

MINUTES OF REGULAR MEETING
OF THE
BOARD OF DIRECTORS

October 16, 2019

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 16, 2019, 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 were Amy Symmank with Myrtle Cruz, Inc., the District's Bookkeeper; Nick Bailey of Brown & Gay Engineers, Inc., the District's Engineer ("BGE"); Travis Bene and Ben Childress with Environmental Allies ("Environmental"); Bart Downum and 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 Monica Roberts-Jenkins, 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 members of the public were present.

CONDUCT PUBLIC HEARING ON 2019 TAX RATE

The Board opened the public hearing on the tax rate for 2019 at 12:11 p.m. and confirmed that the notice of such hearing was published according to applicable law. It was noted that no members of the public were in attendance to address the matter of the tax rate.

After indicating no comments were presented relating to the proposed 2019 tax rate and upon a motion by Director Noonan, seconded by Director Menconi, the Board voted unanimously to close the public hearing at 12:11 p.m.

APPROVE ORDER SETTING TAX RATE

The Board then considered adopting an Order Setting Tax Rate and Levy for 2019 (the "Order"). Mr. Cannon reviewed the Financial Advisor's recommended tax rate presented at the previous meeting. A copy of the Order is attached hereto as Exhibit "B".

After a full discussion and consideration, upon a motion by Director Noonan, seconded by Director Menconi, the Board voted unanimously to set the 2019 tax rate at a total of \$0.96 per \$100 of assessed valuation, comprised of \$0.26 per \$100 of assessed valuation for maintenance and operations purposes and \$0.70 per \$100 of assessed valuation for debt service and adopt the Order.

APPROVE AMENDED NOTICE TO SELLERS AND PURCHASERS

The Board next considered amending the Notice to Sellers and Purchasers (the "Notice") to reflect the tax rate, a copy of which is attached hereto as Exhibit "C".

After consideration, upon a motion made by Director Noonan, seconded by Director Donahue, the Board voted unanimously to (i) amend the Notice to reflect the adopted tax rate and (ii) authorize filing of the same in Fort Bend County.

APPROVE MINUTES OF MEETING OF AUGUST 21, 2019

The proposed minutes of the meeting held on August 21, 2019 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 meeting of August 21, 2019.

TAX ASSESSOR/ COLLECTOR REPORT

The Board recognized Ms. Scott who delivered the tax collection reports for August and September, copies of which are attached hereto as Exhibit "D".

Ms. Scott next provided a draft of notices to be provided to the residents for the Board's review and consideration. Both notices, to be included in the resident's bill and on the District's

website, inform the residents about the adopted MUD tax rate. A copy of the notices are included in the Tax Assessor/Collector's Report.

After review and upon a motion by Director Noonan, second by Director Menconi, the Board voted unanimously to approve (i) the tax collector's reports, (ii) the notices notifying the residents of the adopted tax rate, (iii) and the action items listed therein.

HEAR FINANCIAL ADVISOR'S REPORT

No report was presented.

BOOKKEEPER'S REPORT

The Board recognized Ms. Symmank who reviewed the Bookkeeper's reports for September and October, copies of which are attached hereto as Exhibit "E".

Upon a motion brought by Director Noonan, seconded by Director Menconi, the Board unanimously voted to approve the Bookkeeper's reports and payment of the District's bills.

OPERATOR'S REPORT

The Board next recognized Ms. Campbell who reviewed the Operator's reports for September and October 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 2019, copies of which are attached hereto as Exhibit "F". Ms. Campbell reported that there were twenty-seven (27) delinquent accounts for the month of September and thirty-one (31) for the month of October to consider for disconnection.

Substantial System Repairs and Maintenance (September)

- Installed residential taps and meters – (3) locations at a cost of \$1,740.00.
- Replaced rubber for skimmer arm for clarifier at the Wastewater Treatment Plant ("WWTP") at a cost of \$1,445.20.
- Cleaned bottom of wet well at the WWTP at a cost of \$6,989.80.
- Replaced block heater at the WWTP at a cost of \$1,046.70.
- Lift Station #2 – Cleaned top of wet well at a cost of \$1,288.10.
- Replaced faulty phase monitor and control fuse at Water Plant at a cost of \$1,089.73.
- Replaced faulty pressure switch for alarm auto sensory system at Water Plant at a cost of \$1,686.35.

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.

District Website Stats

- As of August 2019, there are 331 email subscribers and 57 text subscribers.

Substantial System Repairs and Maintenance (October)

- Installed residential taps and meters – (1) location at a cost of \$580.00.
- Repaired air header on chlorine basin at WWTP at a cost of \$3,537.50.
- Pulled lift pumps and deragged at WWTP at a cost of \$1,139.75.
- Lift Station #2 – Cleaned top of wet well at a cost of \$1,428.40.
- Lift Station #3 – Cleaned top of wet well at a cost of \$1,709.00.
- Repaired booster pump #2 at the Water Plant at a cost of \$13,345.95.
- Cleaned pumps of debris at the Water Plant at a cost of \$1,892.75.

3400 Falcon Landing Blvd – Late Fee Adjustment Request

- The customer is requesting removal of late fee for the due date of August 18th in the amount of \$333.22. Ms. Campbell noted the customer has a positive pay history.

NFBWA Rate Increase

- NFBWA is increasing its pumpage and surface water fees. The pumpage fee will increase from \$3.65 to \$3.95 and the surface water fee will increase from \$4.00 to \$4.30 per 1,000 gallons.

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.

District Website Stats

- As of September 2019, there are 331 email subscribers and 57 text subscribers.

After review, upon a motion brought by Director Noonan, seconded by Director Thomas, the Board unanimously voted to approve (i) the Operator's reports; (ii) the water termination cut off list; (iii) and the action items listed thereof. However, the Board unanimously voted to reject the customer's request to remove the late fee for the due date of August 18th.

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".

Director Noonan noted that the schedule for maintenance may need to be adjusted to maintain the areas effectively. He stated the knockout roses in Falcon Landing Boulevard are too high which obstructs visibility. Mr. Benes noted that he would reach out to the company that maintains the plants but that he would make the necessary adjustments to the roses to address the visibility issue.

Mr. Benes also noted that the irrigation valve is not working properly and he contacted New Quest for them to make repairs. He also noted the sprinkler heads are not working properly and he will contact New Quest regarding who is responsible for maintenance to ensure they are repaired.

Mr. Benes also presented a proposal for additional irrigation and bed maintenance within Falcon Landing and Gaston Road area for the Board's review and consideration, a copy of which is attached hereto as Exhibit "H".

After review and discussion, the Board suggested getting bids for the additional irrigation and bed maintenance within Falcon Landing and Gaston Road area associated with the new landscaping to be installed. No action was taken.

HEAR STORM WATER SOLUTIONS REPORT

No report was presented.

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 "I".

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

- **Wastewater Reuse – Site Improvements:**
Contractor: Gilleland Smith Construction
Contract Amount: \$1,084,000.00
Pay Estimate No. 5 in the amount of \$69,823.60;
Pay Estimate No. 6 in the amount of \$143,048.74 and Tolunay-Wong Engineers' invoice in the amount of \$474.00.

Mr. Bailey also noted that there were five (5) bids received for the Landscape Improvement project in Falcon Landing Medians and Detention Area. Mr. Bailey is requesting the Board's approval to award the contract to Westco Grounds Maintenance Co., Inc. in the amount of \$433,414.50, as they were the lowest bidder.

Mr. Baily next noted that they need to convert the meters and cutting them to reuse system this winter. He would like both Home Owner's Associations ("HOA") and irrigation contractor to meet to discuss. Ms. Campbell asked if there is language that can be added to the Rate Order to address the reuse project. Mr. Bailey noted that he will provide Ms. Campbell a list of accounts that will be on reuse so she may monitor the accounts and then retrieve high users over a 12 month period. She suggested possibly creating a water schedule but Mr. Cannon noted that although a schedule is difficult to monitor the high users can possibly be penalized by higher rates. Mr. Cannon also noted that there is no incentive for the HOAs to use the reuse water. Director Noonan suggested a possible tier as an incentive to the HOAs to use wisely and determining what our cost savings will be for overall savings with NFBWA.

After review, upon a motion brought by Director Noonan, seconded by Director Menconi, the Board unanimously voted to approve (i) the Engineer's report, as presented and the

action items listed therein and (ii) awarding the Landscape Improvement project in Falcon Landing Medians and Detention area to Westco Grounds Maintenance Co., Inc.

Mr. Bailey next provided an update on the wastewater reuse project with Reddico Construction Company (“Reddico”). He noted that the grass has significantly improved and is filled in. He requested the Board’s approval to release the final 10% payment to Reddico. After discussion, upon a motion brought by Director Noonan, seconded by Director Thomas, the Board unanimously voted to approve the final payment to Reddico for the wastewater reuse project.

ATTORNEY’S REPORT

The Board recognized Mr. Cannon who presented the Attorney’s Report.

Consider Approving Amended Interlocal Agreement for Additional Law Enforcement Services

Consideration was given to the approval of the Amended Interlocal Agreement for Additional Law Enforcement Services, a copy of which is attached hereto as Exhibit “J”. Mr. Noonan inquired about the longevity and mileage fees. Mrs. Roberts-Jenkins noted that she would contact Fort Bend County regarding the fees and would follow up with Director Noonan. After discussion, upon a motion brought by Director Noonan, seconded by Director Berger, the Board unanimously voted to approve the Interlocal Agreement for Additional Law Enforcement Services.

Consider approving Right-of-Way Easement and Encroachment Agreement with Fort Bend County

Consideration was given to the approval of a Right-of-Way Easement and Encroachment Agreement with Fort Bend County. Director Noonan noted that he would like to work with Willowfork to put a path between areas to extend the sidewalk underneath the bridge. After discussion, upon a motion brought by Director Noonan, seconded by Director Menconi, the Board unanimously voted to approve the Right-of-Way Easement and Encroachment Agreement with Fort Bend County.

Consider approving Interlocal Agreement with Fort Bend County for trees to be used in landscaping project

Consideration was given to the approval of an Interlocal Agreement with Fort Bend County for trees to be used in a landscaping project. Mr. Cannon noted that he would send the agreement to Fort Bend County for approval. After discussion, upon a motion brought by Director Noonan, seconded by Director Menconi, the Board unanimously voted to approve the Interlocal Agreement with Fort Bend County for trees to be used in landscaping project.


Mr. Cannon drew the Board’s attention to the District’s constable report and monthly analytics report attached as Exhibit “K”.

After review, upon a motion made by Director Noonan, seconded by Director Berger, the Board unanimously voted to approve (i) the Attorney's Report, (ii) the Amended Interlocal Agreement for Additional Law Enforcement Services, (iii) the Right-of-Way Easement and Encroachment Agreement with Fort Bend County, and (iv) the Interlocal Agreement with Fort Bend County for trees to be used in landscaping project.

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

PASSED, APPROVED AND ADOPTED this 20th day of November, 2019.




Secretary, Board of Directors