

MINUTES OF REGULAR MEETING  
OF THE  
BOARD OF DIRECTORS

November 21, 2018

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, November 21, 2018, at 9 Greenway Plaza, Suite 1000, 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 Shelby Gasson, a member of the public; Felix DeLeon with WCA Waste Corporation ("WCA"); Austin Alvis of NewQuest Properties; Mark Eyring, with Roth & Eyring, LLC, the District's Auditor; Amy Symmank with Myrtle Cruz, Inc., the District's Bookkeeper; Nick Bailey of Brown & Gay Engineers, Inc., the District's Engineer ("BGE"); Travis Benes with Environmental Allies ("Environmental"); Breah Campbell 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 Ehmke, 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.

## **HEAR WCA REPORT**

The Board recognized Mr. DeLeon who reviewed the District's call log and noted minimal complaints. Director Noonan requested Mr. DeLeon confirm that the entire District is being serviced by automated trucks. Ms. Campbell requested Mr. DeLeon provide the Christmas tree recycle date so that she may include a notification to the residents.

Mr. DeLeon presented a proposal for a new contract at a rate equal to \$16.27, per month, which is a lower proposed 2019 rate than was presented at the District's previous meeting. No action was taken.

## **HEAR AUDITOR'S REPORT**

### **Consider approving Reimbursement Audit in connection with the Unlimited Tax Bond Series 2018 Bond Issuance**

The Board recognized Mr. Eyring who presented and outlined the District's reimbursement audit with the developers, a copy of which is attached hereto as Exhibit "B". Upon a motion duly made by Director Noonan, seconded by Director Thomas, the Board voted unanimously to approve the reimbursement audit.

### **Consider approving District audit for Fiscal year ending July 31, 2018**

The Board recognized Mr. Eyring, who reviewed with the Board a draft of the audit for fiscal year ended July 31, 2018, 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 the District's reimbursement audit in connection with the Unlimited Tax Bond Series 2018 Bond Issuance and the District's annual audit report for fiscal year ending July 31, 2018.

Mr. Cannon recommended the Board approve the wire transfer in connection the Unlimited Tax Bond Series 2018 Bond closing to NewQuest so that the payment would be effective today. Upon a motion brought by Director Noonan, seconded by Director Thomas, the Board unanimously voted to approve the wire transfer to NewQuest in connection with the Unlimited Tax Bond Series 2018 Bond closing.

## **APPROVE MINUTES OF MEETING OF OCTOBER 17, 2018**

The proposed minutes of the meeting held on October 17, 2018 previously distributed to the Board, were presented for consideration and approval. Upon a motion duly made by Director Thomas and seconded by Director Donahue, the Board voted unanimously to approve the minutes of the meeting of October 17, 2018.

## **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 requested if the Board would like an aerial photo taken of the District.

After review and upon a motion by Director Donahue, second by Director Berger 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, a copy of which is attached hereto as Exhibit "E". Upon a motion brought by Director Noonan, seconded by Director Thomas the Board unanimously voted to approve the Bookkeeper's report and payment of the bills.

## **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 November 2018, a copy of which is attached hereto as Exhibit "F". Ms. Campbell reported that there are thirty-four (34) delinquent accounts to consider for disconnection.

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

- The Operator installed residential taps and meters at five (5) locations at a cost of \$2,795.00.
- The Operator conducted an annual commercial meter testing at a cost of \$4,469.50

### **Texas Commission on Environmental Quality ("TCEQ") Homeland Security Contact Form**

- EDP has completed the Homeland Security Contact Form and submitted to the TCEQ on the District's behalf.

### **Commercial Meter Testing**

- The Operator conducted commercial meter testing in October and is performed annually.

### **Delinquent Accounts and Service Terminations**

- The Operator presented a list of customers that received a delinquent letter by mail and are subject to disconnection of service.

Ms. Campbell reported that the District has five (5) out of nine (9) points for the 2018 Larry's Toolbox program. She stated that she will be working on satisfying the remaining points and will coordinate with the homeowner's association to promote water conservation and native plants.

After review, upon a motion brought by Director Thomas, seconded by Director Berger, the Board unanimously voted to approve (i) the Operator's report; and (ii) the water termination cut off list.

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

The Board recognized Mr. Benes who presented and reported on maintenance of the detention pond in the District, a copy of his report is attached hereto as Exhibit "G". He added that Environmental Allies will maintain the medians on Falcon Landing.

### **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".

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

- Gaston Road 12" Water Line Relocation:  
Contractor: Allgood Construction Co., Inc. ("Allgood")  
Contract Amount: \$46,352.25

Mr. Bailey requested the Board approve Change Order No. 1 in the amount of \$7,400 for two 12" gate valves to be placed on the existing 12" water line around the retail center.

#### **Authorize construction contracts and related items**

- Wastewater Reuse- Distribution Lines:  
15 bids were received on October 16, 2018, attached to the Engineer's report is the bid tabulation for discussion.

Mr. Bailey requested the Board consider the bid results and recommended Reddico Construction Company, Inc. ("Reddico") the second lowest bidder be awarded the contract due to more experience with this type of project than the lowest bidder. He added Reddico submitted their bid in the amount of \$359,224.10.

- Wastewater Reuse – Site Improvements  
8 bids were received on Monday, November 19, 2018. Gilleland, Smith Construction ("Gilleland") submitted the lowest bid in the amount of \$1,204,000.00.

Director Noonan noted that steel tariffs are increasing and requested Mr. Bailey investigate what percentage of the bid from Gilleland is due to actual or anticipated tariffs.

Upon a motion brought by Director Noonan, seconded by Director Donahue, the Board unanimously voted to (i) approve Change Order No. 1 to Allgood in the amount of \$7,400.00 for the Gaston Road 12" water line relocation; (ii) award the wastewater Reuse-Distribution Lines project to Reddico in the amount of \$359,224.10 and (iii) approve the Engineer's report, as presented.

Next, Mr. Bailey stated a proposal from KGA landscaping for median and detention area improvements for the Board's review and discussion, a copy is attached hereto as Exhibit "I". Mr. Cannon recommended the District maintain a contract with Fort Bend County (the "County") and then get approval on the design prior to bidding the project. Director Donahue noted sidewalks were needed in sections 1 and 2 of the design phases. Mr. Bailey will contact the County for review and comments on the landscape design. Director Noonan recommended both homeowner's associations be contacted as well.

Upon a motion brought by Director Noonan, seconded by Director Donahue, the Board unanimously voted to approve sections 1 and 2 of KGA landscape design and authorized the Engineer to contact the County regarding the landscape design.

### **ATTORNEY'S REPORT**

#### **Consider amendment to access easement for water plant**

The Board recognized Mr. Alvis who reviewed the plans for his commercial property. He noted that the access road near the District's Water Plant has a tenant who will be conducting a traffic study and plans on constructing the access road in October of 2019. Mr. Alvis stated he would contact the tenant to negotiate the construction costs of the sidewalk along the northern portion of Falcon Landing Boulevard to connect near the area where the access road is to be installed.

After consideration, upon a motion brought by Director Noonan, seconded by Director Thomas, the Board unanimously voted to approve the amendment to access easement for the water plant, a copy of which is attached hereto as Exhibit "J".

#### **Consider approving Amended Notice to Sellers and Purchasers in connection with the Unlimited Tax Bond Series, 2018 Bond Issuance**

Mr. Cannon requested the Board's approval to amend the District's Notice to Sellers and Purchasers to reflect the most current bond information. After consideration upon a motion brought by Director Donahue, seconded by Director Noonan, the Board unanimously voted to approve the amended Notice to Sellers and Purchasers.

Consider approving Water Line Easements requested by North Fort Bend Water Authority

Mr. Cannon reported that he has been coordinating with the NFBWA regarding waterline easements along Greenbusch and Falcon Landing. Mr. Alvis recommended the District consider an agreement with NFBWA to pay approximately \$40,000 for the waterline easements. The Board requested Mr. Cannon contact NFBWA regarding a potential agreement for the waterline easements. No action was taken.

Discuss request from King Lakes HOA regarding sidewalk repair related to water drainage

Director Thomas reported that there is an area of sidewalk that holds water near the landscape reserve by Gaston Road and Northlight Lane. Ms. Campbell stated she will bring a proposal to correct the sidewalk for the Board's consideration at the next meeting.

Review and consider renewing District insurance expiring January 23, 2019

The Board recognized Mrs. Ehmke who presented and outlined the District's insurance renewal rates for 2019, a copy of which is attached hereto as Exhibit "K". Upon a motion brought by Director Noonan, seconded by Director Thomas, the Board unanimously voted to approve the insurance renewal, including the umbrella and law enforcement liabilities.

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

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

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PASSED, APPROVED AND ADOPTED this 19th day of December, 2018.

(DISTRICT SEAL)



  
Secretary, Board of Directors