

**MINUTES OF A SPECIAL MEETING OF THE
BOARD OF DIRECTORS**

August 16, 2016

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 special session, open to the public, at 12:00 p.m. on August 16, 2016 at the offices of Coats Rose, P.C., 9 Greenway Plaza, Suite 1100, Houston, Texas 77046, a designated meeting place outside the boundaries of the District; whereupon, the roll of the members of the Board of Directors was called, to wit:

Ron Frerich	-	President
Christine M. Lukin	-	Vice President
Zach Weimer	-	Secretary

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

Also present at the meeting were John Cannon and K. Greer Kuras of Coats Rose, P.C. ("Coats Rose"), legal counsel for the District, and Pat Hughes and Robert Lung of the City of Sugar Land.

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".

Consider authorizing the design and/or advertisement for bid of park and recreational construction projects along Commonwealth Boulevard

The Board discussed the results of Ms. Kuras' and Director Weimer's analyses of the resident email vote tallies. Ms. Kuras, Director Weimer, and Director Lukin each interpreted some of the email votes differently. Each of the Directors stated their thoughts and concerns and debated the issues involved in this decision. After discussion and upon motion by Director Frerich, seconded by Director Lukin, the Board voted to proceed with bidding for the project along Commonwealth Boulevard according to the plans prepared by Four and One LLC, with Directors Frerich and Lukin voting in favor and Director Weimer voting against. Director Weimer further requested that a letter he typed prior to the meeting be attached to the minutes as an Exhibit, and it is attached as Exhibit "B".

Consider taking any action in connection with City of Sugar Land 4B Corporation grant, including approving the Agreement with City

Mr. Canon reminded the Board of their opportunity to accept 4B Corp's grant at any time before the September deadline. After discussion and upon motion by Director Lukin, seconded by Director Frerich, the Board voted to accept 4B Corp's \$75,000 grant and to execute the CIP Agreement, with Directors Frerich and Lukin voting in favor and Director Weimer voting against.

Consider Order Adopting Rules Establishing Standards for Recreational Facilities under Texas Water Code § 49.465

Mr. Cannon and Ms. Kuras presented the Board with a written resolution to adopt rules establishing standards for recreational facilities pursuant to Texas Water Code § 49.465. After discussion and upon motion by Director Lukin, seconded by Director Frerich, the Board voted to adopt such resolution, with Directors Frerich and Lukin voting in favor and Director Weimer voting against.

PASSED, APPROVED, and ADOPTED this 6th day of September, 2016.

(DISTRICT SEAL)



Zachary Weimer
Secretary, Board of Directors

**AGENDA AND NOTICE OF MEETING
FIRST COLONY LEVEE IMPROVEMENT DISTRICT NO. 2
OF FORT BEND COUNTY, TEXAS**

Notice is hereby given that the Board of Directors of First Colony Levee Improvement District No. 2 of Fort Bend County, Texas will attend a special meeting, open to the public, on **Tuesday, August 16, 2016, at 12:00 p.m.** at Coats Rose, 9 Greenway Plaza, Ste. 1100, Houston, Texas 77046, a designated meeting place outside the district, to consider and act upon the following matters:

1. Consider authorizing the design and/or advertisement for bid of park and recreational construction projects along Commonwealth Boulevard;
2. Consider taking any action in connection with City of Sugar Land 4B Corporation grant, including approving the Agreement with City; and
3. Consider Order Adopting Rules Establishing Standards for Recreational Facilities under Texas Water Code § 49.465.

Pursuant to V.T.C.A., Government Code, Chapter 551, the Board of Directors may convene in closed session to receive advice from legal counsel and discuss matters relating to pending or contemplated litigation, personnel matters, real estate transactions, gifts and donations, security devices and/or economic development negotiations.

EXECUTED this 12th day of August, 2016.

(DISTRICT SEAL)



FIRST COLONY LEVEE
IMPROVEMENT DISTRICT NO. 2
OF FORT BEND COUNTY, TEXAS


John G. Cannon
Coats | Rose
Attorney for the District



I object to the First Colony Levee Improvement District No. 2 project to add brick retaining walls at the culverts between Knightsbridge Blvd and Pendleton because it is not in the public interest for the following reasons:

Social Concerns

Pursuit of this project has not been in compliance with the law namely the Texas Water Code Section 49.465. Proceeding with this project further without comprehensive compliance is a violation.

The District has an obligation to operate and maintain flood and drainage infrastructure, of which the existing conditions have not been properly evaluated and long-term plans for maintenance and rehabilitation of the flood control facilities are not in place. Committing such funds for an aesthetic project with so many unknowns about the primary function is a disservice.

From a safety perspective the walls provide an increased fall height into the water and temptation for kids to wall across the top. A slightly sloped precast concrete cap will not prevent people from walking on them. The current riprap is gradually sloped and does not increase the risk of falling in the water more than the grass areas.

Although a grant has been obtained from a corporation with the intent to enhance economic development (4B Corp.) an objective evaluation or analysis has not been done to show the economic or social benefit of this project. For example, the project has not been weighed against the economic impact of putting \$650k of back into the local economy through the hands of residents. Neither has the economics of using the funds for preventative maintenance been evaluated.

Some are making the assumption this project will lead to an increase or steadying of home values (which are already seeing a major increase without the project). One Director even stated it is to prevent "risk [of] following a downward spiral of decreased property values and collapses." (March/April Commonwealth Comments). None of the assumptions on the impact to home values has been properly evaluated.

Public feedback is divided and was sought as an afterthought and without providing adequate information for public opinion to be fully formed.

There is a very strong public opinion that what they appreciate in the neighborhood the most and the reason many chose to move here is the "open and natural feel" or the "natural beauty of the water and trees". This project does nothing to enhance either of those and actually takes away from the natural beauty by adding the brick walls. There is also an opinion that something needs to be done to the existing condition of the recycled concrete riprap, however, alternatives have not been vetted.

Being competitive with newer neighborhoods is not accomplished by aesthetically making our neighborhood match theirs but is done by providing unique and varying amenities and social opportunities.



Two public hearings were held. The first of which no specific details of the project were presented and the public demanded additional information be provided (primarily through the website). A second public meeting was held wherein the predominant opinion was unfavorable to the project.

A letter was sent to the residents asking them to make a choice between two options with one of the options lacking pertinent information such as the estimated cost. This was made evident in a number of replies seeking such information.

- There is concern in the community that the brick style or "theme" as some have described it is outdated and further takes away from the charm.

The total cost of the project has not been clearly publicized which should include the tens of thousands of dollars on design fees, legal fees, postage for letters, and other consultants fees. This cost is approaching \$75,000. The long-term ongoing maintenance costs such as pressure-washing (perhaps \$2500 or more per year or \$100,000 over 20 years) have not been considered.

This District has been delinquent in performing maintenance on the existing riprap over the past 30 years causing it to deteriorate to sub-standard level.

The District's existing brick walls are in disrepair and are unsightly due to the repairs that have been done. The mortar colors do not match, there are cracks and the brick requires yearly maintenance such as cleaning. The existing marques and brick fence posts in the neighborhood all show efflorescence, settlement, mold and mildew. Concrete walls and brick are not a durable construction material with the soil conditions and the environmental exposure.

An artificial time constraint has been placed on this project due to the application to the 4B corporation. In reality there is no schedule constraint or immediate need. There is time to fully evaluate and socialize the project.

It should be noted that two of the seven 4B Corp directors are residents in the District and did not recues from voting.

No consideration has been given the aesthetics of the St. Michaels crossing of Commonwealth Blvd.

There are less costly alternatives such as simply using grass or natural stone riprap which can applied to increase the aesthetics of the waterways.

Environmental Concerns

The impact this project will have on the waterways and the environmental consequences have not been addressed. The project will involve damming, large excavations, removing water, habitat and plants which are established. A project like this performed during the development stage of a neighborhood is a much different impact than when performed more than thirty years after the fact since the area is already heavily disturbed during the initial development.

Downlighting of waterways has been proven to disrupt the reproductive and feeding of aquatic life particularly turtles, frogs, and water fowl. This will cause a decline in water quality.

The construction noise, air pollution and mobility disruptions have not been evaluated or communicated to the community.

Concrete and brick are some of the most carbon intensive construction materials due to the amount of energy required in the manufacture, transportation and construction. They also have a limited lifespan especially in aquatic damp areas. The alternative options such as new natural stone riprap have not been evaluated against the total environmental impacts.

The best mitigation is avoidance of the impacts, by use of materials and methods that provide the least disturbance and are well suited for the application.

From an environmental standpoint there are no known benefits to the brick wall project.

Technical Concerns

The culverts which these brick walls will be placed around were installed in 198X, approximately 36 years ago. The expected lifespan of this type of precast concrete structure is not more than 50 years. The condition of them has never been evaluated nor has the predicted remaining life been determined.

Placing new and expensive structures on and around old facilities could mean that in a short period of time the new structures will have to be either modified or replaced at the same time the culverts would undergo replacement.

There are alternatives such as riprap that would not hinder future rehabilitation of the culverts and can be reused afterwards.

The ends of the culverts currently have little to no load on them because the ground slope back away from the end. Placing retaining walls over the ends will increase the soil overburden pressure on the ends of the culverts. The effects of settlement, stress, and joint strength of the culvert system has not been evaluated. The District is assuming risk and liability for the future condition of the culverts which are currently the jurisdiction of the city.

It's not clear if construction loads have been considered until the span beam attains strength. How will the load of the beam be handled and not transferred. It's not clear if construction equipment loads on the existing culverts has been addressed.

The large excavations and soil disturbance around a below the existing culverts has not been evaluated or mitigated. There is a possibility of undermining or loss of support when the drilled piers holes are open or adjacent footings are excavated.

The effect that the drying out of the in-situ soil which is kept in a saturated or moist condition has not been evaluated. Shrinkage, desiccation and cracking of the soil around the existing culverts can lead to further movement, stress, and/or settlement when the soil is re-hydrated.

The design loads, conditions, and combinations for which the retaining walls have been designed are not quantified in the in the geotechnical report. Its unclear if construction loads were considered.

The design documents and bid documents lack sufficient civil and structural general notes and specifications for a quality product. For example there is no reference to a construction specification for drilled piers (ACI 336.1), there is no specification for concrete construction (ACI 301), the concrete strength, mix (w/cm ratio, air entrainment), and type are not specified for the exposure (ACI 318).

There is no specification or language in the bid documents addressing efflorescence which is a particular problem in this region with brick and is evident on the existing brick within the District. Proper specification for mixing water, materials and methods are required.

The geotechnical report specifically states a settlement analysis of the drilled piers, which are the main load bearing structural element, is recommended but it was not performed.

The detail of the joint between the wall and the existing culvert is missing. That detail is important to prevent loss of material in drawdown condition leading to scour or sinkholes, however the detail is likely to transfer load to the existing culverts. It is not clear if the beam spanning the culverts was designed for torsion using the load values and combinations for the retaining wall. It is not clear if consideration was given to increases the rebar cover to enhance durability due to the exposure.

A proper plan for construction inspection and oversight is not in place and is additional cost to the project not considered. For a project of this size, a qualified independent third party should provide construction quality assurance inspection and oversight to the general contractor on behalf of the District. It is unclear if the landscape architect has the qualifications or if it should be another contractor.

Regards,



Zachary Weimer, First Colony Levee Improvement District No. 2, Secretary, Board of Directors