

**MINUTES OF MEETING OF THE  
BOARD OF DIRECTORS**

**February 2, 2016**

THE STATE OF TEXAS §  
COUNTY OF FORT BEND §  
FIRST COLONY LEVEE IMPROVEMENT DISTRICT NO. 2 §

The Board of Directors (the "Board") of First Colony Levee Improvement District No. 2 of Fort Bend County, Texas (the "District"), met in regular session, open to the public, at 12:00 p.m. on February 2, 2016 at the offices of Coats Rose, P.C., 9 Greenway Plaza, Suite 1100, Houston, Texas 77046, a designated meeting place outside the boundaries of the District; whereupon, the roll of the members of the Board of Directors was called:

Ron Frerich	-	President
Christine M. Lukin	-	Vice President
Zach Weimer	-	Director

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

Also present at the meeting were Pat Hughes, Assistant Fire Chief of the City of Sugar Land; Tara Klein of Four and One LLC ("4&1"); Debbie Arellano of Bob Leared Interests ("BLI"), the District's tax assessor/collector ("TAC"); Jason Klump of Storm Water Solutions, LP ("SWS"), the District's Operator; Craig Kalkomey of Jones & Carter ("J&C"), the District's Engineer; Karrie Kay of Myrtle Cruz, Inc. ("MCI"), the District's Bookkeeper; John Cannon and K. Greer Kuras of Coats Rose, P.C. ("Coats Rose"), legal counsel for the District.

Whereupon, the meeting was called to order and evidence was presented that public notice of the meeting had been given in compliance with the law. A copy of the posted agenda notice is attached hereto as Exhibit "A".

**HEAR FROM THE PUBLIC**

Pat Hughes, Assistant Fire Chief of the City of Sugar Land, was present.

**APPROVAL OF MINUTES**

The Board considered approving the minutes of the regular Board meeting held on January 5, 2016. After consideration and upon a motion by Director Lukin, seconded by Director Weimer, the question was put to the Board, and the Board voted unanimously to approve such minutes.

The Board also considered ratifying approval of the minutes of the special meeting held on December 11, 2015. After consideration and upon a motion by Director Lukin, seconded by Director Frerich, the question was put to the Board, and the Board voted unanimously to approve

such minutes.

### **TAX COLLECTOR'S REPORT**

The Board recognized Ms. Arellano, who reported that 99.862% of the 2014 tax levy and 94.440% of the 2015 tax levy have been collected as of January 31, 2016. After discussion and upon motion by Director Frerich, seconded by Director Lukin, the Board voted unanimously to authorize payments from the tax account and to approve the tax collector's report, a copy of which is attached hereto as Exhibit "B".

### **CHAMPIONS HYDRO-LAWN REPORT**

The Board recognized Mr. Mattingly, who presented Champions' report, a copy of which is attached hereto as Exhibit "C". Mr. Mattingly reported that levee system maintenance was completed on January 19, 2016, and that the grass on the tops, slopes, and bottoms looks good. Mr. Mattingly told the Board that even though the Board instructed him in January to not mow the levee in January, his crews had inadvertently mowed the levee during that month. He felt that due to the warm temperatures the mowing was needed and requested payment for the mowing that was completed without prior authorization. After discussion and upon motion by Director Lukin, seconded by Director Frerich, the Board voted unanimously to authorize payment for the mowing. Mr. Mattingly recommended against mowing this month.

After discussion and upon motion by Director Frerich, seconded by Director Lukin, the Board voted unanimously to approve Champions' report.

### **OPERATOR'S REPORT**

The Board recognized Mr. Klump, who presented and reviewed Storm Water Solutions' monthly management report, a copy of which is attached hereto as Exhibit "D".

During the past month, the pumping station and related equipment were inspected on a daily basis to insure proper operation. All outfall structures, drainage ditches, back slope drains, drainage swales, levees, and easements were inspected weekly. A constant weather watch has been maintained on a local and regional basis, as well as the Brazos River stages at Richmond, and river reports are attached as part of Exhibit "D".

SWS is continuing to test genset and load bank for one hour per week and is continuing debris removal and good housekeeping measures throughout the pump station and storage building. Weekly log sheets are maintained. Quarterly generator maintenance and load bank testing was completed on October 22, 2015. Quarterly maintenance was completed on January 17th. SWS tested the District's radios twice in connection with Fort Bend County's weekly radio checks, and the radios are functioning correctly.

Mr. Klump requested authorization to arrange for the construction of a fence around the pump station, provided that the price is under \$30.00 per foot. After discussion and upon motion by Director Frerich, seconded by Director Weimer, the Board voted unanimously to approve

construction of the fence. Director Frerich also requested that Mr. Kalkomey contact City of Sugar Land Public Works about certain pooling water within the District.

After discussion and upon motion by Director Lukin, seconded by Director Frerich, the Board voted unanimously to approve the operator's report.

### **ENGINEER'S REPORT**

The Board recognized Mr. Kalkomey, who presented the engineer's report, attached hereto as Exhibit "E".

**Review Proposed Capital Improvements Budget** (Agenda Item 7.a)- A copy of the District's updated CIP for 2016 is attached as part of Exhibit "E".

### **Project Reports, Change Orders, and Pay Estimates** (Agenda Item 7.b)

**Pump Station Electrical System** - The ATS should be delivered on February 1<sup>st</sup> to NTS's shop. NTS was asked to delay the installation until after the February meeting to give the Board additional time to review and discuss their quote for the main disconnect. NTS's quote for replacing the main disconnect is attached as part of Exhibit "E". The quotes are \$23,718 for a stainless steel panel or \$18,889 for a panel similar to the existing disconnect panel, which is coated metal. As discussed last month, a deduction of \$1,000 would apply if the disconnect is replaced with the ATS. The major issue with replacing the main disconnect is the overall timeframe that the station, well house, and storage building could be without power. Due to CenterPoint's workload and schedule, this could be as long as 15 days. If the District decided to approve the replacement, J&C's recommendation is to replace the disconnect with a stainless steel panel.

After discussion and upon motion by Director Frerich, seconded by Director Weimer, the Board voted unanimously to approve the stainless steel panel at the cost presented.

**MS4 Permitting** (Agenda Item 7.c) -The District's waiver is still awaiting review and approval from the TCEQ Team Leader of the Storm Water Division.

After discussion and upon motion by Director Frerich, seconded by Director Lukin, the Board voted unanimously to approve the engineer's report.

### **BOOKKEEPER'S REPORT**

The Board recognized Karrie Kay of Myrtle Cruz, Inc., who presented for the Board's review and approval the bookkeeper's report. She reported on the status of the District's various accounts and reviewed the Operating Account checks prepared for the Board's review and approval. A copy of the bookkeeper's report is attached hereto as Exhibit "F".

After discussion and upon motion by Director Lukin, seconded by Director Frerich, the Board voted unanimously to approve the Bookkeeper's Report and to authorize payment of the bills of the District.

**FOUR AND ONE LLC**

**Discuss any Landscape Projects and Act Thereon**

The Board recognized Ms. Klein, who discussed the status of landscaping projects and her efforts to procure 4B Corporation funding. Ms. Klein requested no action to approve at this time.

**ATTORNEY'S REPORT**

**Discuss Status of Efforts to Acquire Land from HOA**

The Board recognized Mr. Cannon, who discussed the status of efforts to acquire certain land from the HOA. Mr. Cannon reported that he and the HOA are in the process of negotiating a lease to present to the Board.

**Discuss Recent Public Information Requests and Consider Setting Policy**

The Board recognized Ms. Kuras, who summarized the recent public records requests and the laws governing the manner in which such requests must be answered. The Board discussed setting a uniform policy whereby future requestors might be charged for photocopies or printouts over fifty pages as permitted by Texas' Public Information Act. Upon Motion by Director Frerich, seconded by Director Lukin, the Board voted unanimously to adopt such a policy.

The balance of the Agenda items under "Attorney's Report" will be discussed and considered at the Board's next regular meeting.

After discussion and upon motion by Director Lukin, seconded by Director Frerich, the Board voted unanimously to approve the Attorney's Report.

PASSED, APPROVED, and ADOPTED this 1st day of March, 2016.



*Zohy Wan* 3/1/16  
Secretary, Board of Directors