

MINUTES  
FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 6

February 25, 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 25th day of February, 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 except Director Savage, thus constituting a quorum.

Also present at the meeting were Donna Coleman, Don Coleman, David Vrshek, Tom Butcher, Joe Grace, and Chris Read, residents of the District; Justin Klump of Stormwater Solutions, LLC; Jeff Perry and Ross Autry of Levee Management Systems ("LMS"); Greg Frank and Ron Dechert of Costello, Inc. ("Costello"); Tracey Scott of Myrtle Cruz, Inc.; David Patterson of Assessments of the Southwest, Inc.; Julie Peak of Masterson Advisors LLC ("Masterson"); Trey Reichert of The Johnson Development Corporation; Roger Adamson of The George Foundation ("TGF"); and Angela Lutz and Holly Huston of Allen Boone Humphries Robinson LLP ("ABHR").

PUBLIC COMMENTS

Mr. Vrshek requested Board consideration in deferring discussion of Exemptions from Taxation until the preliminary tax numbers have been received from Fort Bend Central Appraisal District ("FBCAD"). Ms. Lutz informed Mr. Vrshek that his request would be discussed later on the agenda.

Mr. Butcher asked about the responsibility for maintaining the detention ponds in Fort Bend County Municipal Utility District No. 187 ("MUD 187"). He reported that it appears the Del Webb Sweetgrass Homeowners Association ("HOA") have planted additional vegetation along the shoreline and as a result volunteer trees have grown along the edges of the Serenity Pond. He believes that the vegetation may be partially responsible for the continued erosion issues around the ponds. Mr. Butcher requested clarification on whether the HOA received approval from the District to plant additional vegetation and whether or not the HOA has the ability to remove nuisance vegetation without District approval. Ms. Lutz stated that while the District owns the ponds, the District has provided a maintenance easement to the HOA that allows the HOA to maintain the ponds to their own standards. If the HOA intends to interfere

with the detention capability of the Serenity Pond then the HOA would need District approval first. Mr. Perry stated LMS will follow up with the HOA regarding the additional vegetation planted along the shoreline of the Serenity Pond.

## MINUTES

The Board considered approving the minutes from the December 17, 2018, Board of Directors' meeting, which was provided in advance of the meeting. After review and discussion, Director Pochyla moved to approve the December 17, 2018, minutes. Director Jacks seconded the motion, which passed unanimously.

## TAX ASSESSMENT AND COLLECTIONS MATTERS

Mr. Patterson distributed and reviewed the January tax assessor/collector's report, a copy of which is attached. He stated the District's 2018 tax collection rate is 91.28% as of January 31, 2019. Mr. Patterson then reviewed a delinquent tax attorney report, a copy of which is attached to the tax assessor/collector's report. After review and discussion, Director Jacks moved to approve the tax assessor/collector's report and payment of the tax bills. Director Pochyla seconded the motion, which passed by unanimous vote.

## ADOPT RESOLUTION CONCERNING EXEMPTIONS FROM TAXATION

The Board considered tax exemptions for District residents. Ms. Peak presented and reviewed a homestead exemption analysis, a copy of which is attached. She discussed the District's previous exemptions, current development, developer and landowner reimbursements, and the District's taxable value. Following discussion, the Board concurred to defer the matter.

## ADOPT RESOLUTION AUTHORIZING APPLICATION TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ("TCEQ") FOR APPROVAL OF PROJECT AND BONDS

Ms. Peak presented and reviewed a pro-forma cash flow analysis, a copy of which is attached. Ms. Lutz then presented and reviewed a Resolution Authorizing Application to the TCEQ for Approval of Project and Bonds for the Series 2019 bonds. After review and discussion, Director Pochyla moved to approve the Resolution and direct that it be filed appropriately and retained in the District's official records. Director Jacks seconded the motion, which passed by unanimous vote.

## REFUNDING BOND ISSUE

Ms. Peak distributed and reviewed a Summary of Outstanding Bonds and a Potential Refunding Analysis, copies of which are attached, and discussed a potential bond issue to refund certain of the District's outstanding bonds.

Ms. Peak next requested authorization to prepare the Preliminary Official Statement and Official Notice of Sale for the Series 2019 Refunding Bonds ("Series 2019").

The Board considered engaging Moody's Investors Services to perform a credit rating analysis for Series 2019.

Following review and discussion, Director Pochyla moved to (1) authorize Masterson to proceed with the refunding bond issue; (2) authorize preparation of the Preliminary Official Statement and Official Notice of Sale; and (3) engage Moody's Investors Services to perform a credit rating analysis for Series 2019. Director Jacks seconded the motion, which passed by unanimous vote.

#### FINANCIAL AND BOOKKEEPING MATTERS

Ms. Scott presented to the Board for review and approval the bookkeeper's report and bills, a copy of which is attached.

Ms. Lutz discussed the possibility of reimbursing the District for certain projects and improvements from proceeds of a future bond sale and noted the District needs to adopt a Resolution Expressing Intent to Reimburse for the projects ("Resolution"), which she presented.

Following review and discussion, Director Jacks moved to (1) approve the bookkeeper's report and payment of bills; and (2) adopt the Resolution and direct that it be filed appropriately and retained in the District's official records. Director Pochyla seconded the motion, which passed unanimously.

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

Mr. Perry reviewed the operator's report, a copy of which is attached. He updated the Board regarding operations and maintenance performed in the District during the last month.

Mr. Perry updated the Board regarding the Rabbs Bayou sloughing. He stated the sloughing is a result of the HOA overwatering the area and many planter beds that were installed by Pulte and/or homeowners of MUD 187. Mr. Perry discussed repairs and stated the necessary repairs include, removing the planter beds, regrading and flattening the area and planting additional trees to prevent additional erosion.

Upon a motion made by Director Jacks and seconded by Director Pochyla, the Board voted unanimously to (1) approve the operator's report; and (2) authorize LMS to repair the sloughing along Rabbs Bayou, as discussed.

## MOWING OF DISTRICT FACILITIES

Mr. Perry updated the Board regarding mowing of District facilities and stated overseeding should occur shortly, weather permitting.

## UPDATE REGARDING STORM WATER PERMITTING MATTERS, INCLUDING PUBLIC COMMENTS

Mr. Klump updated the Board on the District's Storm Water Management Plan ("SWMP"). He distributed and reviewed the Year 5 annual report for the SWMP and a summary of the Texas Commission on Environmental Quality ("TCEQ") permit renewal process for the Texas Pollutant Discharge Elimination System General Permit No. TXR040000, Small MS4 (Phase II) General Permit, a copy of which is attached.

Mr. Klump began his training session with the Board and consultants. He explained that the time between December 31, 2018, and the adoption date of the new permit, January 24, 2019, will be included in the Year 1 annual report for the new permit term. He continued his training by outlining the schedule of events for obtaining permit coverage under the new permit. He stated that the District will have 180 days from January 24, 2019, to obtain permit coverage. Permit coverage will include preparation of a new SWMP and submittal of a Notice of Intent to the TCEQ. A public meeting will be held as necessary based on significant public interest generated by public comments. Mr. Klump further explained that once permit coverage is achieved, the District will execute the program elements of Year 1 as outlined in the District's new SWMP during the fourth quarter of 2019.

Following review and discussion, Director Pochyla moved to approve the Year 5 annual SWMP report. Director Jacks seconded the motion, which carried unanimously.

## REPORT REGARDING DEVELOPMENT IN THE DISTRICT

Mr. Reichert updated the Board regarding development in the Veranda community. He then presented and reviewed a development report, a copy of which is attached.

Mr. Adamson updated the Board regarding development in Fort Bend County Municipal Utility District No. 207 and construction of Prairie Barn Trail between US 59 Feeder to Circle Oak Parkway.

Mr. Vrshek updated the Board regarding development in 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 Del Webb and Williams Ranch Municipal Utility District No. 1 and noted there were no projects or pay estimates for the Board's approval.

Mr. Dechert updated the Board regarding construction projects for Veranda Detention Phase II and Veranda drainage ditch and noted that the drainage report for the Veranda Phase IIB has been submitted to Fort Bend County Drainage District.

Mr. Dechert updated the Board regarding the construction of Veranda Detention Pond Phase II. He reviewed and recommended Board approval of Pay Estimate No. 4 in the amount of \$364,164.30, payable to Sonora Construction ("Sonora").

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 construction projects for the shoreline repair of Serenity Pond. He stated Costello will continue to follow up with Del Webb Homeowner's Association regarding the meeting with geotechnical engineers.

Mr. Frank presented and reviewed a proposal for engineering services for the District's master drainage plan update in the amount of \$150,000.00. He stated that in 2013 the District developed a master drainage plan that established the baseline conditions along Rabbs Bayou and developed improvement alternatives. Mr. Frank reported that since that time the National Oceanic and Atmospheric Administration ("NOAA") and Brazos River Authority ("BRA") have released a updated time-duration-rainfall depths for various frequency storm events in the State of Texas and a updated state hydraulic model of the Brazos River, respectively. He stated the proposed master drainage plan update would include evaluations of (1) regional improvement options to lower the post NOAA study flood levels to at or near the existing 100-year flood levels with possible additional improvements to better facilitate future development of District; and (2) the existing levee top elevations and compare them to the BRA model elevations to determine if any improvements to the levee would be needed to maintain the required freeboard for levee accreditation by FEMA.

Mr. Dechert updated the Board regarding the surveying and engineering for the West Levee Extension pursuant to Fort Bend County's ("FBC") request. Ms. Lutz updated the Board regarding ABHR's request to meet with FBC regarding the project, stating that the meeting is pending a response from FBC.

Following review and discussion, and based upon the engineer's recommendation, Director Pochyla moved to (1) approve the engineer's report; (2)

approve Pay Estimate No. 4 in the amount of \$364,614.30 payable to Sonora for the construction of Veranda Detention Pond Phase II; and (3) approve the proposal for engineering services for the District's master drainage plan update in an amount of \$150,000.00, and direct that the proposal be filed appropriately and retained in the District's official records. Director Jacks seconded the motion, which passed unanimously.

#### ADOPT CONSENT TO ENCROACHMENT POLICY

The Board considered adopting a Consent to Encroachment Policy (the "Policy"). Mr. Lutz stated that due to resident requests for additional landscaping on District property near the Serenity Pond in MUD 187, ABHR has prepared a Policy that states the HOA is financially responsible for damage done to District property in the event MUD 187 residents request additional landscaping, at their own cost. Following discussion, Director Jacks moved to approve the Policy. Director Pochyla seconded the motion, which passed by unanimous vote.

#### DISTRICT WEBSITE REVIEW

There was no update on the District website.

#### DEEDS AND EASEMENTS

Ms. Lutz presented and reviewed a Supplemental Amendment to the First Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Veranda (Residential Property) Section 17. Following review and discussion, Director Pochyla moved to approve the Supplemental Amendment and direct that the amendment be filed appropriately and retained in the District's official records. Director Jacks seconded the motion, which passed by unanimous vote.

#### PERIMETER LEVEE MATTERS AND NATIONAL ASSOCIATION OF FLOOD AND STORMWATER MANAGEMENT AGENCIES

Ms. Lutz reported the Fort Bend County Levee Improvement District Spring 2019 Seminar will be held March 8, 2019, at the Fluor Building Auditorium.

#### ITEMS FOR NEXT AGENDA

There was no discussion regarding this agenda item.

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

The Board concurred to meet on April 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.

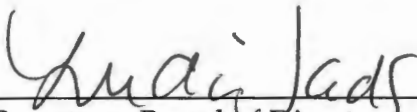
CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 551.072, TEXAS GOVERNMENT CODE, TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY

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



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