

MINUTES
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 155

February 8, 2021

The Board of Directors (the "Board") of Fort Bend County Municipal Utility District No. 155 (the "District") met in regular session by teleconference, with access by telephone available to the public, pursuant to Texas Government Code Section 551.125 and Governor Abbott's emergency disaster declaration dated March 13, 2020, on the 8th day of February, 2021, and the roll was called of the members of the Board:

Donna Johnson	President
Brett Telford	Vice President
Christina Garcia	Assistant Vice President
Jessica Robach	Secretary
Dwayne Grigar	Assistant Secretary

and all of the above were present except Director Grigar, thus constituting a quorum.

Also attending the teleconference for all or part of the meeting were Mark McGrath of McGrath & Co., PLLC; Craig Rathmann of Rathmann & Associates, L.P.; David Beyer of Storm Water Solutions, LLC; Kirsten Wilson of LJA Engineering & Surveying, Inc. ("LJA"); Jorge Diaz of McLennan & Associates, LP ("McLennan"); Rick Marriott of Si Environmental, LLC ("SiEnviro"); Nick Steffek of Lake Management Services, L.P. ("LMS"); Joel Raymond of GreenScape Associates; John N. Taylor of Bonbrook Plantation, LP; Constable Beard and Chief Sempa of Fort Bend County Precinct 1 Constable's Office ("Constable"); and Nellie Connally and Nikole Cales of Allen Boone Humphries Robinson LLP ("ABHR").

Ms. Connally reviewed certain recommended protocols for conducting the District's meeting via teleconference. She announced that the meeting was being recorded and that consultant reports presented at the meeting were posted online and available to the public in the form of an "agenda packet" prior to the start of the meeting at <https://www.districtdirectory.org/agendapackets/fbcmud155>.

PUBLIC COMMENTS

Ms. Connally offered any members of the public attending the meeting by telephone the opportunity to make a public comment. No members of the public wished to address the Board.

CONSIDER OPERATIONS AND SERVICE REQUIREMENTS RELATING TO COVID-19 EPIDEMIC AND RATIFICATION OF ANY EMERGENCY ACTIONS, IF NECESSARY

Ms. Connally stated that there were no emergency actions taken between Board meetings that needed to be ratified.

APPROVE MINUTES

The Board considered approving the minutes of the January 11, 2021, regular meeting. Following review and discussion, Director Robach moved to approve the minutes as presented. Director Johnson seconded the motion, which passed unanimously.

CONSTABLE'S REPORT

The Board reviewed a security report for the District, a copy of which is attached. Constable Beard apologized for missing last month's meeting and discussed car burglary incidents in the District during the last month. He stated the incidents are being investigated by Sergeant Hartfield of the Fort Bend County Sherriff's office. Discussion ensued regarding adjusting patrol cycles in the District. Constable Beard recommended the District send notifications to District residents reminding them to remove valuables and lock vehicles at night. Ms. Garcia stated she can coordinate with the homeowner's association regarding including information in the newsletter and will include information on the District's website. The Board requested the Constable's office prepare information for residents for the website and newsletter and begin random patrols of the District. Director Garcia requested the Constable follow up regarding harassment of District residents by a particular combative homeowner.

REPORT REGARDING DEVELOPMENT IN THE DISTRICT

Mr. Taylor updated the Board regarding development in the District. Ms. Wilson updated the Board regarding development in Section 7.

FINANCIAL AND BOOKKEEPING MATTERS

Mr. Diaz presented and reviewed the bookkeeper's report, a copy of which is attached, and presented the checks for payment. In response to a question from Ms. Wilson, Mr. Diaz and Director Garcia stated the amenity project line item is for any necessary projects in the District. After review and discussion, Director Johnson moved to approve the bookkeeper's report and the checks presented for payment. Director Garcia seconded the motion, which passed unanimously.

ASSOCIATION OF WATER BOARD DIRECTORS CONFERENCE ("AWBD")

The Board discussed the winter AWBD conference and attending the AWBD summer conference in San Antonio, Texas in June. After discussion, Director Telford

moved to approve per diems for the attendance at the winter AWBD conference and authorize attendance of any interested directors at the summer AWBD conference. Director Garcia seconded the motion, which passed by unanimous vote.

SERIES 2021 UNLIMITED TAX BONDS (“SERIES 2021 BONDS”)

Mr. Rathmann discussed the issuance of the District’s Series 2021 bonds in the amount of \$1,450,000 and the projects included to be reimbursed from the bond sale.

AUTHORIZE DISTRICT ENGINEER TO REQUEST TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (“TCEQ”) INSPECTION OF FACILITIES

The Board considered authorizing the District’s engineer to request an inspection of facilities by the TCEQ.

AUTHORIZE TAX ASSESSOR/COLLECTOR TO REQUEST CERTIFICATE OF ASSESSED VALUE AS OF JANUARY 1, 2020 FROM THE APPRAISAL

Ms. Connally requested the Board authorize the Tax Assessor/Collector to request a Certificate of Assessed Value as of January 1, 2021, from the Fort Bend County Appraisal District.

APPROVE PRELIMINARY OFFICIAL STATEMENT AND OFFICIAL NOTICE OF SALE

Mr. Rathmann reviewed the Preliminary Official Statement and Official Notice of Sale for the Series 2021 Bonds. Ms. Connally updated the Board on the City approval of the Series 2021 Bond Sale.

ENGAGE RATING COMPANY

The Board considered engaging Moody’s Investor Services to perform a credit rating analysis for the District’s Series 2021 Bonds.

APPOINT PAYING AGENT/REGISTRAR

The Board discussed appointing The Bank of New York Mellon Trust Company, N.A. (“BONY”) as the paying agent/registrar for the Series 2021 Bonds.

APPOINT ESCROW AGENT

There was no discussion on this agenda item.

AUTHORIZE ADVERTISEMENT FOR SALE OF THE SERIES 2021 BONDS AND SCHEDULE BOND SALE

The Board then considered advertisement for sale of the Series 2021 Bonds and discussed an appropriate bond sale date.

AUTHORIZE AUDITOR TO PREPARE DEVELOPER REIMBURSEMENT REPORT

The Board considered authorizing McGrath & Co., PLLC to conduct a developer reimbursement report for the Series 2021 Bonds.

Discussion ensued regarding a possible park bond issuance.

Following discussion, Director Johnson moved to (1) authorize the Tax Assessor/Collector to request a Certificate of Assessed Value as of January 1, 2021, from the Fort Bend County Appraisal District; (2) authorize the District's engineer to request an inspection of facilities by the TCEQ; (3) approve the Preliminary Official Statement and Official Notice of Sale, subject to final review and approval by the District's consultants; (2) engage Moody's Investor Services to perform a credit rating analysis for the District's Series 2021 Bonds; (3) appoint BONY as paying agent/registrar; (4) authorize advertisement for bids for the Series 2021 Bonds and schedule the bond sale; and (5) authorize McGrath & Co., PLLC to conduct a developer reimbursement report for the Series 2021 Bonds. Director Robach seconded the motion, which carried unanimously.

OPERATOR'S REPORT

Mr. Marriott presented and reviewed the operator's report, a copy of which is attached, and reviewed repair and maintenance items for the month.

Mr. Marriott discussed a significant repair at 915 Pickett Hill noting three sections of driveway were removed, a new tap was installed and the concrete was replaced in the amount of \$8,850.00.

Mr. Marriott presented and reviewed a homeowner association water meter usage report and reviewed a residential high usage letter report and actions undertaken by SiEnviro to address the usage issues. Copies are attached to the operator's report.

Mr. Marriott then reviewed the Discharge Monitoring Report and noted that no excursions occurred at the shared water treatment plant during the month.

HEARING ON TERMINATION OF WATER SERVICE

Mr. Marriott discussed a resident appeal. He stated a renter moved into the home in November and the December meter reading was over 100,000 gallons at which

time SiEnviro detected a leak. Mr. Marriott stated the January meter reading was around 6,000 gallons. He stated the resident contacted SiEnviro in January informing them that the increased usage was a result of a leaking toilet. Mr. Marriott stated the resident requested the Board consider an adjustment to their water bill. The Board concurred not to adjust the resident's water bill.

Mr. Marriott presented to the Board a list of delinquent customers and reported the residents on the termination list were delinquent in payment of their water and sewer bills and were given written notification, in accordance with the District's Rate Order, prior to the meeting of the opportunity to appear before the Board to explain, contest, or correct their bills and to show why utility services should not be terminated for reason of non-payment.

Director Johnson inquired about the leak and sidewalk damage at 9407 Swiney Brook Drive. Mr. Marriott stated he will look into the matter.

Following review and discussion, Director Telford moved to: (1) approve the operator's report, as presented; and (2) authorize termination of delinquent accounts in accordance with the District's Rate Order and direct that the delinquent customer list be filed appropriately and retained in the District's official records. The motion was seconded by Director Robach, which passed unanimously.

LAKE MANAGEMENT SERVICES, LP PROPOSAL INCLUDING BUDGET FOR MAY 1, 2021 TO APRIL 30, 2022

Mr. Steffek updated the Board regarding lake maintenance in the District. He then presented and reviewed a proposal to replace the fountain in Lake B, South in the amount of \$11,385.45. A copy of the proposal is attached. The Board concurred to defer adoption of the proposed budget from LMS for May 1, 2021 through April 30, 2022 until next month. After review and discussion, Director Telford moved to approve proposal to replace the fountain in Lake B, South in the amount of \$11,385.45 and direct that it be filed appropriately and retained in the District's official records. Director Garcia seconded the motion, which passed unanimously.

ENGINEER'S REPORT

Ms. Wilson presented and reviewed an engineer's report, a copy of which is attached, and updated the Board on the status of ongoing engineering projects in the District.

Ms. Wilson updated the Board regarding landscape easement with the owner of the Chevron gas station at the corner of Benton Road and Reading Road. She stated after reviewing further information, additional survey work is necessary to complete the preparation of the metes and bounds and exhibit and requested the Board authorize an additional \$500, which will total \$2,500 when combined with the \$2,000 previously

authorized by the Board last month, to complete the survey work and prepare the metes and bounds and exhibit.

Ms. Wilson stated Big Creek, LTD contacted the District regarding maintaining the area serving the District south of Sections 9 and 10. She stated a maintenance agreement will be necessary for the District to access and maintain the land. Mr. Raymond discussed the initial cleanup costs, noting it is approximately \$46,000. Ms. Wilson stated based on Mr. Raymond's initial cost estimates, the District will need to solicit three bids for the project. Discussion ensued regarding the initial cleanup and maintenance responsibility. Ms. Wilson confirmed the removal of builder debris should be paid for by the builder. Mr. Raymond confirmed his proposal includes removal of builder debris. Ms. Wilson requested the Board approve the maintenance agreement, subject to ABHR review and authorize LJA to solicit three bids for the initial clean-up of the area. Mr. Taylor discussed the history of the drainage channel installation.

Director Garcia discussed the debris at the D.R. Horton construction site. Ms. Wilson stated she has contacted D.R. Horton regarding clean up in the area. Mr. Taylor stated he will also follow up with D.R. Horton regarding the matter.

After review and discussion, Director Garcia moved to authorize an additional \$500, which will total \$2,500 when combined with the \$2,000 previously authorized by the Board last month, to complete the survey work and prepare the metes and bounds and exhibit for the landscape easement. Director Johnson seconded the motion, which passed unanimously.

After review and discussion, Director Robach moved to tentatively approve the maintenance agreement with Big Creek LTD, subject to ABHR review and receipt of additional information. Director Garcia seconded the motion, which passed unanimously.

Ms. Wilson updated the Board on the repairs of lake shore A, B and C ("Detention Pond Project"), noting a Notice to Proceed for repairs to Pond B should be issued to Double Oak Erosion, Inc. on March 1, 2021. She presented and reviewed Change Order No. 1 from LJA in the amount of \$4,900 for additional basic engineering services, project representative services and reimbursable expenses not included in the initial proposal. The Board concurred the change order benefits the District. After review and discussion, Director Garcia moved to approve Change Order No. 1 in the amount of \$4,900 submitted by LJA, pursuant to the Engineering Services Agreement. Director Telford seconded the motion, which passed unanimously.

Ms. Wilson stated a resident at 9422 Atwood Ridge contacted the homeowners association regarding erosion behind their fence at Lake A. Discussion ensued and the Board concurred to postpone moving forward with any additional erosion projects until the Lake B erosion repair is complete.

Discussion ensued regarding the possible issuance of park bonds. Director Garcia moved to authorize the District's consultants to coordinate to prepare information regarding developer reimbursement and possible parks projects that can be funded with parks bonds without raising the District's tax rate. Director Robach seconded the motion, which passed unanimously.

UPDATE ON DETENTION/ AMENITY LAKES MAINTENANCE

It was noted this item was discussed under the lake management item.

STORM WATER MANAGEMENT PLAN ("SWMP") AND STORM WATER PERMITTING MATTERS

Mr. Beyer updated the Board on the District's Stormwater Management Plan. He distributed and reviewed the year 2 annual report for the SWMP and a summary of the year 3 training and goals under the SWMP, copies of which are attached. Mr. Beyer presented a utility bill insert regarding stormwater runoff and prevention of stormwater pollution, a copy of which is also attached.

Mr. Beyer began his training session with the Board and other consultants. The topic of the year 3 training was stormwater pollution prevention, the minimum control measures, and bacteria-specific elements. Mr. Beyer explained the importance of keeping household hazardous waste, pet waste, and yard waste out of the storm sewers, to prevent adding to bacterial impairment. He then continued with the training, thoroughly explaining the sources of bacteria and outlining the program elements of the SWMP that deal with these sources.

Mr. Beyer requested approval to submit the Phase II (Small) MS4 Annual Report Form to the Texas Commission on Environmental Quality.

Following review and discussion, Director Johnson moved to (1) approve submission of the Phase II (Small) MS4 Annual Report Form to the Texas Commission on Environmental Quality and direct that the report be filed appropriately and retained in the District's official records; and (2) approve inclusion of a utility bill insert regarding stormwater runoff and prevention of stormwater pollution in a future water bill, as presented. Director Telford seconded the motion, which passed unanimously.

UPDATE ON LANDSCAPE MAINTENANCE

Mr. Raymond reviewed a landscape maintenance and mowing report with the Board, a copy of which is attached.

Mr. Raymond reviewed invoice number 10238 for the spring, summer and late summer fertilization application and ant treatment for Lakes A,B, C, D, E, F and G in the amount of \$35,595.00. Ms. Connally discussed the District's contract and requested the Board defer this item until ABHR can review the proposal in relation to the District's contract.

Mr. Raymond reviewed invoice number 10250 for the gaps slough clean up in Section 10 in the amount of \$8,625.00. Ms. Wilson stated she believes D.R. Horton is responsible for the clean up and she has contacted them regarding the matter. She recommended the Board not approve this invoice, since this is the responsibility of the D.R. Horton. Ms. Wilson stated if D.R. Horton does not complete the cleanup, GreenScape may perform the work and D.R. Horton would be billed.

Mr. Raymond reviewed invoice number 10222 for the drainage ditch cleanup in the amount of \$46,650.00. Ms. Connally stated as previously discussed, based in the initial estimates, three bids need to be solicited for the project.

Mr. Raymond discussed a proposed plan to remove the plants currently in the Benton Road and Reading Road median prior to Fort Bend County road construction commencing and reviewed invoice number 10202 in the amount of \$7,651.67 for the plant removal. Director Garcia requested Mr. Raymond prepare an additional proposal to install a new bed to transfer the crape myrtles being removed

Mr. Raymond then discussed replanting options for the Benton Road and Reading Road median after construction is complete, which could take approximately one year. He reviewed invoice number 10253 in the amount of \$8,887.58 to install new plants, irrigation, landscape lighting and transformer.

After review and discussion, Director Telford moved to approve invoice number 10202 in the amount of \$7,651.67 for the plant removal and invoice number 10253 in the amount of \$8,887.58 to install new plants, irrigation, landscape lighting and transformer at the Benton Road and Reading Road median after construction is complete. Director Garcia seconded the motion, which passed unanimously.

CLASSIC MESSAGING EMERGENCY MESSAGING MATTERS

There was no discussion on this item.

GARBAGE AND RECYCLING MATTERS

There was no discussion regarding this item.

TAX ASSESSOR/COLLECTOR'S REPORT

The Board received and reviewed a tax assessor/collector's report from Fort Bend County, a copy of which is attached. Following review and discussion, Director Telford moved to approve the tax assessor/collector's report as presented. Director Garcia seconded the motion, which passed unanimously.

RESOLUTION CONCERNING EXEMPTIONS FROM TAXATION

Ms. Connally reviewed a Resolution Concerning Exemptions from Taxation. After review and discussion, Director Telford moved to adopt the Resolution

Concerning Exemptions from Taxation, reflecting that the Board of Directors rejects any exemptions of residential homesteads from ad valorem taxation, and direct that the Resolution be filed appropriately and retained in the District's official records. Director Garcia seconded the motion, which passed by unanimous vote.

Mr. Rathmann discussed the possible issuance of park bonds and requested an item be added to next month's agenda to discuss a refunding opportunity for the District's existing bonds. The Board requested a special meeting be held to discuss the refunding opportunity. The Board concurred to schedule a special meeting to sell the 2021 bonds and authorize the necessary items to proceed with the 2021 refunding bond sale.

There being no further business to come before the Board, the Board concurred to adjourn the meeting.

/s/Jessica Robach
Secretary, Board of Directors

(SEAL)



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