

MINUTES  
FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 11

April 4, 2016

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 4th day of April, 2016, inside the boundaries of the District, at Independent Bank, Sugar Land, Texas, and the roll was called of the members of the Board:

Justin Ring	President
Jared Jameson	Vice President/ Assistant Secretary
Stuart Rimes	Secretary/ Assistant Vice President

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

Also present at the meeting were Jeff Perry of Levee Management Services, LLC ("LMS"); Christina Garcia of Myrtle Cruz, Inc.; Kelly Jurecek of Tax Tech, Inc.; Michael Rusk of LJA Engineering, Inc.; Pat Naff of CDC Unlimited LLC ("CDC"); Debbie Shelton of First Southwest, a Division of Hilltop Securities; Jasmine Garcia, member of the public; and Lynne B. Humphries and Nikole Cales of Allen Boone Humphries Robinson LLP ("ABHR").

MINUTES

The Board considered approving the minutes of the March 7, 2016, regular meeting, which were provided in advance of the meeting. Following review and discussion, Director Jameson moved to approve the minutes as submitted. Director Rimes seconded the motion, which was approved by unanimous vote.

COMMENTS AND QUESTIONS FROM THE PUBLIC

There were no members of the public who wished to address the Board.

TAX ASSESSMENT AND COLLECTION MATTERS

Ms. Jurecek distributed and reviewed the March tax assessor/collector's report, a copy of which is attached. She reported the District's 2015 taxes are 96.96% collected.

Ms. Jurecek presented and reviewed a letter from a resident, a copy of which is attached. She stated the letter requested reimbursement or a credit for the fees and penalties associated with the late payment of property taxes. Mr. Humphries stated the Texas Property Tax Code, Section 33.011 only allows the District to waive fees or penalties for late payment of property taxes due to a limited amount of circumstances, when the District or its agents make an error, which do not apply in this case.

Following review and discussion, Director Jameson moved to (1) approve the tax assessor/collector's report and payment of the tax bills; and (2) deny the request for reimbursement or a credit of the fees and penalties associated with the late payment of property taxes in accordance with Texas Property Tax Code, Section 33.011. Director Rimes 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.

The Board requested the bookkeeper add facility names to the energy tracking report and noted a 12-month history was sufficient for detailed tracking energy consumption, but to include annual totals for prior periods.

The Board requested payments made to McFarland PLLC for condemnation matters be included in the legal fees line item.

Following review and discussion, Director Rimes moved to approve the bookkeeper's report and authorize payment of the bills listed therein. Director Jameson seconded the motion, which passed unanimously.

#### LEVEE AND DITCH MOWING AND DRAINAGE CHANNEL CLEANOUT

Mr. Naff updated the Board regarding levee and ditch mowing. No written report was presented.

Director Ring stated a resident at 7915 Arbor Hill requested CDC edge the District property behind his fence. Mr. Naff stated he will follow up regarding the matter.

#### OPERATION OF DISTRICT FACILITIES

Mr. Perry distributed and reviewed the monthly operator's report, a copy of which is attached. He reviewed and discussed work completed by LMS during the last month as reflected in his report.

Mr. Perry stated rip rap will be installed at outfall no. 2 when weather and water levels permit.

Mr. Perry reported generator no. 1 at pump station no. 1 was repaired.

Mr. Perry updated the Board regarding the installation of a meter on the golf club's water pump. He then presented and reviewed a chart detailing the meter and

well pumpage amounts, a copy of which is attached to the operator's report. The Board requested Mr. Perry revise the chart to have the heading reflect "into the lake" and "out of the lake." The Board requested Mr. Perry meet with the golf club to discuss his findings. The Board requested ABHR provide Mr. Perry with a copy of the letter previously to the golf club explaining why the golf club cannot withdraw water from the lake without pumping the same amount or more water back into the lake.

Mr. Perry discussed complaints regarding unauthorized habitation on or near District property. He stated he found evidence of possible habitation and notified the Fort Bend County Constables office. Mr. Perry stated since that time, he has not seen evidence of habitation in the area.

Following review and discussion, Director Jameson moved to approve the operator's report as submitted. Director Rimes seconded the motion, which passed unanimously.

#### ENGINEERING MATTERS

The Board reviewed the engineer's report, a copy of which is attached.

Mr. Rusk presented and reviewed an updated Emergency Action Plan.

Mr. Rusk stated the surplus funds application was approved by the Texas Commission on Environmental Quality. Discussion ensued and the Board concurred to complete the fence installation at the five most critical areas to prevent unauthorized access to the levee and receive community feedback regarding the installation prior to installing fencing in the remaining areas. The Board requested Mr. Rusk solicit three bids for the first phase of the project and present them for the Board's consideration at the next meeting.

Mr. Rusk stated the wetlands bed plantings should be complete in April.

After review and discussion, Director Jameson moved to approve the engineer's report. Director Rimes seconded the motion, which passed unanimously.

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

There was no discussion regarding this item.

#### COMMUNITY PROJECTS COMMITTEE ("CPC")

Directors Rimes and Jameson updated the Board regarding CPC matters. Director Rimes reported each proposed recreational project and improvement will be voted on by the Greatwood Neighborhood Representatives.

Ms. Humphries stated the Greatwood Community Association ("GCA") requested the District consider approving the Second Amendment to the Agreement for Cost Sharing of Consulting Services for Recreational Facilities Benefitting Greatwood between Fort Bend County Municipal Utility District No. 106 (Master District), the District and GCA ("Agreement") for an additional \$10,000, to be split equally among the parties, to continue utilizing Icenhower Consulting, LLC during the planning and development phase for additional and improved recreational facilities in Greatwood. After review and discussion, Director Jameson moved to approve the Second Amendment to the Agreement and direct that it be filed appropriately and retained in the District's official records. Director Ring seconded the motion, which passed unanimously.

REPORTS ON GREATWOOD PRESIDENTS' MEETING AND ACTIVITIES AND FOLLOW UP ON LEVEE AND DRAINAGE FACILITIES AND OTHER DISTRICT AND GREATWOOD REGIONAL MATTERS

Director Ring updated the Board regarding the Presidents' meeting.

FEDERAL FLOOD INSURANCE LEGISLATION, PERIMETER LEVEE MAINTENANCE, AND ATTENDANCE AT LEVEE CONFERENCES

Director Jameson stated the Fort Bend Flood Management Association will hold its annual symposium on April 29, 2016.

Ms. Humphries reported Fort Bend County Levee Improvement District No. 6 did not approve the Great River Perimeter Levee Cost Sharing Agreement for the Purchase, Maintenance and Operation of Flood Fighting Equipment to purchase flood-fighting equipment ("PL Agreement"). She then presented a revised PL Agreement to reflect a one-year cost-sharing agreement to the purchase one Tiger Dam between the District, Fort Bend County Levee Improvement District No. 10 and Fort Bend County Municipal Utility District No. 121, which equates to \$50,000 per district. Ms. Humphries noted any reference to a two year agreement or purchasing of a second Tiger Dam was removed. After review and discussion, Director Jameson moved to approve the PL Agreement and direct that it be filed appropriately and retained in the District's official records. Director Rimes seconded the motion, which passed unanimously.

ATTORNEY'S REPORT

There was no discussion regarding this item.

CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO CONDUCT A PRIVATE CONSULTATION WITH ATTORNEY TO DISCUSS PENDING OR CONTEMPLATED LITIGATION, OR A SETTLEMENT OFFER


The Board convened in executive session at 6:20 p.m.

RECONVENE IN EXECUTIVE SESSION AND AUTHORIZE APPROPRIATE ACTION REGARDING PENDING OR CONTEMPLATED LITIGATION, OR SETTLEMENT OFFER

The Board reconvened in regular session at 6:47 p.m. After review and discussion, Director Jameson moved to accept the Special Condemnation Commissioners' award of \$250,000 for the condemnation of the District's property by the Texas Department of Transportation ("TxDOT"), on the condition that TxDOT revises its plans as recommended by the District's engineer, which would include damages for the property not discussed in the condemnation because no notice was provided to the District. Director Rimes seconded the motion, which passed unanimously.

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



  
Secretary, Board of Directors

LIST OF ATTACHMENTS TO MINUTES

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