

MINUTES OF REGULAR MEETING  
OF THE  
BOARD OF DIRECTORS

March 29, 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 special session, open to the public, at 12:00 p.m., Wednesday, March 29, 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, thus constituting a quorum.

Also present at the meeting were Amy Symmank with Myrtle Cruz, Inc., the District's Bookkeeper; David Beyer with StormWater Solutions; Nick Bailey of Brown & Gay Engineers, Inc., the District's Engineer ("BGE"); Richard Martin 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**

No comments were given.

## **APPROVE MINUTES OF MEETINGS OF FEBRUARY 15, 2017**

The proposed minutes of the meeting held on February 15, 2017 previously distributed to the Board, were presented for consideration and approval. Upon a motion duly made by Director Thomas and seconded by Director Noonan, the Board voted unanimously to approve the minutes of the regular meeting of February 15, 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 "B". She noted that the District is 97.996% collected on its 2016 taxes.

After review and upon a motion by Director Noonan, second by Director Thomas and the question being put to the Board, the Board voted unanimously 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. She noted she had changed the District's CDs from Texan Bank to Texas Capital Bank due to better interest rates.

After review, upon a motion duly made by Director Noonan, and seconded by Director Thomas, the Board voted unanimously approved the bookkeeper's report, payment of the bills. A copy of the bookkeeper's report is attached hereto as Exhibit "C".

## **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 March 2017, a copy of which is attached hereto as Exhibit "D". Ms. Campbell reported that there are thirty-seven (37) delinquent accounts to consider for disconnection.

### **Substantial System Repairs and Maintenance:**

- Installed residential taps and meters at eleven locations in the amount of \$4,950.00;
- Installed commercial tap and meter for Raising Canes in the amount of \$6,700.00;
- A gas leak was repaired on the generator located at the lift station in the amount of \$2,048.52; and
- Service line leak repair located on 25931 Ravenside Dr. in the amount of \$1,742.63.

**Wastewater Treatment Plant (“WWTP”) Blower Replacement:**

- Ms. Campbell reminded the Board of the approval authorizing the operator to replace the blower at the wastewater treatment plant at last month’s meeting. She noted that the repairs are currently in process.

**TCEQ Homeland Security Contact Form:**

- Ms. Campbell noted the TCEQ requires a Security Contact Form be completed and submitted to the TCEQ. She drew the Board’s attention to the copy in the report. Ms. Campbell stated that said form has been submitted to the TCEQ.

Ms. Campbell presented and outlined a notice to be mailed to the residents in December regarding recycling Christmas trees for the Board’s review, a copy of which is attached hereto as Exhibit “E”.

Next, Ms. Campbell presented a waste collection guideline sheet provided to her from WCA, a copy of which is attached hereto as Exhibit “F”. The Board suggested she compare the new guideline sheet to the previous guideline sheet provided by WCA and coordinate with WCA regarding any new guidelines found.

**Discuss waterwise program**

Ms. Campbell stated the Board requested she investigate potential waterwise programs. She reported that the District could sponsor a school or students and provide education water conservation kits. Ms. Campbell noted another alternative regarding potential discount or credit on water pumpage from the subsidence district. The Board instructed Ms. Campbell to investigate a waterwise program to educate the community and any credits for the District could acquire from the subsidence district.

After discussion, upon a motion, brought by Director Noonan, and seconded by Director Thomas, the Board approved the operator’s report, and action items listed therein.

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

The Board recognized Mr. Martin who presented and reported on maintenance of the detention pond in the District, a copy of his report is attached hereto as Exhibit “G”.

**Consider approving Maintenance Agreement between the District and Pin Oak Enclave HOA**

Mr. Cannon reported that he corresponded with Ms. Orsak regarding the potential maintenance agreement between the District and Pin Oak Enclave HOA. She suggested the District maintain the side slopes of the detention ponds and Pin Oak maintain the bottom of the ponds to include forty-two mows a year.

After consideration, upon a motion brought by Director Noonan, seconded by Director Thomas the Board unanimously voted to approve the proposed Maintenance Agreement subject to legal counsel's final review and approval of a cost figure from Environmental Allies.

### **STORMWATER SOLUTIONS REPORT**

The Board recognized Mr. Beyer who reported that the District was in compliance with the Year three (3) goals of the storm water management plan and presented the Year three (3) annual report for the Boards approval, a copy of which is attached hereto as Exhibit "H". He then began a training session with the Board and consultants on the year four (4) goals as outlined in the storm water management plan. Mr. Beyer discussed each MCM as outlined in the SWMP and the Year four (4) goals for each as well as discussing the bacteria program and Year four (4) goals, a copy of which is attached hereto as Exhibit "I".

Next, Mr. Beyer presented an insert to be mailed to the residents providing information on stormwater pollution, a copy of which is attached hereto as Exhibit "J". Upon a motion brought by Director Menconi, seconded by Director Noonan, the Board unanimously approved (i) the Year Three annual report; and (ii) the mail insert related to stormwater pollution to be mailed to the District's residents.

### **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 "K".

#### Authorize engineer to proceed with the design of District facilities

- No action.

#### Approve plans and specifications of District facilities

- No action.

#### Authorize engineer to advertise for bids for District projects

- No action

#### Approval of report, pay estimates, and change orders for construction projects in progress in the District

- No action.

#### Authorize construction contracts and related items

- The Emergency Water Interconnect with Harris-Fort Bend County Municipal Utility District No. 5. No action was taken.

Discuss sale of property to NewQuest and approve Agreement between the District and NewQuest

- Mr. Bailey included an exhibit to his report relating to the prepared base on the latest discussions with NewQuest.
- Director Noonan recommended Environmental Allies coordinate with NewQuest regarding landscaping plans so the District may plan comparable landscaping to match. Mr. Bailey stated he would contact NewQuest regarding the anticipated Agreement.

No action was taken.

**DEVELOPER'S REPORT**

No report was provided.

**ATTORNEY'S REPORT**

Consider approving Order Cancelling Election and Declaring Unopposed Candidates Elected to Office

Mr. Cannon explained that candidates Al Menconi and Terrell Berger are unopposed in the Directors Election called for May 6, 2017, and that Texas law allows political subdivisions to declare unopposed candidates elected to office as of May 6, 2017, eliminating the need to conduct the election. The Board then considered approving a proposed Order Cancelling Election and Declaring Unopposed Candidates Elected to Office. Upon a motion made by Director Menconi, and second by Director Thomas, the Board voted unanimously to approve the Order Cancelling Election and Declaring Unopposed Candidates Elected to Office thereby declaring candidates Al Menconi and Terrell Berger elected for new terms.

Mr. Cannon presented the WCA annual rate adjustment increase letter for solid waste pick-up, effective May 1, 2017. He noted that District's current rate for trash is \$17.04 and the new rate will be \$17.33, a copy of said letter is attached hereto as Exhibit "L".

Mr. Cannon drew the Board's attention to the District's constable report and the WCA call log attached as Exhibit "M".

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

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PASSED, APPROVED AND ADOPTED this 19<sup>th</sup> day of April, 2017.

(DISTRICT SEAL)



  
Secretary, Board of Directors