

**MINUTES OF MEETING OF THE  
BOARD OF DIRECTORS**

**June 3, 2014**

THE STATE OF TEXAS §

COUNTY OF FORT BEND §

FIRST COLONY LEVEE IMPROVEMENT DISTRICT NO. 2 §

The Board of Directors (the "Board") of First Colony Levee Improvement District No. 2 of Fort Bend County, Texas (the "District"), met in regular session, open to the public, at 12:00 p.m. on June 3, 2014 at the offices of Coats, Rose, Yale, Ryman & Lee, P.C., 3 East Greenway Plaza Suite 2000, 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:

Ron Frerich	-	President
Christine M. Lukin	-	Vice President
Carl Mazzo	-	Secretary

All members of the Board of Directors were present, thus constituting a quorum.

Also present at the meeting were Kim Shelnett of Myrtle Cruz, Inc., the District's Bookkeeper; Patty Rodriguez, the District's tax assessor/collector ("TAC"); Jason Klump of Stormwater Solutions ("SWS"), the District's Operator; Joe Mattingly with Champions Hydro-Lawn, Inc. ("Champions"); Scott Saenger of Jones & Carter ("J&C"), the District's Engineer; John Cannon and Beth Van Doren of Coats, Rose, Yale, Ryman & Lee, P.C. ("Coats Rose"), legal counsel for the District.

Whereupon, the meeting was called to order and evidence was presented that public notice of the meeting had been given in compliance with the law. A copy of the posted agenda notice is attached hereto as Exhibit "A".

**HEAR FROM THE PUBLIC**

No one was present from the public.

**APPROVAL OF MINUTES**

The Board considered approving the minutes of the Board meeting held May 6, 2014. After consideration and upon motion by Director Lukin, seconded by Director Mazzo, and the question being put to the Board, the Board voted unanimously to approve the minutes of the meeting held May 6, 2014.

## **APPROVING TAX COLLECTOR'S REPORT**

The Board recognized Ms. Rodriguez, who reported that as of May 31, 2014, 99.167% of the 2013 tax levy has been collected. She also presented a current list of delinquent accounts to the Board for examination.

After discussion and upon motion by Director Lukin, seconded by Director Mazzo, the Board voted unanimously to approve the tax collector's report, a copy of which is attached hereto as Exhibit "B".

## **CHAMPIONS HYDRO-LAWN, INC. REPORT**

The Board recognized Mr. Mattingly who presented and updated the Board on the status of the District's rights of way. A copy of the report is attached hereto as Exhibit "C".

The Board discussed mowing the levee. Mr. Mattingly reported that Champions did not mow in May, but he recommended mowing in June. Mr. Mattingly noted that the District's regular mowing is now scheduled for the week after the District's meetings. Mr. Mattingly then presented a quote for \$2,800 for pressure washing and graffiti removal. Director Frerich asked Mr. Mattingly to coordinate the pressure washing with the painter who would apply anti-graffiti paint so that the painter could apply the paint immediately after the pressure-washing.

Mr. Mattingly requested permission to mow, to apply fertilizer and ant treatment, and to perform the pressure washing and graffiti removal. After discussion and upon motion by Director Lukin, seconded by Director Frerich, the Board voted unanimously to authorize the requested actions and the application of the anti-graffiti paint.

## **OPERATOR'S REPORT**

The Board recognized Mr. Klump, who presented and reviewed the monthly management report, a copy of which is attached hereto as Exhibit "D".

During the month of May, the pumping station and related equipment were inspected on a daily basis to insure proper operation. All outfall structures have been inspected at least once a week. In addition, all drainage ditches, back slope drains, drainage swales, levees and easement have been inspected at least twice during the month. A constant weather watch has been maintained on a local and regional basis, as well as the Brazos River stages at Richmond. The Brazos River at the Richmond gages crested at 28.35 feet on May 30<sup>th</sup>, 10:35 a.m. local time. Flood elevation is 48 feet.

At the pump station, SWS is continuing to test genset and load bank for one hour weekly and is continuing debris removal and good housekeeping measures. SWS has included a new weekly log sheet on-site.

The Board noted that a homeowner at 5023 Berkshire has again mowed a path on the District's property behind the resident's backyard gate. The Board directed Coats Rose to send a final warning letter, by certified mail, explaining that any further mowing would result in a \$500

fine and the possibility of the installation of a fence to block access being installed at the resident's cost.

No action was taken on this agenda item.

## **ENGINEER'S REPORT**

The Board recognized Mr. Saenger who presented the engineer's report, attached hereto as Exhibit "E".

### **Review proposed Capital Improvements Budget**

Mr. Saenger reported that J&C will continue to monitor and update the District's capital improvements plan (CIP). Per last month's meeting, J&C presented a revised quote for the Kubota RTV-X900 Worksite model. The quote includes options for work lamps (front and rear), a hydraulic dump bed, and heavy duty tires. The total price of the UTV is \$13,764.73.

After further discussion and based on a motion by Director Frerich, seconded by Director Mazzo, the Board voted unanimously to authorize purchase of the Kubota RTV-X900 Worksite model at a cost of \$13,764.73.

### **De-Silting of Commonwealth Boulevard**

There is nothing new to report on the project.

### **Maintenance Building**

CZS Developers is continuing to work on the storage building and well house. CZS has updated its schedule, which includes completing both buildings in June. CZS submitted the following documents for the District's review and consideration:

- Progress Payment No. 4 – Request for payment was not received in a timely manner to be processed. Progress Payment No. 4 will be ready for the July Board meeting.
- Change Order No. 1 – Change Order 1 has been revised to reflect the items approved at May's Board Meeting:
  - Add transformer for new panel - \$2,804.00;
  - Add a data conduit between the well house and the storage building - \$919.00;
  - Rebuild existing catch basin - \$200.00;

The total cost of Change Order No. 1 is \$3,923.00.

Next, after discussion and upon a motion by Director Frerich, seconded by Director Lukin, the Board voted unanimously to approve Change Order No. 1 as detailed in the Engineer's report.

### **MS4 Permitting**

J&C has been in contact with the TCEQ regarding the District's MS4 permit waiver request. The review team has completed their review of the District's request and is recommending approval. The waiver is currently with the Team Leader of the TCEQ's Storm Water Division awaiting final review and approval. Based on J&C's conversations with TCEQ, the review team does not foresee any issues with final approval.

### **Additional Items**

#### **Memorial Week Rain Events**

J&C reviewed the weather data for the rain events that occurred last week. Over the course of three days, the District received more than 7" of rain. The system appeared to function as designed and J&C did not receive any reports of any structural flooding or areas of severe ponding.

#### **CenterPoint Easement**

J&C is continuing to work with CenterPoint on the relocation of the original easement to match the existing CenterPoint alignment and will try to resolve this issue by the July Board meeting.

#### **GIS Services**

J&C has finalized the GIS website for the District and would like to schedule a meeting with Director Mazzo to review the website before presenting it to the Board.

After discussion and upon motion by Director Frerich, duly seconded by Director Lukin, the Board voted unanimously to approve the engineer's report.

### **BOOKKEEPER'S REPORT**

The Board then recognized Ms. Shelnett of Myrtle Cruz, Inc., who presented for the Board's review and approval the bookkeeper's report. She reported on the status of the District's various accounts and reviewed the Operating Account checks prepared for the Board's review and approval. A copy of the bookkeeper's report is attached hereto as Exhibit "F".

Upon motion by Director Lukin, duly seconded by Director Mazzo, after full discussion and the question being put to the Board, the Board voted unanimously to approve the bookkeeper's report and the checks presented for approval.

#### **Consider approving amended contract**

Next, Ms. Shelnett presented a request from Myrtle Cruz, Inc. to amend the Bookkeeper's Contract, attached hereto as Exhibit "G". After further discussion and based on a motion by Director Frerich, duly seconded by Director Lukin, the Board voted unanimously to approve the amendment to the Bookkeeper's Contract, subject to attorney review.

**HEAR ATTORNEY'S REPORT**

**Consider renewal of insurance policy**

The Board deferred action on this agenda item.

**Discuss "ring levee" issues and take any necessary actions**

No action was taken on this matter.

**Discuss FBFMA issues and take any necessary actions**

No action was taken on this matter.

**OTHER MATTERS**

Finally, the Board recognized Ms. Klein who presented the Board with a Conceptual Master Plan for their review, a copy of which is attached hereto as Exhibit "H".

The Board decided to schedule a meeting in the District on June 27 to meet with Ms. Klein and representatives of the homeowners association to review the Master Plan and discuss how to proceed.

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

PASSED, APPROVED and ADOPTED this 1st day of July, 2014.

  
Secretary, Board of Directors

