

MINUTES  
FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 11

June 5, 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 5th day of June, 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 Justin Klump of Storm Water Solutions, LLC; Rigo Calzoncin and Martin Garza, residents of the District; Kelly Jurecek of Tax Tech, Inc.; Christina Perry of Myrtle Cruz, Inc. ("MC"); Jeff Perry and Ross Autrey of Levee Management Services, LLC ("LMS"); Michael Rusk of LJA Engineering, Inc.; Pat Hughes of the City of Sugar Land ("City"); Pat Naff of CDC Unlimited, LLC ("CDC"); Jorge Alba 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 May 6, 2019, regular meeting, which were provided in advance of the meeting. Following review and discussion, Director Rozell moved to approve the May 6, 2019, minutes, as submitted. Director Terrell seconded the motion, which was approved by unanimous vote.

COMMENTS AND QUESTIONS FROM THE PUBLIC

Mr. Calzoncin discussed the high water event on May 7, 2019 and inquired if the District was prepared for the event. He then discussed the installation of the back-up sluice gates, the contractor used for the project and requested updates to the District projects and improvements detailed on the District's website.

Mr. Garza inquired about the capacity of the storm inlets. He discussed the recent high water event and noted he had not seen the inlets rise as rapidly in the past. Mr. Garza stated he believes there was more water in Middle Bayou than in the past.

Director Ring stated during the May 7, 2019 event, the District experienced approximately 17 inches of rainfall in a 12 hour period, which was more localized rainfall than Hurricane Harvey in a 12 hour period. He stated the District's drainage system and

the City's storm systems which were designed to City and County standards do not handle that much rainfall intensity in such a short period of time.

#### 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 98.67% collected. Following review and discussion, Director Rozell moved to approve the tax assessor/collector's report and payment of the tax bills and authorize the delinquent tax attorney to proceed with the collection of delinquent 2018 taxes after July 1, 2019. Director Terrell 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. Director Ring asked if he could review prior rain event expenses from LMS to help with the 2020 budget forecasting and also requested the bookkeeper add a separate line item in the 2020 budget for additional costs incurred as a result of high water/ rainfall emergency events. Following review and discussion, Director Terrell moved to approve the bookkeeper's report and authorize payment of the bills listed therein. Director Rozell seconded the motion, which passed unanimously.

#### LEVEE AND DITCH MOWING

Mr. Naff updated the Board regarding levee mowing and maintenance.

#### 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, and reviewed the system operations during the May 7, 2019 event. A copy of the report is attached.

Mr. Perry stated the District's pump stations never lost power and all four of the District's pumps were running even though design capacity only requires three pumps to be operational. He stated the issue encountered during the event was the intensity and amount of rain occurred in a short period of time not allowing the water to drain quickly enough. He noted the levee and pumping systems operated and performed as designed. Mr. Perry then updated the Board regarding current and projected Brazos River level projections. He noted debris resulting from the recent severe weather event has been removed and all necessary minor repairs have been made.

Mr. Perry stated the security cameras and lighting for the pump stations have been ordered.

Discussion continued regarding Middle Bayou drainage and Brazos River levels. It was noted the District's engineer and operator are following the District's Emergency Action Plan as appropriate.

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

#### MS4 STORM WATER MANAGEMENT PLAN

Mr. Klump presented the proposed Notice of Intent ("NOI") and Storm Water Management Program ("SWMP") prepared for the District in accordance with the requirements set forth in the TPDES General Permit No. TXR040000. He discussed the goals and responsibilities identified in the SWMP for future implementation during the five-year permit term and distributed copies of minimum control measures and elements included in the SWMP, copies of which are attached. Following review and discussion, Director Terrell moved to approve the NOI and SWMP, authorize submittal to the TCEQ, and direct that the NOI and SWMP be filed appropriately and retained in the District's official records. Director Rozell seconded the motion, which was approved by unanimous vote.

#### 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 stated no new pay estimates have been submitted by NBG Constructors, Inc. He discussed the gate that arrived damaged. He stated the contractor presented a proposed repair to the gate.

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

Director Ring requested Mr. Rusk present detailed updates for all of the District's outstanding projects to be posted to the District's website before the July meeting.

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

#### WEBSITE MATTERS

Director Ring discussed a contract amendment to Off Cinco's agreement to include additional text messaging. He stated during the recent event, the District exceeded the allotted text amount. After review and discussion, Director Terrell moved to approve an amendment to the District's agreement with Off Cinco to increase the number of text messages in the District's plan. Director Rozell seconded the motion, which passed unanimously.

The Board requested information be posted to the website informing residents to contact the City to report storm sewer drainage issues. Mr. Alba recommended adding a link to the City's 311 notice to the District's website as well.

The Board discussed the website inquiry received from a Boy Scout regarding levee operations. The Board requested Mr. Perry reach out to the resident and schedule a time for a pump station tour.

#### ATTORNEY'S REPORT

Discussion ensued regarding Wessendorff Insurance's recommendation for cyber liability coverage. After review and discussion, the Board concurred to decline cyber liability coverage as the District does not send out monthly water bills and has no resident bank account information.

Ms. Humphries reviewed the Interim Excess Earnings Report on the Series 2004 Bonds, as prepared by OmniCap Group, LLC. She stated that the report reflects that no arbitrage rebate or yield reduction payment is due to the Internal Revenue Service. After review and discussion, Director Terrell moved to accept the report and directed that the report be filed appropriately and retained in the District's official records. Director Rozell seconded the motion which passed unanimously.

The Board considered nominating a water district candidate for the Fort Bend Central Appraisal District's ("FBCAD") Board of Directors election. After review and discussion, Director Terrell moved to nominate Director Rozell to serve as the water district candidate for the FBCAD. Director Ring seconded the motion, which passed unanimously.

#### 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

Ms. Humphries discussed some recent legislative changes impacting special districts. The Board discussed AWBD director elections.

REPORTS FROM DIRECTORS AND CONSULTANTS

Mr. Hughes stated the City would like to host a community involvement meeting with a question and answer session for District residents. He stated the City will confirm the date and time and relay the information to the Board and consultants.

The Board concurred to hold a capital projects workshop on June 27, 2019 at 5:30 p.m.

The Board concurred to meet at 8:00 a.m. on July 3, 2019 and August 7, 2019, the District's regularly scheduled meeting time and dates.

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 9:00 a.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 9:24 a.m., the Board reconvened in open session.

After reconvening in open session, Director Terrell moved to authorize any necessary action and execution of documents to proceed with the condemnation of property, as necessary, for the levee raising project. Director Rozell seconded the motion, which passed unanimously.

The Board re-opened the engineering report discussion. After further discussion, Director Terrell moved to: (1) decline acceptance of a repaired sluice gate and direct the engineer to request the contractor order a new replacement gate; and (2) authorize the District's engineer to proceed with acquiring an easement at no cost on Middle Bayou just east of Crabb River Road. Director Rozell seconded the motion, which passed unanimously.

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



*Walter D. Rozell*  
Secretary, Board of Directors

LIST OF ATTACHMENTS TO MINUTES

	Page <u>No.</u>
Tax assessor/collector's report .....	2
Bookkeeper's report.....	2
Operator's report.....	2
Engineer's report.....	3
Capital Improvement Plan .....	3