

MINUTES OF REGULAR MEETING  
OF THE  
BOARD OF DIRECTORS

October 19, 2016

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 19, 2016, 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 Director Thomas thus constituting a quorum.

Also present at the meeting were Austin Alvis of NewQuest Properties; Mark Eyring of Roth & Eyring P.C.; David Beyer with StormWater Solutions; Stephen Eustis of Robert W. Baird & Co, Financial Advisor for the District; Richard Martin with Environmental Allies ("Environmental"); Amy Symmank with Myrtle Cruz, Inc., the District's Bookkeeper; 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 by the public.

**REVIEW AND APPROVE DRAFT OF PRELIMINARY OFFICIAL STATEMENT (“POS”); AUTHORIZE FINANCIAL ADVISOR TO ADVERTISE SALE OF BONDS; CONSIDER AUTHORIZING DISTRICT CONSULTANTS TO TAKE ANY AND ALL ACTION NECESSARY TO PROCEED WITH THE ISSUANCE OF BONDS**

Mr. Eustis, who presented for the Board's review and approval the financial advisor's report, and a draft of the Preliminary Official Statement for the upcoming 2016 Bond Issue. Upon a motion by Director Noonan and seconded by Director Donahue, the Board voted unanimously to (i) approve the financial advisor's report, (ii) the draft of the Preliminary Official Statement, and (iii) authorize the financial advisor to advertise of the sale of Bonds. A copy of the financial advisor's report is attached hereto as Exhibit "B" and shall be considered a part of these minutes.

The Board requested the Electronic Municipal Market Asset ("EMMA") link be added to the District's website.

**CONSIDER APPROVING DISTRICT AUDIT**

The Board recognized Mr. Eyring, who reviewed with the Board a draft of the audit for fiscal year ended July 31, 2016, a copy of which is attached hereto as Exhibit "C". Mr. Eyring answered the Board's questions and requested approval.

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

**APPROVE MINUTES OF MEETINGS OF SEPTEMBER 21, 2016**

Proposed minutes of the meeting held on September 21, 2016 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 21, 2016.

**TAX ASSESSOR/ COLLECTOR REPORT**

The Board recognized Ms. Scott who delivered the tax collection report, a copy of which is attached hereto as Exhibit "D". She noted that the District is 99.702% collected on its 2016 taxes. Ms. Scott reported that no payments have been received for the Hernandez account and is in breach of contract for the 2015 tax year. She recommended the Board terminate water.

After review and upon a motion by Director Menconi, second by Director Berger and the question being put to the Board, the Board voted unanimously to (i) approve the tax collector's report; and (ii) terminate water for Ms. Hernandez due to delinquent taxes for 2015.

## **BOOKKEEPER'S REPORT**

The Board recognized Ms. Symmank who reviewed the bookkeeper's report, and payment of the bills listed therein. Ms. Symmank noted that the Broadstone's check was re-issued. After review, upon a motion duly made by Director Menconi, and seconded by Director Noonan, the Board voted unanimously approved the bookkeeper's report. A copy of the bookkeeper's report is attached hereto as Exhibit "E".

## **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 2016, a copy of which is attached hereto as Exhibit "F". Ms. Campbell reported that there are thirty-three (33) delinquent accounts to consider for disconnect.

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

- The wastewater treatment plant replaced two non- potable pumps in the amount of \$3,503.80

### **NFBWA Rate Increase:**

- The operator attached a notice to their report from the NFBWA concerning the proposed rate increase to be effective January 1, 2017; raising the pumpage fee from \$2.75 to \$3.05 per 1,000 gallons, and the surface water fee from \$3.10 to \$3.40 per 1,000 gallons.

### **Commercial Meter Testing**

- Commercial meters were tested in October by Southern Flow Meter, This testing is performed annually

### **Tompkins High School PTSA Request**

- A representative with PTSA plans on attending the meeting to make a request to the Board regarding a donation letter submitted on June 20<sup>th</sup>.
- The Board discussed donating \$5,000 to Tompkins High School. Mr. Cannon noted that the Board will make their payment to Tompkins High School once the structure is built.

### **Water Plant Access Road**

- At the July meeting repairs were discussed regarding the access road and grading the property between the water plant site and Falcon Landing for a cost of \$38,320.00. This is on hold pending discussion with NewQuest.

After discussion, upon a motion, brought by Director Noonan, and seconded by Director Donahue, the Board (i) approved the operator's report; (ii) termination of delinquent accounts; and (iv) contribute \$5,000 to the Tompkins High School shade structure.

## **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”. Next, he presented and outlined an overview of work that may be needed at Pin Oak Enclave, a copy of which is attached hereto as Exhibit “H”. Mr. Martin and Mr. Bailey will be coordinating with Ms. Orsak to discuss landscape maintenance at Pin Oak Enclave and present a proposal at the Board’s next meeting.

## **HEAR UPDATE FROM STORM WATER SOLUTIONS REGARDING SWMP**

The Board recognized Mr. Beyer presented the District’s Storm Water Management Program Year 3 Goals and Training. He reviewed and trained the Board on the following topics: Illicit Discharge Detection and Elimination, Construction Site Storm Water Runoff Control, Pollution Prevention and Good Housekeeping for Municipal Operations, a copy of which is attached hereto as Exhibit “I”. 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 “J”.

### Discuss relocation of sidewalk and irrigation facilities

- The sidewalk has now been relocated to curve around the new power poles on Falcon Landing Boulevard across from the new retail center, and the irrigation lines and sprinkler heads have been moved as necessary to stay out from under the pavement.
- The Board inquired about other light pole placement options to Mr. Alvis. Mr. Alvis stated that CenterPoint did not contact NewQuest in advance of the light pole placements, however he stated that other locations did not have enough capacity and the location where CenterPoint did place the light poles CenterPoint had a right-of-way easement. Mr. Alvis reported that the irrigation by the sidewalk where CenterPoint place the light poles has been moved so that the lawn is irrigated.
- Mr. Cannon inquired about the right of way located at the District’s water plant. Mr. Alvis reported that NewQuest is interested in the right-of-way but do not have specific plans for that area at this time. Mr. Bailey stated that he will send surveyors out to the right of way so the District could coordinate with NewQuest in a future date.

### 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

- **Gaston/Falcon Landing Retail – Water, Sanitary and Storm Sewer**  
Contractor: Principal Services, Ltd.  
Contract Amount: \$783,996.60
- **Gaston/Falcon Landing Retail – Detention**  
Contractor: 5758 Construction, LP  
Contract Amount \$1,636,999.00  
**Action Item:** Pay Estimate No. 111 in the amount of \$113,276.67.

Authorize construction contracts and related items

- No action.

Consider approving commitment letter related to waterline interconnect Falcon Landing Boulevard

- The Engineer reached out to Fort Bend County Engineering regarding running some portion of the proposed 8” water line in the Falcon Landing Boulevard median, and they said they would not allow it without the District providing a commitment letter stating the District would be responsible for relocating the water line as necessary in the future if the roadway were to be widened. Upon a motion brought by Director Noonan, seconded by Director Menconi, the Board approved the commitment letter related to the water line interconnect on Falcon Landing Boulevard.

Consider approving capacity request from Raising Canes

- Mr. Bailey has received a capacity request from a proposed Raising Cane’s restaurant to be located in the new Gaston-Falcon Landing retail center. They are requesting a total of 8.51 “service units”, or 2127.50 gallons per day of capacity at 250 gpd/SU, per the attached letter to the engineer’s report. The Engineer recommended approving the capacity requested as submitted. Upon a motion brought by Director Noonan, seconded by Director Menconi, the Board unanimously voted to approve Raising Canes capacity request.

Mr. Bailey reported that using LED lights for the light bulbs would be more expensive. Mr. Alvis stated that NewQuest is planning on landscape improvements where the light polls are to be installed. Upon a motion brought by Director Noonan, seconded by Director Menconi, the Board unanimously authorized CenterPoint, Mr. Bailey and Mr. Alvis to coordinate with the installation of the light poles on Falcon Landing Blvd. and landscape improvement plans; and approve the engineer's report.

**DEVELOPER'S REPORT**

The Board recognized Mr. Alvis who updated the Board on NewQuest's development.

**ATTORNEY'S REPORT**

Consider request from King Lakes HOA for shade structure

This matter was deferred.

Consider accepting deed for Gaston Road property from Pulte

This matter was deferred.

NewQuest request relating to storm sewer waiver

Mr. Cannon reported that NewQuest wishes to place a storm sewer line within the 150' radius area restricted by a sanitary control easement which protects the District's water plant. Mr. Cannon pointed out that TCEQ rules only prohibit such structures from being closer than 50' from the water well and the storm sewer line would be at least 55' from the water well. After consideration, upon a motion brought by Director Menconi, seconded by Director Noonan, the Board unanimously approved a waiver from the requirements of the sanitary control easement to allow NewQuest to place the storm sewer line up to 55' away from the District's water well.

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

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

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

PASSED, APPROVED AND ADOPTED this 16<sup>th</sup> day of November, 2016.

(DISTRICT SEAL)



  
Secretary, Board of Directors