

MINUTES OF REGULAR MEETING  
OF THE  
BOARD OF DIRECTORS

October 18, 2017

THE STATE OF TEXAS §

COUNTY OF FORT BEND §

FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 185 §

The Board of Directors (the "Board") of Fort Bend County Municipal Utility District No. 185 (the "District") met in regular session, open to the public, at 12:00 p.m., Wednesday, October 18, 2017, at 9 Greenway Plaza, Suite 1100, Houston, Texas 77046, a designated meeting place outside the boundaries of the District; whereupon, the roll was called of the members of the Board of Directors, to-wit:

Allen Thomas	President
Scott Donahue	Vice President
Wesley Noonan	Secretary
Al Menconi	Assistant Secretary
Terrell W. Berger	Assistant Secretary

All members of the Board of Directors were present except Directors Thomas and Donahue, thus constituting a quorum.

Also present at the meeting were Felix Deleon and Luis Espinosa with WCA, the District's trash collectors; Mark Eyring of Roth & Eyring, PLLC; David Beyer with StormWater Solutions; Amy Symmank with Myrtle Cruz, Inc., the District's Bookkeeper; Nick Bailey of Brown & Gay Engineers, Inc., the District's Engineer ("BGE"); Joe Valle with Environmental Allies ("Environmental"); Breah Campbell and Bart Downum with Environmental Development Partners, L.L.C., ("EDP"), Operator for the District; Kristen Scott with Bob Leared Interests ("BLI"), the District's Tax Assessor/Collector ("TAC"); John Cannon, Attorney, and Tiffany Marquez, Paralegal with Coats|Rose, P.C. ("Coats|Rose"), the District's legal counsel.

Whereupon, the meeting was called to order. A copy of the notice of the meeting is attached hereto as Exhibit "A".

**COMMENTS FROM THE PUBLIC**

The Board recognized Mr. Beyer who presented a Notice of Change for year 4 goals regarding Stormwater Guidance Manual and associated Rate Order language. He answered the Board's questions and requested the Board approve and execute the Notice of Change for year 4

goals. After consideration, upon a motion brought by Director Noonan, seconded by Director Berger, the Board unanimously approved the Notice of Change for year 4 goals regarding Stormwater Guidance Manual and associated Rate Order language.

### **HEAR WCA REPORT**

The Board recognized Mr. DeLeon and Mr. Espinosa who updated the Board on trash pick-up in the District. Director Noonan stated that heavy trash pick-up has been missed several times and noted heavy trash missed during the hurricane was meant to be picked up at the end of September and was not picked-up.

Mr. Espinosa stated the schedules and drivers were changed and noted that the oversight will not happen again. He added heavy trash scheduled on a holiday will be picked up the next day.

### **CONSIDER APPROVING DISTRICT AUDIT FOR FISCAL YEAR ENDING JULY 31, 2017**

The Board recognized Mr. Eyring, who reviewed with the Board a draft of the audit for fiscal year ended July 31, 2017, a copy of which is attached hereto as Exhibit "B". Mr. Eyring answered the Board's questions and requested approval.

Upon a motion made by Director Noonan, seconded by Director Berger, the Board voted unanimously to approve Mr. Eyring's audit report.

### **APPROVE MINUTES OF MEETING OF SEPTEMBER 20, 2017**

The proposed minutes of the meeting held on September 20, 2017 previously distributed to the Board, were presented for consideration and approval. Upon a motion duly made by Director Noonan and seconded by Director Berger, the Board voted unanimously to approve the minutes of the regular meeting of September 20, 2017.

### **TAX ASSESSOR/ COLLECTOR REPORT**

The Board recognized Ms. Scott who delivered the tax collection report, a copy of which is attached hereto as Exhibit "C". She noted that the District is 99.439% collected on its 2016 taxes. Upon a motion brought by Director Noonan, seconded by Director Berger, the Board unanimously voted to approve the tax collector's report.

### **BOOKKEEPER'S REPORT**

The Board recognized Ms. Symmank who reviewed the bookkeeper's report, and payment of the bills listed therein. Director Noonan stated that he is looking into the WaterLogic invoice and instructed Ms. Symmank to hold payment on said invoice.

### Consider amending District budget

Ms. Symmank noted a change to the District's maintenance tax reflected in the budget. After review, upon a motion duly made by Director Noonan, and seconded by Director Menconi, the Board voted unanimously to approve the bookkeeper's report, payment of the bills, and the amended budget. A copy of the bookkeeper's report is attached hereto as Exhibit "D".

### **OPERATOR'S REPORT**

The Board next recognized Ms. Campbell, who reviewed the Operator's report which includes the utility billing summary, accountability report, subsidence district report, North Fort Bend Water Authority ("NFBWA") report and the 30 day delinquent list for October 2017, a copy of which is attached hereto as Exhibit "E". Ms. Campbell reported that there are forty-five (45) delinquent accounts to consider for disconnection.

#### Force Main and Slope Repair at Lift Station No. 3

- Ms. Campbell was authorized at the September meeting to proceed with the replacement of the 4" force main that serves Lift Station No. 3 and related slope erosion and that work has been completed.
  - Ms. Campbell noted that upon replacement of the 4" force main a small excavation issue arose and was corrected.

#### Sinkhole & Erosion Repairs

- Ms. Campbell was authorized at the September meeting to proceed with repairs to identified areas throughout the District related to Hurricane Harvey not to exceed \$50,000. These areas have been repaired.
  - Ms. Campbell reported that a sixth sinkhole was found and repaired. She recommended payment to the vendors for said repairs.

#### Lift Station No. 3 Lift Pump No. 2 Replacement

- Ms. Campbell was authorized at the September meeting to replace the lift pump No. 2 at Lift Station No. 3 and is in process.

#### BBVA Compass Lockbox Update

- The next water bill payment coupons will have a new mailing address as EDP moves from in-house payment processing to a secure Lockbox at Compass Bank.

#### 25322 Alverston Drive – High Water Bill Adjustment Request

- A letter from a resident was included with the operator's report from a customer at the address above. The customer is requesting an adjustment to the water bill

for the billing period of May 11, 2017- July 12, 2017 for 74.0K and June 12, 2017 – July 12, 2017 for 48.0K due to leak in the private line.

- Ms. Campbell noted that the homeowner claims a repair to the leak has been completed and is still experiencing high water usage. The Board instructed Ms. Campbell to coordinate with said resident to acquire information validating a repair has been made.

Mr. Cannon reported that the District's current Rate Order does not differentiate between the dollar amount of residential customer deposits and commercial customer deposits. He recommended the Board include language in its Rate Order requiring larger deposits for commercial customers based on their estimated water usage, which would require the Board to amend the District's Rate Order. No action was taken on this matter.

After review, upon a motion brought by Director Menconi, seconded by Director Noonan, the Board unanimously voted to approve the Operator's report, including the water termination list.

### **HEAR ENVIRONMENTAL ALLIES REPORT AND CONSIDER ACTING THEREON**

The Board recognized Mr. Valle who presented and reported on maintenance of the detention pond in the District, a copy of his report is attached hereto as Exhibit "F".

Mr. Valle presented and outlined a proposal for irrigation repairs and removal/replacement of trees damaged by Hurricane Harvey, a copy of which is attached hereto as Exhibit "G". He reported that the first list of items related to replacement of trees are located in Pin Oak Enclave, as well as the second item for irrigation repairs.

Mr. Valle reported that the new construction near Kroger located at the northeast corner of Gaston Road and Falcon Landing Blvd damaged the irrigation system. He added that the nineteen out of twenty-four stations are not operational.

Mr. Cannon stated that he would contact with Pulte and NewQuest regarding said repairs and report back to the Board. No action was taken.

### **ENGINEER'S REPORT**

The Board then recognized Mr. Bailey who reviewed the monthly Engineer's Report, a copy of which is attached hereto as Exhibit "H".

Mr. Bailey reported that the Fort Bend County Drainage District is making repairs from damage caused by Hurricane Harvey near Greenbusch Bridge and Falcon Landing Blvd. He then stated that the water reuse project is moving forward and will confirm water meter locations.

### **DEVELOPER'S REPORT**

No report was provided.

**ATTORNEY'S REPORT**

Consider request for annexation from owner of 15 acre tract on Greenbusch Road

This matter was deferred.

Mr. Cannon noted that the Board may soon receive funds related to the Strategic Partnership Agreement with the City of Houston. He also requested Mr. Bailey prepare a cost summary for a future bond issue or issues. Director Noonan stated he would like to amend the TAC's contract to include services for monitoring and survey of taxable property covered by the Strategic Partnership Agreement. No action was taken.

There being no other business to come before the Board, the meeting was adjourned.

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PASSED, APPROVED AND ADOPTED this 15<sup>th</sup> day of November, 2017.



  
Secretary, Board of Directors