA anticipates their water plant being completed by 1st/2nd Q 2023...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) –

- Waiting for results from re-rate study, being performed by CoA, to determine if the

RFC's gpd/connection value (currently at 350) can be reduced to 250 or less...if this number changes, the RFC will need to be updated and possibly coordination with the TCEQ will be required...if favorable results are not provided to the District by March 31, 2022, per the agreement, then the District's capacity at the WWTP would be equal to 350,000 gpd and the District would be able to provide wastewater service to 1,000 connections

- Also, CoA is contractually obligated to the District to complete the expansion of the WWTP from 0.675 MGD to 0.95 MGD on or before June 2024...Jacobs provided comments back to the CoA regarding their initial construction drawings and design report provided in April 2022

(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):**
 - o **Scope** – Increased ROW width, with 2 lane road and additional lanes throughout sections, with roadside ditches
 - o **Schedule** –
 - County is currently in process of clearing ROW and acquiring easements
 - Utility Relocations – waiting on FBC for funding agreement
 - Road Construction – FBC to update
 - o **Estimated Cost** -
 - Jacobs and EDP discussed recommended waterline relocations for road widening project...Per communications with FBC Commissioner, all relocation costs will be paid for by the County
- **FM521 Roadway Widening Project (North of SH6):**
 - o **Scope** – 4 lane, divided roadway with raised median, curb and gutter, with underground storm sewer lines, side swales, and sidewalk
 - o **Schedule** –
 - 30% Utility Coordination meeting was conducted in November 2020
 - 60% Utility Coordination meeting was conducted in September 2021
 - 90% Utility Coordination meeting scheduled for August 24, 2022
 - Anticipate 100% completed construction plans by October 2022
 - Anticipate coordinating necessary water and wastewater utility relocations by mid-2023
 - Anticipate roadway widening project to start construction in August 2023 with south bound lane work first
 - o **Estimated Cost-**
 - Currently determining extent and cost for utility relocations as roadway plans are 90% complete...later will coordinate with EDP and roadway team so solution and costs can be determined and presented to Board...will perform relocations after NORA is signed
- **FM521 Roadway Widening Project (South of SH6):**
 - o **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...including a proposed overpass at the BNSF RR crossing
 - o **Schedule** –
 - 30% Utility Coordination meeting was conducted in September 2021
 - 60% Utility Coordination meeting was conducted in April 2022

- Anticipate 100% completed construction plans by September 2022
 - Anticipate roadway widening project to start construction in 2024
 - **Estimated Cost –**
 - Will begin efforts to determine extent and cost for utility relocations once roadway plans are further along...coordinating with roadway team so our relocations can be included in their construction plans, which they would design and their contractor construct...assistance would be provided by Jacobs and the District Operator throughout this process...requested that an agreement be provided to the District for this arrangement...currently this relocation effort would need to be paid for by the District, but still investigating the possibility that FBC or TxDOT possibly assist us financially
- **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
 - Received 95% complete roadway plans for review on August 11, 2022...currently reviewing to determine necessary adjustments to District's utilities
 - Anticipate 100% complete roadway plans - TBD
 - Coordinating with roadway team to have utility relocations included within their construction plans so relocations can be done by their contractor
 - Anticipate roadway widening project to start construction - TBD
 - **Estimated Cost –**
 - Per communications with FBC Commissioner, all relocation costs will be paid for by the County
- **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
 - Coordinating with roadway team to have utility relocations included within their construction plans so relocations can be done by their contractor
 - **Estimated Cost –**
 - Per communications with FBC Commissioner, all relocation costs will be paid for by the County
- **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
 - Coordinating with roadway team to have utility relocations included within their construction plans so relocations can be done by their contractor
 - **Estimated Cost –**
 - Per communications with FBC Commissioner, all relocation costs will

be paid for by the County

- **Other Road Widening Projects Within District**

- oFBC Representative to provide updates at monthly meetings...per information provided at 90% complete meeting for FM521 North roadway project, the Lake Olympia Parkway project should be under construction about the same time as the FM521 North roadway project

Upon motion made by Supervisor Casher, seconded by Supervisor Vallejo, and after full discussion, the Board voted unanimously to (1) approve the contract for the Gateway Acres Wastewater Collection System with Reddico Construction Co., Inc.; (2) to approve the proposal from Terracon for material testing services; (3) award the contract for the Fresno Ranchos Lift Station and Force Main project to Reddico Construction Co., Inc., and authorize execution of the contract; and (4) approve the Engineer's Report, as presented.

7. OPERATOR'S REPORT/TERMINATION OF SERVICE

Next the Board recognized Mr. Dubiel, 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. Dubiel reported substantial system repairs and maintenance as follows:

- Installed 9 residential taps and meters;
- Completed installation of the new well motor;
- Replaced faulty CL2 regulators;
- Isolated and removed Booster Pump No. 3;
- Completed troubleshooting and repair of the CL2 system;
- Installed Booster Pump No. 2;
- Completed lead and copper testing;
- Performed top cleaning of lift station;
- Repaired a long service line leak;
- Repaired damaged blow off valve;

Mr. Dubiel then updated the Board on the following:

1. **Booster Pump No. 2:** EDP was authorized to replace the booster pump and motor for the estimated cost of \$26,666.00. A Manufacturing defect affected the pump operation, and it was pulled again.
2. **Booster Pump No.3:** EDP was authorized to replace the booster pump and motor for the estimated cost of \$25,000.00. The new motor is installed. The pump is pending delivery.
3. **Booster Pump No. 4:** The booster pump and motor will be removed for an evaluation once booster pump no. 2 and no. 3 are replaced.
4. **Water Plant No. 1 Well Insurance Claim:** EDP initiated an insurance claim on behalf of the District on April 19, 2022. This is complete and is pending release of the check from the insurance company.

5. South Post Oak Road Widening: No new updates this month.
6. FM 521 Road Widening: No new updates this month.
7. W Sycamore Road Widening: No new updates this month.
8. Evergreen Road Widening Project: No new updates this month.

B. Requests for Water Taps

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

C. Delinquent Water Accounts and Service Terminations

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

The Board then considered a request for a variance from the Private Easement Policy, noting that a tap that otherwise meets the policy was requested, with a service line length in excess of 300 feet.

Upon a motion duly made by Supervisor Casher, seconded by Supervisor Medina, and after full discussion, the Board voted unanimously (1) to approve the variance request for the resident under the Private Easement Policy; and (2) to approve the Operator's Report, the repairs to the water and wastewater system, and the termination list.

8. 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 8 and August 18, 2022, 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 August 8 and August 18, 2022, meetings, as presented.

B. Regional Facilities Contract

Mr. Willis noted there was no action in connection with the Regional Facilities Contract.

C. Right-of-Entry Agreement with NFBWA

Mr. Willis then presented to the Board a Right-of-Entry Agreement ("ROE Agreement") with the North Fort Bend Water Authority ("NFBWA"). Mr. Willis explained that the ROE Agreement will allow the NFBWA to enter into the District's plant site and install an electronic well meter.

Upon motion duly made by Supervisor Casher, seconded by Supervisor Vallejo, the Board voted unanimously to approve the ROE Agreement.

D. Sanitary Sewer Proposal

Supervisor Casher then discussed with the Board a proposal for an alternative sanitary sewer treatment facility. Supervisor Casher noted he would discuss his proposal with the appropriate parties and bring additional information to the Board at a future meeting.

9. REGIONAL PLANT COMMITTEE REPORT

The Board next recognized Supervisor Hamilton, who 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.

10. HEAR FROM THE PUBLIC.

The Board then opened the meeting to comments from the public.

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 10/20/22.

Calvin Casher
Secretary

[SEAL]

