

MINUTES  
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 151

August 8, 2018

The Board of Directors (the "Board") of Fort Bend County Municipal Utility District No. 151 (the "District") met in special session, open to the public, on the 8th day of August, 2018, at the Firethorne Fire Station, 2944 FM 1463, Katy, Texas, inside the boundaries of the District, and the roll was called of the members of the Board:

Keith Gier	President
Vacant	Vice President
Sean F. Fitzsimmons	Secretary
Louis James	Assistant Secretary
Kara Morrison	Assistant Vice President

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

Also present at the meeting were Assistant Chief Dana Massey of the City of Katy Fire Department ("Katy FD"); Simon VanDyk and Michael Willett of Touchstone District Services ("Touchstone"); Elizabeth Reeves of Inframark Water & Infrastructure Services ("Inframark"); Cheryl Rogers of Jones & Carter, Inc. ("J&C"); Whitney Higgins and Jennifer Ramirez of Allen Boone Humphries Robinson LLP ("ABHR"); and residents of the District as shown on the attached list.

DISCUSS APPOINTMENT OF NEW DIRECTOR

Director Gier introduced the Board members and gave introductory comments. The Board requested any candidate interested in filling the vacancy on the Board to introduce themselves and discuss their interest and qualifications.

Mr. Weiss introduced himself to the Board and reviewed his qualifications.

Mr. Ciarella introduced himself to the Board and reviewed his qualifications.

Mr. McFarland introduced himself to the Board and reviewed his qualifications.

Mr. Shipley introduced himself to the Board and reviewed his qualifications.

Mr. Hughes introduced himself to the Board and reviewed his qualifications.

Mr. Stiles introduced himself to the Board and reviewed his qualifications.

Mr. Briggs introduced himself to the Board and reviewed his qualifications.

In response to an inquiry from the public, Director Fitzsimmons stated that the

Board appoints a director to fill a vacancy on the Board for a position with an unexpired term. He stated that the appointed director will fill the position until the term expires on May 7, 2020.

DISCUSS PROPOSED TEXAS DEPARTMENT OF TRANSPORTATION ("TXDOT")  
SOUND WALL PROJECT

Ms. Rogers introduced herself and discussed the proposed TXDOT sound wall project.

Director James stated that, according to TXDOT, only property owners adjacent to the proposed sound wall may vote on proposals regarding the sound wall. He discussed certain concerns raised by residents, including the TXDOT sound wall height and appearance, potential drainage impact, and location. Director James stated that the sound wall is currently planned to be built on Fort Bend County ("FBC") property, but there is a possibility TXDOT could seek to locate the TXDOT sound wall on District property to avoid the creation of a corridor between residents' fence lines and the sound wall. He noted that TXDOT has said that if the TXDOT sound wall is built on District property, the District would be responsible for the maintenance.

Mr. Shipley inquired whether TXDOT has offered any financial incentive to the District in exchange for the District assuming ownership and maintenance of the sound wall. Director James stated TXDOT has offered no such incentive.

Mr. Eudoxie stated the residents and the District can have more input on the appearance of the sound wall if it is located on District property.

Director James stated that currently the sound wall is proposed to be twelve feet high, but he said TXDOT is willing to consider a height of ten feet if the sound wall is located on District property and if the affected residents and the District request a sound study based on a ten-foot sound wall.

Mr. Short stated that he believes the sound wall should be on District property, as the sound wall could be shorter and the location would be more conducive to proper drainage.

Mr. Hughes inquired whether the walking path along FM 1463 would be removed and whether the District could deed the land to TXDOT if the sound wall was constructed on District property. Director James stated that the walking path would be retained either inside or outside of the TXDOT sound wall. He also stated he would have to investigate further to determine if TXDOT would accept property deeded to them by the District.

Mr. Soltero inquired if any federal funds were involved in the project and if FBC was providing financial assistance. Director James stated he did not have that

information.

Director James stated that construction of the proposed TXDOT sound wall is scheduled to begin in 2021, if the affected property owners vote in favor of the TXDOT sound wall.

Mr. Burnett stated that he believes the cost of maintenance of the sound wall would be minimal.

Mr. Shipley stated that the District would have more control over the quality and frequency of the maintenance of the sound wall if the sound wall is located on District property.

Ms. Eudoxie stated that having the sound wall located on FBC property would result in the creation of a corridor that could attract crime. She also stated TXDOT would relocate the District's wrought iron fence to the outside of the sound wall.

Mr. Short voiced concerns that the facsimile French drains utilized by TXDOT in the construction of the sound wall would result in standing water and thereby increase the mosquito population.

Mr. Stiles stated landscaping would improve the appearance of the sound wall.

#### PUBLIC COMMENTS

Mr. Stiles inquired why canoeing is prohibited in Lake Firethorne. Ms. Rogers stated that Lake Firethorne will have reclaimed water upon completion of the District's reclaimed water system and noted that state regulations prohibit recreational use of facilities utilizing reclaimed water.

Mr. Stiles inquired whether the District will create a Facebook page. Director Gier stated the Board is considering a variety of ways to improve the District's communication, including upgrading the District's website. Discussion ensued regarding the use of social media sites by governmental entities.

Mr. Stiles inquired whether the Board will meet with the City of Katy (the "City") to follow up on fire protection matters. Director Gier stated the District is still coordinating a schedule for the meeting.

Director Fitzsimmons stated that the District has hired a consultant to assist the Board in improving communication with District residents.

Mr. Soltero inquired about the terms of the contract with Touchstone. Director Fitzsimmons stated the contract is for an initial term of six months, with a 30-day termination provision. Director Gier added that the Touchstone's fee for the initial 6-

month term is \$3,200, and the Board can reevaluate the terms at the end of the six-month period.

Mr. VanDyk stated that in the first month, he has been working with the Board and consultants to identify the residents' primary issues and concerns. Discussion ensued regarding communications in the District.

Ms. Soltero inquired where residents can generally go to find information on the District. Director Fitzsimmons stated that the District's website is the best place to find updated information and noted he will post the link for the District's website on the neighborhood social media sites.

Ms. Chapell requested Director Fitzsimmons report on the Fort Bend County Emergency Services District No. 4 ("ESD 4") meeting he attended on August 7, 2018. Director Fitzsimmons stated that he attended the meeting as a resident of the District. He reported that ESD 4 received a petition for annexation from certain residents of Firethorne, and of the 81 signatures on the petition, 64 were deemed valid and the petition was accepted. Director Fitzsimmons stated that in order to place the annexation on the ballot for a November election, ESD 4 is required to call the election by August 20th. He said that the Board of Directors of ESD 4 stated that they did not want to call the election without having a public hearing with residents of the District since ESD 4 is required to pay for such an election. Director Fitzsimmons stated that by law, the earliest date ESD 4 could hold a public hearing regarding the potential annexation would be 30 days from the date of the meeting. He stated that the Board of Directors of ESD 4 concurred to table any discussion for the time being.

Mr. Vaesa inquired about the scheduling of special meetings. Director Gier stated the District is working to schedule regular quarterly in-District meetings for the second Wednesday of the month. He noted the District is trying to coordinate with the Firethorne Community Association for use of the Firethorne Clubhouse.

Mr. Forbes addressed the Board regarding his assessed value and his annual tax bill. Director Gier stated that the Fort Bend Central Appraisal District is responsible for assessing values. He noted the Board will discuss the 2018 tax rate for the District at its August 15, 2018, meeting and he encouraged everyone to attend the meeting.

Mr. Weiss stated that his water bill has been going up and inquired whether the District's water and sewer rates have increased. Director Gier stated the increase is a result of the increase in the North Fort Bend Water Authority ("NFBWA") groundwater pumpage fees. Discussion ensued regarding the NFBWA and its purpose.

Mr. Weiss inquired if the District pays a fee for the District's water well. Ms. Reeves explained that the District pays groundwater pumpage fees to the NFBWA for water used and the District pays for a water well permit to the Fort Bend Subsidence

District. Director Gier noted that projects like the reclaimed water system are ways the District is trying to save on water usage and groundwater pumpage fees.

Discussion ensued regarding regional subsidence issues and groundwater and surface water sources in the Houston area.

Ms. Soltero requested the Board explain mutual aid agreements and any costs associated with responding to mutual aid calls. Director Gier explained mutual aid agreements and stated that responses handled through mutual aid agreements are not typically reimbursed. Discussion ensued.

Mr. Soltero inquired who was insuring the District's fire engine. Ms. Higgins stated that the City provides the insurance for the fire engine.

Ms. Chappell stated she heard the bills received by the District from the City are not itemized. Director Fitzsimmons stated that the District receives itemized bills every month from the City. He also noted that the fire protection contract provides for quarterly true-ups. Discussion ensued regarding planning and budgeting for fire protection costs.

Director Gier stated that if the District were annexed into ESD 4, residents would pay approximately the same amount in taxes to ESD 4 as the District currently pays for the fire protection contract with the City, and he believes the District receives a higher level of service from the Katy FD.

Director Fitzsimmons reminded the public that the District still has four sections remaining to develop and stated that under annexation if assessed values go up, the residents might pay more in ESD 4 taxes. Discussion ensued regarding options for fire protection services.

Mr. VanDyk stated that based on his experience, if the District is annexed into ESD 4, approximately 1/3 of all calls responded could be outside of Firethorne and that there would be no reimbursement for those calls. He stated that residents typically have more control with a contract for fire protection services and can lose the right to choose when a District is annexed into an ESD.

Director Fitzsimmons stated that the safety of his family and friends is of primary importance to him and he believes the Katy FD can provide the best service to the District based on their ability to provide four man staffing, trained paramedics and advanced life support.

Mr. Briggs inquired whether the District will provide a side-by-side comparison of contract versus annexation costs for fire protection. Director Fitzsimmons stated the Board will request a comparison from ESD 4 if the Board of Directors of ESD 4 call for an annexation election. Ms. Higgins noted that the Board previously requested a

written proposal from ESD 4 along with requests to other service providers.

Mr. Hughes inquired whether the fire protection fee included on the District's water bill will be removed if the cost of the fire protection contract is included in the District's tax rate. Director Gier stated the Board will continue to consider the best options for covering the costs of fire protection services in consultation with its consultants.

Mr. Hughes stated the June meeting minutes and attachments are not posted to the District's website. Ms. Ramirez stated the minutes and attachments were sent for posting and she will follow up with the District's webmaster.

Mr. Shipley stated he believes the District's firefighters having paramedic capabilities is very important because sometimes the ambulance provided by Fort Bend Emergency Medical Services is far away.

Mr. Vaesa stated that he is a part-time firefighter with the Willow Fork Fire Department and he reported that he often saw the District fire station staffed with only one firefighter or none at all when ESD 4 was providing fire protection services to the District. Director Fitzsimmons stated that he obtained ESD 4 personnel records and Mr. Vaesa's statements are accurate.

Mr. Green stated that the NFBWA will pay to have someone evaluate a residential sprinkler system. Director Gier stated that is through the NFBWA's W.I.S.E. Guys program. Director Fitzsimmons also noted that residents can receive a rebate of up to \$100 toward the purchase of a smart sprinkler controller system.

RECEIVE PRESENTATION FROM INFRAMARK, LLC, REGARDING SMART METERS

Ms. Reeves gave a presentation on the functions of the District's smart meters and reviewed the features of the smart meter online customer portal.

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

(SEAL)



  
Secretary, Board of Directors

LIST OF ATTACHMENTS TO MINUTES

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Sign-in sheet.....1