

MINUTES  
FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 6

June 24, 2019

The Board of Directors (the "Board") of Fort Bend County Levee Improvement District No. 6 (the "District") met in regular session, open to the public, on the 24th day of June, 2019, at The George Foundation, 215 Morton Street, in the Main Conference Room, Richmond, Texas, a regular meeting place outside the boundaries of the District, and the roll was called of the members of the Board:

Gary Pochyla	President
Kent P. Savage	Vice President
Linda Jacks	Secretary

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

Also present at the meeting were, Patricia Tillman, David Vrshek, Jeffrey Kester, Chris Read, residents of the District; Amada Rodriguez of Williams Ranch Municipal Utility District No. 1 ("WRMUD 1"); Justin Klump of Storm Water Solutions, LLC; Ron Dechert of Costello, Inc. ("Costello"); Christina Perry of Myrtle Cruz, Inc.; Cathy Brittain-Drew of Assessments of the Southwest, Inc.; Greg Lentz of Masterson Advisors LLC ("Masterson"); June Tang of The Johnson Development Corporation; and Angela Lutz and Holly Huston of Allen Boone Humphries Robinson LLP ("ABHR").

PUBLIC COMMENTS

Mr. Vrshek inquired about the Federal Emergency Management Association grant that was awarded to Fort Bend Levee Improvement District No. 7 ("LID 7"), specifically wondering if the proposed work along the Brazos River will negatively impact the District. Mr. Dechert confirmed that all work done along the river must be approved by Fort Bend County ("FBC"), noting approval includes confirmation that the work will not negatively affect developments upstream or downstream from LID 7.

MINUTES

The Board considered approving the minutes from the April 22, 2019, Board of Directors' meeting, which was provided in advance of the meeting. After review and discussion, Director Jacks moved to approve the April 22, 2019, minutes. Director Savage seconded the motion, which passed unanimously.

TAX ASSESSMENT AND COLLECTIONS MATTERS

Ms. Drew distributed and reviewed the April and May tax assessor/collector's reports, copies of which are attached. She stated the District's 2018 tax collection rate is 97.97% as of May 31, 2019. After review and discussion, Director Pochyla moved to

approve the tax assessor/collector's report and payment of the tax bills. Director Jacks seconded the motion, which passed by unanimous vote.

AUTHORIZE DELINQUENT TAX ATTORNEY TO PROCEED WITH COLLECTION OF DELINQUENT TAXES

The Board considered authorizing the District's delinquent tax attorney to proceed with the collection of delinquent 2018 taxes on July 1, 2019. After discussion, Director Savage moved to authorize the District's delinquent tax attorney to proceed with the collection of delinquent 2018 taxes. Director Pochyla seconded the motion, which passed by unanimous vote.

ADOPT RESOLUTION VOTING FOR WATER DISTRICT NOMINEE FOR THE ELECTION OF THE BOARD OF DIRECTORS OF THE FORT BEND CENTRAL APPRAISAL DISTRICT

The Board concurred to defer action on this agenda item.

FINANCIAL AND BOOKKEEPING MATTERS

Ms. Perry presented to the Board for review and approval the bookkeeper's report and bills, a copy of which is attached. Following review and discussion, Director Savage moved to approve the bookkeeper's report and payment of bills. Director Jacks seconded the motion, which passed unanimously.

BUDGET FOR FISCAL YEAR END JULY 31, 2020

Ms. Perry presented and reviewed the proposed budget for the fiscal year ending July 31, 2020, a copy of which is attached to the bookkeeper's report. Ms. Lutz noted that the budget may be amended by the Board at any time during the fiscal year. After review and discussion, Director Savage moved to adopt the budget for the fiscal year ending July 31, 2020, as presented. Director Pochyla seconded the motion, which passed unanimously.

REFUNDING BOND SALE

Mr. Lentz discussed a refunding bond issue with the Board and reviewed a summary of the District's Refunding Bonds, a copy of which is attached.

Ms. Lutz stated that the Texas Water Code requires the District to file an Amendment to Information Form with FBC and the Texas Commission on Environmental Quality ("TCEQ") in order to reflect the additional bonds issued by the District. She then reviewed the Amendment to the Information Form with the Board. After review and discussion, Director Pochyla moved to authorize execution of the Amendment to Information Form and direct that the Amendment be filed appropriately and retained in the District's official records. Director Savage seconded the motion, which passed by unanimous vote.

OPERATION OF DISTRICT FACILITIES, BILLINGS, REPAIRS AND MAINTENANCE, INCLUDING SHARED PERIMETER LEVEE REPORT

Ms. Lutz and Mr. Dechert reviewed the operator's report, a copy of which is attached. Ms. Lutz updated the Board regarding operations and maintenance performed in the District during the last month. Mr. Dechert updated the Board regarding the Rabbs Bayou sloughing. He stated the necessary repairs including, removing the planter beds, regrading and flattening the area and planting additional trees to prevent additional erosion have been completed.

Mr. Kester requested clarification on how many times the District has repaired the sloughing along Rabbs Bayou. Mr. Dechert reported that Rabbs Bayou has had minor repairs over the lifespan of the District but has only been repaired to this extent one time.

Mr. Vrshek reported he has noticed pop-up drains near houses along Del Webb Boulevard. Mr. Dechert stated he will reach out to the District's Levee Operator, Levee Management Services, LLC, to inspect the discussed areas.

Upon a motion made by Director Savage and seconded by Director Jacks, the Board voted unanimously to approve the operator's report.

MOWING OF DISTRICT FACILITIES

There was no discussion on this agenda item.

UPDATE REGARDING STORM WATER PERMITTING MATTERS, INCLUDING PUBLIC COMMENTS

Mr. Klump presented the proposed Notice of Intent ("NOI") and Storm Water Management Program ("SWMP") prepared for the District in accordance with the requirements set forth in the TPDES General Permit No. TXR040000. He discussed the goals and responsibilities identified in the SWMP for future implementation during the five-year permit term and distributed copies of minimum control measures and elements included in the SWMP, copies of which are attached. Following review and discussion, Director Pochyla moved to approve the NOI and SWMP, authorize submittal to the TCEQ, and direct that the NOI and SWMP be filed appropriately and retained in the District's official records. Director Jacks seconded the motion, which was approved by unanimous vote.

REPORT REGARDING DEVELOPMENT IN THE DISTRICT

Ms. Tang updated the Board regarding development in the Veranda community. She then presented and reviewed a development report, a copy of which is attached.

Mr. Vrshek then updated the Board regarding development in Fort Bend County Municipal Utility District No. 187 ("MUD 187").

## ENGINEERING MATTERS

Mr. Dechert updated the Board regarding engineering matters and presented and reviewed an engineer's report, a copy of which is attached.

Mr. Dechert updated the Board regarding the status of construction projects for MUD 187 and WRMUD 1 and noted there were no projects or pay estimates for the Board's approval.

Mr. Dechert updated the Board regarding construction of Veranda Detention Pond Phase II, Pond A. He reviewed and recommended Board approval of Pay Estimate No. 1 in the amount of \$95,819.40 payable to Fort Bend Excavation, Inc. ("FBE").

Mr. Dechert updated the Board regarding the construction of Veranda Detention Pond Phase II. He reviewed and recommended Board approval of Pay Estimate Nos. 7 and 8 in the respective amounts of \$27,229.50 and \$10,565.77, payable to Sonora Construction ("Sonora").

Mr. Dechert reported that Costello received seven bids on June 5, 2019, for construction of Veranda Detention Pond Phase III. He stated that although R Construction, LLC, submitted the lowest bid in the amount of \$1,834,123.62, they submitted a written request to withdraw their bid due to inaccurately pricing their bid, a copy of which is attached to the engineer's report. Mr. Dechert reported that Burnside Services, LLC. ("Burnside"), submitted the second lowest bid in the amount of \$2,121,716.74; however due to previous experience with Burnside, Costello feels that the bid would not result in the best and most economical completion of the project. He then recommended the Board award the contract to the third lowest bidder, Lonnie Lischka Company, LP. ("Lonnie Lischka"), in the amount of \$2,141,872.98. The Board concurred that, in its judgement, Lonnie Lischka was a responsible bidder who would be most advantageous to the District and would result in the best and most economical completion of the Project.

Mr. Dechert updated the Board regarding construction projects for The George Foundation and noted there were no projects or pay estimates for the Board's approval.

Mr. Dechert updated the Board regarding construction projects for the Rabbs Bayou sloughing repair and noted there were no projects or pay estimates for the Board's approval.

Mr. Dechert updated the Board regarding the surveying and engineering for the West Levee Extension pursuant to FBC's request. He reported the District is scheduled to meet with FBC on June 26, 2019.

Mr. Dechert updated the Board on the status of the Master Drainage Plan analysis.

Mr. Dechert updated the Board on the status of Bond Application No. 7, stating the application will be submitted to the TCEQ later this week.

Mr. Dechert discussed the rain event that occurred on May 26th, stating the District's facilities performed as designed and as a result no flooding occurred within the District.

Following review and discussion, and based upon the engineer's recommendation, Director Savage moved to (1) approve the engineer's report; (2) approve Pay Estimate No. 1 in the amount of \$95,819.40 payable to FBE for the construction of Veranda Detention, Pond II, Phase A; (3) approve Pay Estimate Nos. 7 and 8 in the respective amounts of \$27,229.50 and \$10,565.77, payable to Sonora for the construction of Veranda Detention Pond Phase II; and (4) award the contract for construction of Veranda Detention Pond Phase III to Lonnie Lischka in the amount of \$2,141,872.98, based upon the engineers recommendation and subject to approval of the payment and performance bonds and review of the certificate(s) of insurance and endorsements, if any, provided by the contractor. Director Jacks seconded the motion, which passed unanimously.

#### INSTALLATION OF WARNING SIGNS AT DISTRICT FACILITIES

Ms. Lutz updated the Board regarding a residents request to install warning signs at District facilities. Following discussion, the Board concurred to authorize ABHR to prepare a letter informing the Del Webb Homeowners Association (the "HOA") that the District will allow the HOA to install warning signs upon the condition that the HOA obtain District approval before installation.

#### DISTRICT WEBSITE REVIEW

There was no update on the District website.

#### REVIEW EMERGENCY RESPONSE POLICIES FOR 2019/2020 HURRICANE SEASON

The Board next discussed the emergency response polices for the 2019/2020 Hurricane Season.

Mr. Vrshek reported The National Oceanic and Atmospheric Administration will give a presentation on July 11 at the Del Webb Lake regarding emergency response policies.

## DEEDS AND EASEMENTS

There was no discussion on this agenda item.

## PERIMETER LEVEE MATTERS AND NATIONAL ASSOCIATION OF FLOOD AND STORM WATER MANAGEMENT AGENCIES

There was no discussion on this agenda item.

## ADOPT RESOLUTION ESTABLISHING ADDITIONAL IN-DISTRICT MEETING PLACE

Ms. Lutz presented and reviewed with the Board a Resolution Establishing Additional In-District Meeting Places to establish the Veranda Cottage House located at 23323 Pearl Glen, Richmond, TX 77469 as an additional In-District meeting place for District meetings. Following review and discussion, Director Savage moved to adopt the Resolution Establishing Additional In-District Meeting Places and direct that the Resolution be filed appropriately and retained in the District's official records. Director Jacks seconded the motion, which carried unanimously.

## ANNEXATION MATTERS

Ms. Lutz updated the Board on the potential annexation of approximately 115.10-acre tract into the District. Ms. Lutz reviewed an Annexation Agreement with HWY 589 Holdings, LLC, outlining the terms upon which the District will annex the property into the District. She stated the District will need to request consent from the City of Richmond to annex the approximate 115.10-acre tract and reviewed the steps for annexing land into the District. Ms. Lutz next explained that a feasibility study is necessary to the proposed annexation. Following review and discussion, Director Savage moved to (1) authorize execution of the Annexation Agreement with HWY 589 Holdings LLC; and (2) to authorize Costello to prepare the feasibility study. Director Pochyla seconded the motion, which carried by unanimous vote.

## ITEMS FOR NEXT AGENDA

Ms. Lutz reported on House Bill No. 2022 and how it affects Levee Improvement Districts. She noted there will be an item on the next agenda to discuss the 86th Legislative Session.

## NEXT MEETING DATE, INCLUDING DISCUSS SCHEDULE FOR IN-DISTRICT MEETINGS

The Board concurred to meet on July 22, 2019, at 12:00 p.m. at The George Foundation.

CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO CONDUCT A PRIVATE CONSULTATION WITH ATTORNEY TO DISCUSS PENDING OR CONTEMPLATED LITIGATION, OR A SETTLEMENT OFFER

The Board determined that it was not necessary to meet in executive session.

RECONVENE IN OPEN SESSION AND AUTHORIZE APPROPRIATE ACTION REGARDING CONTEMPLATED LITIGATION OR SETTLEMENT OFFER

The Board did not convene in executive session.

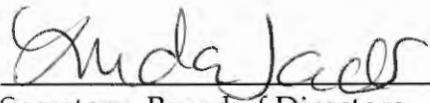
CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 551.072, TEXAS GOVERNMENT CODE, TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY

The Board determined it was not necessary to convene in executive session.

RECONVENE IN OPEN SESSION AND AUTHORIZE APPROPRIATE ACTION REGARDING THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY

The Board did not convene in executive session.

There being no further business to discuss, the meeting was adjourned.

  
Secretary, Board of Directors



LIST OF ATTACHMENTS TO MINUTES

	Minutes
	<u>Page</u>
Tax assessor/collector's reports.....	1
Bookkeeper's report and bills.....	2
Summary of the refunding bond issue .....	2
Operator's report.....	3
Development report.....	3
Engineer's report.....	4