

MINUTES  
PECAN GROVE MUNICIPAL UTILITY DISTRICT

October 30, 2018

The Board of Directors (the "Board") of Pecan Grove Municipal Utility District (the "District") met in regular session, open to the public, on the 30<sup>th</sup> day of October, 2018 at the Pecan Grove Baptist Church, 1727 FM 359, Richmond, Texas, inside the boundaries of the District, and the roll was called of the members of the Board:

Ryan Yokubaitis	President
Stephen D. Crow	Vice President
G.E. "Buddy" Kluppel	Secretary
Jean Gobar	Assistant Secretary
Charles D. Bertrand	Assistant Vice President

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

Also present at the meeting were: residents of the District, some of which signed in and are listed on Exhibit A attached hereto; Breah Campbell, Russell Piper, Cheryl Shafer and Mike Ammel of Environmental Development Partners, LLC ("EDP"); Justin Ring, Phillip Huseman and Megan Crutcher of Odyssey Engineering ("Odyssey"); Pat Naff of CDC Unlimited, LLC; Mary Ann Mihills of Municipal Accounts & Consulting, LP ("MAC"); Kathy Cruthirds of Tax Tech, Inc.; Chief Joe Woolley and Assistant Chief William Hoft of Pecan Grove Volunteer Fire Department ("PGVFD"); Trevor Royal of WCA Waste Corporation of Texas; Scott Burdine of Burdine Wynne LLP; and Lynne Humphries, Hannah Brook, and Jane Miller of Allen Boone Humphries Robinson LLP ("ABHR").

REMARKS FROM THE BOARD PRESIDENT

Director Yokubaitis opened the meeting at 5:30 p.m., welcomed attendees.

COMMENTS FROM THE PUBLIC

Mr. Williams requested that the Board allow his pool contractor to access his property for pool construction over and on the District levee.

Mr. Metcalf requested an update regarding patrol services and cost sharing of patrol costs by and among the District, the Pecan Grove Property Owner's Association (the "POA"), the Pecan Grove Homeowner's Association and The Grove Community Association.

## CONSENT AGENDA

Director Yokubaitis offered Board members the opportunity to remove items from the consent agenda for individual discussion. Director Kluppel moved to approve all items on the consent agenda. Director Crow seconded the motion, which passed by unanimous vote. Copies of all documents approved as part of the consent agenda are attached.

## ITEMS REMOVED FROM CONSENT AGENDA

There was no discussion for this agenda item.

## GARBAGE COLLECTION AND RECYCLING MATTERS

There was no discussion for this agenda item and Director Yokubaitis requested that this agenda item be removed from the regular agenda to the consent agenda for future agendas.

## ADDITIONAL BOOKKEEPING ITEMS

There was no discussion for this agenda item.

## SECURITY AND PUBLIC SAFETY MATTERS

Chief Woolley provided an update regarding PGVFD activity and events in the PGVFD service area and introduced Assistant Chief Hoft.

Directors Yokubaitis and Bertrand commented regarding meetings with the POA to discuss the District's patrol agreement with the Fort Bend County Sherriff's Office ("FBSCO"), associated cost sharing agreements and patrol hours. Director Crow confirmed that revisions to the Interlocal Agreement with Fort Bend County requested by the POA were made and submitted for countersignature at Fort Bend County Commissioners Court. Ms. Bergalia said that previous concerns expressed by the POA Board regarding the quality of patrol services by the FBSCO are not the sentiment of the current POA Board. Ms. Bergalia said the new POA Board is happy with the patrol services provided by the FBSCO.

## DEVELOPMENT AND MAINTENANCE OF PARKS

Mr. Campbell reviewed a written parks report, a copy of which is attached.

Mr. Campbell review proposed monument designs for Pecan Grove Park and Memorial Park and requested authorization to move forward with design and installation of the monument signs. He added that the park rules will be posted on a

kiosk behind the monument sign. Following review and discussion, Director Crow moved to authorize Mr. Campbell to move forward with design and installation of traditional style monument signage, as depicted in the attachment to the parks report. Director Gobar seconded the motion, which passed unanimously.

#### OPERATIONS OF DISTRICT FACILITIES

Ms. Campbell reviewed the EDP operations report, a copy of which is attached, and which was provided in advance to the Board. Ms. Campbell discussed water accountability for the month of September, 2018, and variables affecting accountability, such as water main breaks and metering of water to Fort Bend County Municipal Utility District No. 134D ("Harvest Green").

Ms. Campbell discussed the status of repairs previously authorized and underway and requested authorization to make the following repairs:

1. replace the VFD for RAS pump no. 3 at the wastewater treatment plant for an estimated cost of \$5,278; and
2. survey to locate 590 water main valves for an estimated cost of \$15,000.

Ms. Campbell requested that the Board defer action regarding replacement of the control room computer at the surface water treatment plant for an estimated cost of \$6,101.62 until next month.

Following review and discussion, upon a motion by Director Kluppel and a second by Director Crow, the Board voted unanimously to (1) approve the operator's report; and (2) authorize repairs, as requested above.

#### TERMINATION OF WATER AND SEWER SERVICE TO DELINQUENT CUSTOMERS

The Board next conducted a hearing on the termination of utility service to delinquent accounts. Ms. Campbell reported that the residents on the delinquent list provided to the Directors were mailed written notice prior to this meeting in accordance with the Rate Order, notifying them of the opportunity to appear before the Board to explain, contest or correct the utility service bill, and to show reason why utility service should not be terminated for reason of nonpayment. Director Kluppel moved that, because the customers on the termination list were not present at the meeting to address the Board, and did not submit a written statement on the matter, utility service for such customers should be terminated in accordance with the District's Rate Order. Director Crow seconded the motion, which passed unanimously.

## ODYSSEY ENGINEERING MATTERS

The Board discussed Mr. Williams' request regarding pool contractor access to his property on the District's levee and reviewed a proposed encroachment agreement with a security deposit in the amount of \$5,000 for any contractor damages incurred to be refunded to Mr. Williams following completion of construction less the cost of repair of any damages incurred to the District's levee. Following review and discussion, Director Kluppel moved to authorize preparation of an encroachment agreement with a \$5,000 deposit to cover any damages incurred during construction. Director Crow seconded the motion, which passed unanimously.

Mr. Ring reviewed the Odyssey engineering report, a copy of which is attached and was distributed to the Directors in advance of the meeting. Mr. Ring, Ms. Crutcher and Mr. Huseman provided an update regarding ongoing engineering and construction projects.

Mr. Ring next discussed the unauthorized levee encroachment by a contractor for Chevron connecting the new Jones Creek Shopping Plaza by the Campanile Senior Living complex to the City of Richmond's (the "City") sanitary sewer line without notifying the District and/or obtaining the District's approval and said the contractor has stopped work on the project and backfilled the excavated area to match existing levee heights, as instructed by Odyssey. Mr. Ring said Odyssey is currently reviewing the plans, but has not yet approved the plans. He said the architect has requested authorization to proceed with construction when construction plans are approved, but prior to recordation of an easement to operate the sluice gate. Discussion ensued regarding necessary compaction work and reseeding of the area following construction and tracking costs associated with restoration of the District's levee. The Board also requested that Odyssey contact the City to discuss an optional tie in at another location.

Mr. Ring next reported regarding Jones Creek and Pecan Lakes slope failures and reviewed a proposal from Ninyo & Moore in the amount of \$47,700 for 9 detailed, geotechnical borings as part of a stability analysis.

Mr. Ring next discussed options for repair and improvement of Bullhead slough and reviewed a proposal from Storm Water Solutions, LP in the amount of \$1,491.77 to pull aerator pump no. 2 and replace the seals and capacitors. The Board concurred to defer discussion of the a proposal for quarterly monitoring of the silt depths, a proposal in the amount of \$17,614.50 for a mixer and associated electrical work and a proposal in the amount of \$4,625 for annual herbiciding.

Ms. Humphries said the Drainage Swale Regrading Agreement between the District and Harvest Green requires Board authorization for commencement of work in Harvest Green, Section 24. Director Yokubaitis discussed resident complaints and

inquiries regarding removal of trees on Harvest Green property just east of the common boundary line.

Following review and discussion, and based upon Odyssey's recommendation, upon a motion by Director Crow and a second by Director Kluppel, the Board voted unanimously to (1) approve the engineer's report; (2) approve a proposal from Ninyo & Moore in the amount of \$47,700 for 9 detailed geotechnical borings; (3) approve a proposal from Storm Water Solutions, LP in the amount of \$1,491.77 to pull aerator pump no. 2 and replace the seals and capacitors in Bullhead Slough; and (4) authorize work in Section 24 of Harvest Green pursuant to section 1.4 of the Drainage Swale Regrading Agreement between the District and Harvest Green.

#### DISTRICT WEBSITE AND NEWSLETTER

There was no additional discussion under this agenda item.

#### REPORTS FROM DIRECTORS, COMMITTEES AND DISTRICT CONSULTANTS

Director Kluppel discussed recent issues with Gulf Coast Water Authority billing and said they were resolved.

Director Bertrand discussed updating the District's metrics comparison report and said he invited EVO to the November, 2018 Board meeting to discuss and present a proposal for updates.

#### ATTORNEY'S REPORT

There was no additional discussion for this agenda item.

Director Yokubaitis announced at 7:01 p.m. that the Board would take a brief break before convening in executive session.

#### EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE

Director Yokubaitis announced the Board would convene in executive session at 7:10 p.m. to conduct a private consultation with the District's attorney regarding litigation. ABHR and Mr. Burdine were present during executive session.

RECONVENE IN OPEN SESSION AND AUTHORIZE APPROPRIATE ACTION

The Board reconvened in regular session at 8:09 p.m. No action was necessary.

There being no additional business to consider, the meeting was adjourned.

  
Secretary, Board of Directors

(SEAL)



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