

MINUTES
FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 11

May 6, 2019

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 6th day of May, 2019, inside the boundaries of the District, at the Greatwood Community Association Building, Sugar Land, Texas, and the roll was called of the members of the Board:

Justin Ring	President
Roberta Terrell	Vice President/ Assistant Secretary
Michael D. Rozell	Secretary/ Assistant Vice President

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

Also present at the meeting were Bob Grant, Jim Mensay and Allen Nunley, residents of the District; Kelly Jurecek of Tax Tech, Inc.; Christina Perry of Myrtle Cruz, Inc. ("MC"); Jeff Perry of Levee Management Services, LLC ("LMS"); Michael Rusk of LJA Engineering, Inc.; Pat Hughes of the City of Sugar Land ("City"); and Lynne Humphries and Nikole Cales of Allen Boone Humphries Robinson LLP.

MINUTES

The Board considered approving the minutes of the April 1, 2019, regular meeting, which were provided in advance of the meeting. Following review and discussion, Director Rozell moved to approve the April 1, 2019, minutes, as submitted. Director Terrell 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 tax assessor/collector's report, a copy of which is attached. She reported the District's 2018 taxes are currently 97.63% collected. Following review and discussion, Director Rozell moved to approve the tax assessor/collector's report and payment of the tax bills. Director Terrell seconded the motion, which passed unanimously.

RATIFY ADOPTION OF RESOLUTION NOMINATING DIRECTOR ROZELL TO ASSOCIATION OF WATER BOARD DIRECTORS BOARD OF TRUSTEES

The Board considered ratifying adoption of the Resolution Nominating Director Rozell to Association of Water Board Directors Board of Trustees ("Resolution").

Following review and discussion, Director Terrell moved to ratify adoption of the Resolution. Director Rozell seconded the motion, which passed unanimously.

FINANCIAL AND BOOKKEEPING MATTERS

Ms. Perry distributed and reviewed the bookkeeper's report, including the monthly budget comparison and a list of checks presented for approval. Following review and discussion, Director Rozell moved to approve the bookkeeper's report and authorize payment of the bills listed therein. Director Terrell seconded the motion, which passed unanimously.

LEVEE AND DITCH MOWING

Mr. Hughes stated the City's Public Works Department inquired about maintenance of the drainage channels and levee. Mr. Perry stated the internal drainage channels are sprayed annually for undesirables and the levees are treated with herbicide. He noted he will send a written update to the City.

OPERATION OF DISTRICT FACILITIES

Mr. Perry distributed and reviewed the operator's report, including maintenance and repair items completed by LMS during the previous month. A copy of the report is attached.

Mr. Rusk inquired if the District granted an easement to AT&T and the Board requested ABHR look into the matter.

Mr. Perry updated the Board regarding the Texas Department of Transportation ("TxDOT") contractor who installed an unauthorized driveway across and cut through the District's levee along Crabb River Road. He stated the driveway was reconstructed to meet the required levee height and the levee was repaired to District standards.

Mr. Perry stated the installation of security cameras and lighting at the pump stations will begin shortly.

Discussion ensued regarding current Brazos River levels and it was noted the District's engineer and operator are following the District's Emergency Action Plan as appropriate.

The Board reviewed the updated District's Critical Load Spreadsheet, noting it was reviewed and approved by the District's operator and engineer. Following review and discussion, Director Rozell moved to approve the District's Critical Load Spreadsheet and authorize it to be filed appropriately and retained in the District's official records. Director Terrell seconded the motion, which passed unanimously.

Following review and discussion, Director Rozell moved to approve the operator's report. Director Terrell seconded the motion, which passed unanimously.

ENGINEERING MATTERS

Mr. Rusk presented and reviewed the engineer's report, a copy of which is attached.

Mr. Rusk stated there are no updates to the Capital Improvement Plan.

Mr. Rusk updated the Board regarding the detention pond expansion and levee raising improvement project and stated advertisement for the project is pending land acquisition.

Mr. Rusk updated the Board regarding the installation of backup sluice gates at pump station no. 1 and pump station no. 2 and recommended approval of Pay Estimate No. 6 in the amount of \$470,700 submitted by NBG Constructors, Inc. He stated one gate arrived but is substantially damaged and will need to be repaired or replaced.

Mr. Rusk stated he received four bids for the Forest Green pump station, all of which were substantially higher than expected. He stated he does not recommend awarding the contract at this time and will present additional information to the Board next month.

Mr. Rusk presented and recommended approval of a proposal for geotechnical services from Tolunay-Wong Engineers, Inc. in the amount of \$5,774.

Mr. Rusk discussed the recent Fort Bend County Emergency Tabletop Exercise.

After review and discussion, Director Terrell moved to (1) approve the engineer's report; (2) approve Pay Estimate No. 6 in the amount of \$470,700 submitted by NBG Constructors, Inc. for the installation of backup sluice gates at pump station no. 1 and pump station no. 2; and (3) approve the proposal for geotechnical services from Tolunay-Wong Engineers, Inc. in the amount of \$5,774. Director Rozell seconded the motion, which passed unanimously.

MS4 STORM WATER MANAGEMENT PLAN

There was no discussion regarding this item.

WEBSITE MATTERS

Director Ring stated a notice was posted on the District's website regarding tax free weekend for select emergency supplies.

ATTORNEY'S REPORT

There was no discussion regarding this matter.

DISCUSS NATIONAL ASSOCIATION OF FLOOD AND STORMWATER MANAGEMENT AGENCIES CONFERENCE, ASSOCIATION OF WATER BOARD DIRECTORS ("AWBD") MATTERS, FEDERAL FLOOD INSURANCE AND STATE LEGISLATION, PERIMETER LEVEE MAINTENANCE, AND FORT BEND FLOODPLAIN MANAGEMENT ASSOCIATION

The Board discussed upcoming continuing education opportunities.

REPORTS FROM DIRECTORS AND CONSULTANTS

The Board considered changing the meeting date and time to the first Wednesday at 8:00 a.m. with an effective date of June 5, 2019. After discussion, Director Rozell moved to change the meeting date and time to the first Wednesday at 8:00 a.m. with an effective date of June 5, 2019. Director Terrell seconded the motion, which passed unanimously.

CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 551.076, TEXAS GOVERNMENT CODE, TO DELIBERATE THE DEPLOYMENT, OR SPECIFIC OCCASIONS FOR IMPLEMENTATION OF SECURITY PERSONNEL OR DEVICES, OR A SECURITY AUDIT

The Board did not convene in executive session for this item.

RECONVENE IN OPEN SESSION AND AUTHORIZE APPROPRIATE ACTION REGARDING DEPLOYMENT, OR SPECIFIC OCCASIONS FOR IMPLEMENTATION OF SECURITY PERSONNEL OR DEVICES

The Board did not convene in executive session for this item.

CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 551.072, TEXAS GOVERNMENT CODE, TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY, AND DISCUSS CONDEMNATION OF PROPERTY FOR LEVEE RAISING PROJECT

The Board convened in executive session at 5:35 p.m., to consult with its attorney regarding the purchase, exchange, lease, or value of real property pursuant to Section 551.072, Texas Government Code.

RECONVENE IN OPEN SESSION AND AUTHORIZE APPROPRIATE ACTION REGARDING THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY, INCLUDING AUTHORIZATION PROCEEDING WITH CONDEMNATION OF PROPERTY FOR LEVEE RAISING PROJECT

At 5:54 p.m., the Board reconvened in open session.

CONSIDER USE OF EMINENT DOMAIN AUTHORITY TO CONDEMN PROPERTY AND, IF APPROPRIATE, ADOPT RESOLUTION AUTHORIZING ACQUISITION OF REAL PROPERTY TO CONFIRM THE EXISTENCE OF A PUBLIC NECESSITY FOR THE ACQUISITION OF CERTAIN PROPERTIES AND PROPERTY INTERESTS ALONG THE ROUTE DESCRIBED IN THE RESOLUTION AND AUTHORIZE THE INITIATION OF CONDEMNATION PROCEEDINGS TO ACQUIRE SUCH PROPERTIES AND PROPERTY INTERESTS

After review and discussion, Director Rozell moved to authorize a final offer letter to be sent to the owners of property needed for the levee raising, based on the appraisal, and to adopt Resolution Authorizing Acquisition of Real Property. Director Terrell seconded the motion, which passed unanimously.

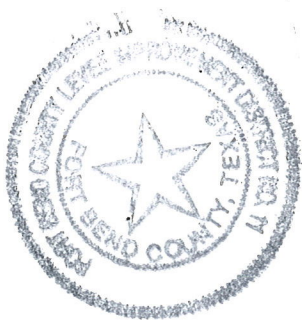
ENGAGE CONDEMNATION ATTORNEY


Ms. Humphries presented and reviewed a proposed engagement letter from Hicks Davis Wynn, P.C. for legal services associated with acquisition of real property interests. Following review and discussion, Director Rozell moved to authorize execution of the engagement letter from Hicks Davis Wynn, P.C. Director Terrell seconded the motion, which passed unanimously.

ENGAGE APPRAISER

Ms. Humphries presented a proposal from CBRE Group, Inc. to provide property appraisal services for the District. After review and discussion, Director Rozell moved to approve the proposal from CBRE Group, Inc. for appraisal services. Director Terrell 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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