

MINUTES  
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 5

October 24, 2024

The Board of Directors (the "Board") of Fort Bend County Municipal Utility District No. 5 (the "District") met in regular session, open to the public, on the 24<sup>th</sup> day of October, 2024, at the offices of Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2400, Houston, Texas, outside the boundaries of the District, and the roll was called of the members of the Board:

Nancy E. Hedrick	President
John Metzger	Vice President
Bobby J. Adams	Secretary
LaToya Phillips	Assistant Vice President
Carol Walker	Assistant Secretary

and all of the above were present, except Directors Adams and Metzger, thus constituting a quorum.

Also attending the meeting were Tiffany Phillips and Joe Phillips, residents of the District; Wendy Ramirez of Forvis Mazar; David Wood of Robert W. Baird & Co. Incorporated ("Baird"); Sarah Valladeres of Stormwater Solutions, LLC ("SWS"); Brandon West of Touchstone District Services ("Touchstone"); Greg Dubiel of Municipal Operations & Consulting, Inc. ("MOC"); Veronica Hernandez of McLennan & Associates, L.P.; Kristy Hebert of Tax Tech, Inc.; Angel Ruvalcaba of KGA/DeForest LLC; Enrique Sanchez of R. G. Miller Engineers, Inc. ("RGM"); Justin Wagner of Woodmere Development Co., Ltd. ("Woodmere"); and Greer Pagan and Holly Huston of Allen Boone Humphries Robinson LLP.

PUBLIC COMMENT

There being no members of the public requesting to make public comment, the Board then moved to the next agenda item.

MINUTES

The Board considered approving the minutes of September 26, 2024, regular meeting. After review and discussion, Director Hedrick moved to approve the minutes, as corrected. Director Phillips seconded the motion, which passed unanimously.

APPROVE DEVELOPER REIMBURSEMENT REPORT FOR SERIES 2024 BONDS UNLIMITED TAX BONDS ("SERIES 2024 BONDS")

Ms. Ramirez reviewed a copy of the developer reimbursement report for the District's Series 2024 Bonds. After review and discussion, Director Phillips moved to (1)

approve the developer reimbursement report for the Series 2024 Bonds, and direct that the report be filed appropriately and retained in the District's official records; and (2) authorize disbursement of bond proceeds, subject to closing on October 30, 2024. Director Walker seconded the motion, which carried unanimously.

#### FINANCIAL AND BOOKKEEPING MATTERS

Ms. Hernandez presented the bookkeeper's report and invoices for the Board's review. A copy of the bookkeeper's report, including a list of checks presented for approval, is attached. Following review and discussion, Director Phillips moved to approve the bookkeeper's report, and payment of the invoices. Director Walker seconded the motion, which was approved by unanimous vote.

#### AMEND BUDGET FOR FISCAL YEAR END JULY 31, 2025

Ms. Hernandez presented and reviewed a revised budget for the fiscal year end July 31, 2025. Following review and discussion, Director Phillips moved to approve the amended budget as presented. Director Walker seconded the motion, which passed by a unanimous vote.

#### SECURITY MATTERS

Discussion ensued regarding National Night Out.

#### TAX ASSESSMENT AND COLLECTIONS MATTERS

Ms. Hebert presented the tax assessor/collector's reports and invoices for the Board's review. A copy of the tax assessor/collector's reports, including a list of checks presented for approval, is attached. She reported that 0% of the 2024 taxes had been collected as of September 30, 2024. After review and discussion, Director Phillips moved to approve the tax assessor/collector's reports and payment of the invoices. Director Walker seconded the motion, which passed unanimously.

#### ENGINEERING MATTERS

Mr. Sanchez presented the engineer's report, a copy of which is attached.

Mr. Sanchez stated design is underway for the following projects: (1) Briarwood Crossing, Section 19; (2) Briarwood Crossing, Section 20; (3) Briarwood Crossing, Section 21; and (4) Regional Permanent Wastewater Treatment Plant, Phase 1.

Mr. Sanchez updated the Board regarding the status of Briarwood Crossing, Section 18.

Mr. Sanchez updated the Board regarding the status of Courageous Trail Street Extension, Phase 1.

Mr. Sanchez updated the Board regarding the status of Interim Wastewater Treatment Plant Phase 3.

Mr. Sanchez updated the Board regarding the construction of Brentwood Offsite FM & Water line. He stated that bids were received and recommended that the Board award the contract to Texas Underground Utilities, Inc. ("TUU") in the amount of \$1,422,162.00. Mr. Sanchez reported that the project will be shared between the District and Fort Bend County Municipal Utility District No. 157 in the respective amounts of \$220,184.00 and \$1,201,978.00. The Board concurred that, in its judgment, TUU was a responsible bidder who would be most advantageous to the District and would result in the best and most economical completion of the project.

Mr. Sanchez updated the Board regarding the status of construction of Briarwood Crossing Detention 5 (A-C). He reviewed and recommended approval of Pay Estimate No. 4 in the amount of \$616,524.36 payable to Northtex Construction, LLC ("Northtex").

Mr. Sanchez updated the Board regarding the status of construction of water, sewer, and drainage facilities to serve Briarwood Crossing, Section 13. He reviewed and recommended approval of Pay Estimate No. 3 in the amount of \$41,989.07 payable to Fellers & Clark LP ("FCLP").

Mr. Sanchez updated the Board on the status of construction of water, sewer, and drainage facilities to serve Briarwood Crossing, Section 17.

Following review and discussion, Director Phillips moved to (1) approve the Engineer's Report as presented; (2) moved to award the contract for construction of Brentwood Offsite FM & Water line to TTU in the amount of \$1,422,162.00, based upon the engineer's recommendation and subject to approval of the payment and performance bonds and review of the certificate(s) of insurance and endorsements, if any, provided by the contractor; (3) approve Pay Estimate No. 4 in the amount of \$616,524.36 payable to Northtex for the construction of the Briarwood Crossing Detention 5 (A-C); and (4) approve Pay Estimate No. 3 in the amount of \$41,989.07 payable to Principal for the construction of water, sewer, and drainage facilities to serve Briarwood Crossing, Section 17. Director Walker seconded the motion, which passed by unanimous vote.

#### DISCUSS REMAINING BOND AUTHORIZATION

Discussion ensued regarding remaining bond authorization and long-term project planning.

#### LANDSCAPE ARCHITECT'S REPORT

Mr. Ruvalcaba reviewed the landscape architect's report, a copy of which is attached.

Mr. Ruvalcaba updated the Board regarding the status of design for Briarwood Crossing Courageous Trail Landscape Improvements.

Mr. Ruvalcaba updated the Board regarding the status of design for Briarwood Crossing Phase 2 Section 18.

Mr. Ruvalcaba updated the Board regarding the construction of Briarwood Crossing Phase 2, Section 12. He reviewed and recommended approval of Pay Application No. 3 in the amount of \$1,620 payable to Triple E.

Mr. Ruvalcaba updated the Board regarding the construction of Briarwood Crossing Phase 2, Section 13 landscaping improvements.

Mr. Ruvalcaba updated the Board regarding the construction of Briarwood Crossing Phase 2, Section 17.

Mr. Ruvalcaba updated the Board regarding the construction of Briarwood Crossing Section 13 Fencing Improvements.

Mr. Ruvalcaba updated the Board regarding the construction of Briarwood Crossing Section 17 Fencing Improvements.

Mr. Ruvalcaba updated the Board regarding the Amended Parks and Open Space Master Plan Study.

Following review and discussion, and based upon the landscape architect's recommendation, Director Phillips moved to (1) approve the landscape architects' report as presented; (2) approve Pay Application No. 3 in the amount of \$1,620.00 payable to Triple E for the construction of Briarwood Crossing Phase 2, Section 12. Director Walker seconded the motion, which passed by a unanimous vote.

#### MAINTENANCE OF DETENTION AND AMENITY PONDS

There was no discussion on this agenda item.

#### OPERATION OF DISTRICT FACILITIES

Mr. Dubiel presented the monthly operator's report and reported on repairs and maintenance of the District's facilities. A copy of the operator's report is attached. Mr. Dubiel stated that there were 1 new residential tap installed during the month of September. He requested approval to submit on accounts in the amount of \$153.27 to collections. Following review and discussion, Director Walker moved to (1) approve the operator's report; and (2) authorize submittal of one account in the amount of \$153.27 to collections. Director Hedrick seconded the motion, which was passed by a unanimous vote.

Mr. Dubiel updated the Board on the District's lead and copper service line inventory (the "Lead & Copper Inventory"). Discussion ensued and the Board concurred to post the following notice to the public as part of these minutes:

*Fort Bend County Municipal Utility District No. 5 has completed the Lead & Copper Inventory as required by the EPA. Through records research and field investigation of the distribution system, it has been determined that the system has no lead service lines or galvanized requiring replacement service lines. The system has been determined as a non-lead community. If you would like a copy of the Lead & Copper Inventory, please submit your request to [FOR005@txdistricts.info](mailto:FOR005@txdistricts.info).*

Following review and discussion, Director Walker moved to approve the District's Lead & Copper Inventory, make a copy of the Inventory available by request submitted to [FOR005@txdistricts.info](mailto:FOR005@txdistricts.info) and post notice of the availability of the inventory in these minutes, as stated above. Director Hedrick seconded the motion, which passed by unanimous vote.

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

The Board conducted a hearing on termination of utility service. Mr. Dubiel informed the Board that the customers included on the termination list were delinquent in payment of their water and sewer bills and were given written notification, in accordance with the District's Rate Order, prior to this meeting of the opportunity to appear before the Board to explain, contest, or correct their utility service bill and to show reason for nonpayment. After review and discussion, Director Walker moved to terminate utility service to all customers included on the termination list in accordance with the District's Rate Order if their utility bills are not paid because said customers were neither present at the meeting nor had presented any written statement on the matter and direct that the delinquent customer list be filed appropriately and retained in the District's official records. Director Hedrick seconded the motion, which was approved by unanimous vote.

#### REPORT FROM STORM WATER SOLUTIONS

Ms. Valladares reviewed a report from Storm Water Solutions. A copy of which is attached.

#### TOUCHSTONE DISTRICT SERVICES

Mr. West presented and reviewed a report on the District's website. A copy of which is attached.

DEVELOPER'S REPORT

Mr. Wagner updated the Board on home sales and development in the District.

MEETING SCHEDULE

The Board concurred to conduct the next regular meeting on December 5, 2024, at 2:00 p.m.

PUBLIC COMMENT CONTINUED

Mr. Phillips introduced himself to the Board and addressed the Board regarding District matters.



Secretary, Board of Directors



LIST OF ATTACHMENTS TO MINUTES

	Minutes
	<u>Page</u>
Bookkeeper's report.....	2
Tax assessor/collector's reports.....	2
Engineer's report.....	2
Landscape architect's report.....	3
Operator's report.....	4
Storm Water Solutions report.....	5
Website Report .....	5