

MINUTES  
FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 11

February 28, 2012

The Board of Directors (the "Board") of Fort Bend County Levee Improvement District No. 11 (the "District") met in regular session, open to the public, on the 28th day of February, 2012, inside the boundaries of the District, at Professional Project Management Services, 19875 Southwest Freeway, Suite 270, Sugar Land, Texas, and the roll was called of the members of the Board:

Ron McCann	President
Michael E. Stone	Vice President/ Assistant Secretary
Jared Jameson	Secretary/ Assistant Vice President

and all of the above were present, thus constituting a quorum.

Also present at the meeting were Bob Grant, a resident of the District; Ben Rosenberg of Storm Water Solutions; Shawn Zieger of Austin Filter Systems, Inc.; Jim Lawless, architect; Erin Garcia of Myrtle Cruz, Inc.; Greg Ordeneaux of Tax Tech, Inc.; Michael Rusk of LJA Engineering & Surveying, Inc. ("LJA"); Jeff Perry of SWWC Services, Inc. ("SWWC"); and Lynne B. Humphries and Kristen Hogan of Allen Boone Humphries Robinson LLP ("ABHR").

MINUTES

The Board considered approving the minutes of the January 24, 2012, regular meeting and the February 8, 2012, special meeting, which were provided in advance of the meeting. Following review and discussion, Director Stone moved to approve the minutes as submitted. Director McCann seconded the motion, which was approved by unanimous vote.

COMMENTS AND QUESTIONS FROM THE PUBLIC

Mr. Grant discussed his prior report that the Fort Bend County hazardous recycling center was closing on January 1, 2012. He said he has since learned this information was inaccurate and the center remains open and operational.

ASSOCIATION OF WATER BOARD DIRECTORS SUMMER CONFERENCE

The Board considered authorizing attendance at the Association of Water Board Directors summer conference in San Antonio. Upon a motion made by Director Stone and seconded by Director McCann, the Board voted unanimously to authorize any interested Directors to attend the summer conference.

## ENGINEERING MATTERS

Mr. Lawless reported on a phone discussion he had with Jim Callaway of the City of Sugar Land (the "City") for City input on design for the District's proposed emergency operations building. He distributed and reviewed correspondence between him and Mr. Callaway summarizing their phone conversation, a copy of which is attached. Mr. Lawless said recent City buildings such as City Hall and various City fire stations were constructed based on the then-current version of the International Building Code. He said he also inquired about City interest in possibly using the building as a staging area during emergency events. Mr. Lawless said Mr. Callaway indicated the City may be interested, but its first option for staging in Greatwood during emergency events is the City fire station. After review and discussion and based on Mr. Lawless's recommendation, the Board concurred for Mr. Lawless to proceed with design of the building based on the 2009 International Building Code with appropriate upgrades to comply with the requirements for the Galveston/Coastal Zone. The Board agreed the building should include a storage "safe" room to provide additional protection from hurricane wind speeds. The Board directed the engineer and operator to work with Mr. Lawless on specifications for the additional storage room.

Mr. Zieger next updated the Board on construction of the Middle Bayou detention lake erosion protection and improvements project. He reported on a failure of two sections of concrete wall and a resident fence in one of the cove areas. Mr. Rusk discussed the failure and said changes may be necessary to the design and size of the gabions in this area. He said Austin Filter Systems, Inc. will proceed to complete repairs to the main wall sections before proceeding with wall repairs in remaining cove areas behind resident homes. The Board discussed the prior status of the resident's fence that failed and plans for repairing the fence. In response to questions, Mr. Rusk said the fence is within the District's maintenance easement and that pictures were taken to document the current condition of the fence. After discussion, the Board concurred the District will split the cost of the fence repairs with the resident and LJA should solicit 2-3 bids for repair of the fence at the appropriate time. Mr. Zieger added that Austin Filter Systems, Inc. offered to install a temporary construction fence for the remainder of the project, but the resident indicated a temporary fence was not necessary.

Mr. Rusk then distributed and reviewed the engineer's report, a copy of which is attached. He reviewed and recommended approval of Pay Estimates Nos. 1 and 2 in the amounts of \$32,697.90 and \$67,870.51, respectively, payable to Austin Filter Systems, Inc. Mr. Rusk also reviewed and recommended approval of a proposal from Tolunay-Wong Engineers, Inc. in the amount of \$10,410.00 for materials testing and observation services during construction.

Mr. Rusk presented a proposal from LJA for the site work necessary prior to construction of the District's emergency operations building, which includes onsite

project representation. In response to a suggestion from Director Stone, the Board and Mr. Rusk concurred that project representation during building construction should be removed from the proposal and provided by the architect.

After review and discussion, Director Stone moved to approve the engineer's report and, based on the engineer's recommendation, to approve Pay Estimates Nos. 1 and 2 in the amounts of \$32,697.90 and \$67,870.51, respectively, and the proposal from Tolunay-Wong Engineers, Inc. in the amount of \$10,410.00 related to construction of the Middle Bayou detention lake erosion protection and improvements project and to approve the revised proposal from LJA for the site work necessary prior to construction of the District's emergency operations building without project representation. Director Jameson seconded the motion, which passed unanimously.

#### FINANCIAL AND BOOKKEEPING MATTERS

Ms. Garcia distributed and reviewed the bookkeeper's report, including the monthly budget comparison and list of checks presented for approval. A copy of the bookkeeper's report is attached. Ms. Garcia said she will hold check no. 2491 to SIG/McDonald & Wessendorff Insurance, pending renewal of the District's insurance policies to be considered at next month's meeting. She noted check no. 2495 to Fort Bend County Municipal Utility District No. 116 to reimburse an overpayment made to the District in December, 2009. Ms. Garcia said she reviewed the District's records to verify the overpayment. She then noted the check to Reliant Energy for electricity usage at pump station no. 1 was based on an estimate since Reliant Energy could not access the meter. Following review and discussion, Director Jameson moved to approve the bookkeeper's report and payment of the bills. Director Stone seconded the motion, which passed unanimously.

#### TAX ASSESSMENT AND COLLECTION MATTERS

Mr. Ordeneaux distributed and reviewed the tax assessor/collector's report, a copy of which is attached. He noted that the District's 2011 taxes were 80.65% collected as of January 31, 2012.

Mr. Ordeneaux next distributed and reviewed a list of tax accounts under protest and estimated refunds that could be owed to taxpayers when lawsuits are settled by the Fort Bend Central Appraisal District with taxpayers. A copy of the list of tax accounts under protest is attached. In response to a question from Ms. Humphries, Mr. Ordeneaux confirmed funds will be held in the tax account to cover any potential refunds.

Mr. Ordeneaux then discussed website correspondence from a District taxpayer disputing penalties and interest since they claim their taxes were previously paid by their mortgage company and they did not receive a tax bill until after the deadline for

payment. Mr. Ordeneaux discussed tax code requirements, noting the District does not have the authority to waive penalties and interest unless an error was made by the District or an agent of the District. He said his office will respond to the taxpayer correspondence appropriately.

Following review and discussion, Director Jameson moved to approve the tax assessor/collector's report and payment of the tax bills. Director Stone seconded the motion, which passed by unanimous vote.

#### OPERATION OF DISTRICT FACILITIES

Mr. Perry distributed and reviewed the operator's report, a copy of which is attached. He reported on operations and maintenance performed during the previous month, as indicated in the operator's report. Mr. Perry noted mowing is not being done currently due to weather conditions. After review and discussion, Director Jameson moved to approve the operator's report. Director Stone seconded the motion, which passed unanimously.

#### PHASE II MS4 STORM WATER MANAGEMENT PLAN IMPLEMENTATION

Mr. Rosenberg distributed and reviewed a report on Greatwood's Storm Water Management Plan ("SWMP"), a copy of which is attached. He reviewed the year 5 goals for implementation of the SWMP, including a public education insert to be mailed to residents with the next water bills sent out by the Greatwood Municipal Utility Districts (the "Greatwood MUDs"). Mr. Rosenberg noted revisions made by Greatwood's SWMP Committee at its recent meeting and confirmed the revisions were incorporated and the Committee recommends approval of the public education insert. Mr. Rosenberg then reviewed proposed new chapters for Greatwood's Storm Water Guidance Manual titled Pollution Prevention for Municipal Operations and Construction Site Storm Water Runoff Control, copies of which were reviewed by the Greatwood SWMP Committee at its recent meeting and are attached to the SWMP report. He reviewed information that should continue to be tracked for annual SWMP reporting.

Discussion then ensued regarding storm water pollution prevention associated with construction projects such as the District's Middle Bayou detention lake erosion protection and improvements project and expected requirements to be included in future permitting.

After review and discussion, Director Jameson moved to approve the public education inserts, based on the Committee's recommendation, and authorize a request for the Greatwood MUDs to send the inserts to all Greatwood residents with the water bills. Director Stone seconded the motion, which passed unanimously.

DISASTER PREPAREDNESS COMMITTEE MATTERS

Director Stone said the Disaster Preparedness Committee has not met. He said the Committee does not have another meeting scheduled since its assignments are complete and will meet only as needed for emergency situations.

FORT BEND FLOOD MANAGEMENT ASSOCIATION MATTERS/ACTIONS, FEDERAL FLOOD INSURANCE LEGISLATION, AND ATTENDANCE AT LEVEE CONFERENCES OR ASSOCIATION OF WATER BOARD DIRECTORS CONFERENCES

The Board discussed the February 8, 2012, meeting of the "GreatRiver" perimeter levee participants to discuss the terms for an agreement for maintenance of the perimeter levee. The Board reviewed the revised Term Sheet for Perimeter Levee Maintenance dated February 22, 2012 ("Term Sheet"), a copy of which is attached hereto and was distributed by ABHR to the perimeter levee participants following the February 8<sup>th</sup> meeting. Discussion ensued regarding concerns about cooperation and participation by Fort Bend County Municipal Utility District No. 121. After review and discussion, Director Jameson moved to approve the Term Sheet, authorize ABHR to send a letter to the other participants reporting the Board's approval of the Term Sheet, and authorize ABHR to begin preparing an agreement among the participants based on the Term Sheet upon approval of the Term Sheet by the other participants. Director Stone seconded the motion, which passed unanimously.

REPORTS ON GREATWOOD PRESIDENT'S MEETING AND ACTIVITIES AND FOLLOW UP ON LEVEE AND DRAINAGE FACILITIES AND OTHER DISTRICT AND GREATWOOD REGIONAL MATTERS, INCLUDING GREATWOOD DISTRICTS' ARTICLES AND INFORMATION FOR WEBSITE

There were no additional reports.

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



  
Secretary, Board of Directors

ACTION LIST

1. Mr. Lawless will proceed with design of the District’s emergency operations building based on the 2009 International Building Code with appropriate upgrades to comply with the requirements for the Galveston/Coastal Zone.
2. Mr. Rusk and Mr. Perry will work with Mr. Lawless on specifications for the additional storage “safe” room to be included in the emergency operations building.
3. Mr. Ordeneaux will ensure his office responds to the taxpayer correspondence.
4. ABHR will send a letter to the other perimeter levee participants as discussed and will begin preparing an agreement among the participants upon approval of the Term Sheet by the other participants.

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