

MINUTES  
BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 28

October 17, 2018

The Board of Directors (the "Board") of Brazoria County Municipal Utility District No. 28 (the "District") met in regular session, open to the public, on the 17th day of October, 2018, at 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:

Richard Escamilla	President
Nigel Brooks	Vice President
Linda Clem	Secretary
Ernest Hubert	Assistant Secretary
John Gordon	Assistant Vice President

and all of the above were present.

Also present at the meeting were Tracy Scott of Myrtle Cruz, Inc.; David Patterson of Assessments of the Southwest, Inc.; Chance Vinklerek of LJA Engineering, Inc. ("LJA"); Bobbie Lopez, Property Manager, LPI Property Management on behalf of Emerald Stone Homeowner Association; and Hannah Brook and Sharon Covan of Allen Boone Humphries Robinson LLP.

MINUTES

The Board considered approving the minutes of the September 19, 2018, regular meeting. Following review and discussion, Director Gordon moved to approve the minutes of the meeting. Director Clem seconded the motion, which passed by unanimous vote.

HOMEOWNER ASSOCIATION MATTERS

The Board reviewed a letter from Bobbie Lopez of LPI Property Management sent on behalf of the Emerald Stone Community Association, a copy of which is attached. Ms. Lopez addressed the Board to request a monetary contribution from the District for the operation and maintenance of the Emerald Stone detention pond. Discussion ensued.

FINANCIAL AND BOOKKEEPING

Ms. Scott reviewed the bookkeeper's report, a copy of which is attached, and the proposed budget for the fiscal year end July 31, 2019. Director Escamilla asked if any Pearland banks are on the list of the District's authorized depository institutions. Ms.

Scott said Heritage Bank is on the list and has expressed an interest in working with the District. She said she will review Heritage Bank's interest rates for certificates of deposit. After review and discussion, Director Gordon moved to approve the bookkeeper's report and the checks presented for payment. Director Clem seconded the motion, which passed by unanimous vote.

TAX ASSESSMENT AND COLLECTIONS

Mr. Patterson reviewed the tax assessor/collector's report, a copy of which is attached. Mr. Patterson said delinquent tax notices for the RH of Texas delinquent accounts were sent to the current developer. After review and discussion, Director Gordon moved to approve the tax assessor/collector's report. Director Hubert seconded the motion, which passed by unanimous vote.

CONDUCT PUBLIC HEARING REGARDING DISTRICT'S TAX RATE, ADOPT ORDER LEVYING TAXES, AND AUTHORIZE EXECUTION OF AMENDMENT TO INFORMATION FORM

The Board considered setting a tax rate for 2018. Mr. Patterson said the District published notice in The Pearland Reporter to levy a total tax rate of \$0.82 per \$100 of assessed valuation for 2018. Director Escamilla opened the public hearing regarding the District's tax rate and upon receiving no comments from the public, the Board concurred to close the public hearing.

The Board confirmed its intention that the 2018 tax levy include a debt service component of \$0.50 per \$100 of assessed valuation for the calendar year ending December 31, 2019, and a maintenance tax component of \$0.32 per \$100 of assessed valuation for the fiscal year ending July 31, 2019. After discussion, Director Brooks moved to adopt the Order Levying Taxes for 2018 containing a total tax rate of \$0.82 per \$100 of assessed valuation consisting of \$0.50 for debt service and \$0.32 for operations and maintenance and direct that the Order be filed appropriately and retained in the District's official records. The motion was seconded by Director Escamilla and carried unanimously.

The Board considered authorizing execution of the Amendment to Information Form reflecting the 2018 tax rate. Director Gordon moved to authorize execution of the Amendment to Information Form and authorize filing the Information Form with the Texas Commission on Environmental Quality (the "TCEQ"), Brazoria County and Harris County and direct that the Information Form be filed appropriately and retained in the District's official records. Director Escamilla seconded the motion, which passed by unanimous vote.

## STORM WATER PERMITTING MATTERS

There was no discussion on this matter.

## ENGINEERING MATTERS

Mr. Vinklarek presented the engineering report, a copy of which is attached.

### CANTERBURY PARK, SECTION 6, WATER, SEWER AND DRAINAGE

Mr. Vinklarek reported on Canterbury Park, Section 6, water, sewer and drainage facilities. He had no pay estimates to present to the Board.

### EXCAVATION OF DETENTION POND TO SERVE MIRROR LAKE

Mr. Vinklarek reported on excavation of the detention pond to serve Mirror Lake. He had no pay estimates to present to the Board.

### MIRROR LAKE, WATER, SANITARY SEWER, DRAINAGE AND DETENTION FACILITIES

Mr. Vinklarek reported on Mirror Lake, water, sanitary sewer, drainage and detention facilities. He had no pay estimates to present to the Board.

### STORM WATER PUMP STATION TO SERVE MIRROR LAKE

Mr. Vinklarek reported on the storm water pump station to serve Mirror Lake. He presented and recommended for approval Pay Estimate No. 4 in the amount of \$4,230.54, submitted by C4 Partners, LLC.

### TRANQUILITY LAKES, SECTION 4, WATER, SANITARY SEWER AND DRAINAGE FACILITIES

Mr. Vinklarek reported on Tranquility Lakes, Section 4, water, sanitary sewer and drainage facilities. He had no pay estimates to present to the Board.

### CYPRESS VILLAGE, SECTION 3, WATER, SANITARY SEWER AND DRAINAGE FACILITIES

Mr. Vinklarek reported on Cypress Village, Section 3, water, sanitary sewer and drainage facilities. He reviewed and recommended approval of Change Order No. 2 to the contract with Triple B Services for Cypress Village, Section 3, water, sanitary sewer and drainage facilities to increase the contract in the amount of \$25,155.00. The Board determined that Change Order No. 2 is beneficial to the District.

## HOUSE COUNT REPORT

Mr. Vinklarek reported on the number of homes in the District. He said there are currently 2,220 lots in the District with 2,142 homes started or built.

## MAINTENANCE OF DETENTION PONDS

Mr. Vinklarek said he received proposals for inspecting the District's detention and drainage facilities. He reviewed the proposals and said the lowest proposal was submitted by Storm Water Solutions in the amount of \$2,000 annually for quarterly inspections of the detention and drainage facilities, creation of reports, and recommendations for repairs. A copy of the proposal from Storm Water Solutions is attached. Mr. Vinklarek recommended the Board accept the proposal from Storm Water Solutions. Discussion ensued. Director Hubert asked about sharing the reports from Storm Water Solutions with the homeowner associations in the District. Ms. Brook said that the information can be provided to the homeowner associations. After review and discussion, Director Brooks moved to engage Storm Water Solutions to perform quarterly inspections of the District's detention and drainage facilities and accept the proposal from Storm Water Solutions. Director Escamilla seconded the motion, which passed by unanimous vote.

After review and discussion, and based on the engineer's recommendation, Director Gordon moved to: (1) approve Pay Estimate No. 4 in the amount of \$4,230.54 for Mirror Lake Storm Water Pump Station; (2) approve Change Order No. 2 in the amount of \$25,155.00 as an increase to the contract with Triple B Services for Cypress Village, Section 3, water, sanitary sewer and drainage, based on the Board's finding that the Change Order is beneficial to the District and the engineer's recommendation; and (3) accept the engineer's report. Director Hubert seconded the motion, which passed by unanimous vote.

## DEEDS, EASEMENTS AND CONVEYANCES; ENVIRONMENTAL SITE ASSESSMENT; WAIVERS OF SPECIAL APPRAISAL

There was no discussion on this matter.

## WEBSITE

There was no discussion on this matter.

## HOMEOWNER ASSOCIATION MATTERS

The Board continued discussion on the request for a monetary contribution from the District to the Emerald Stone Community Association for the operation and

maintenance of the Emerald Stone detention pond. After discussion, the Board agreed to defer any action pending receipt of the inspection report from Storm Water Solutions.

MAINTENANCE AGREEMENTS

There was no report on this matter.

COST SHARING AGREEMENTS

There was no further discussion on this matter.

ANNEXATION MATTERS

There was no report on this matter.

DEVELOPER FINANCING AGREEMENTS; AMENDMENTS AND ASSIGNMENTS

There was no discussion on this matter.

DEVELOPMENT IN THE DISTRICT

Director Gordon reported on development in Canterbury Park, Section 6, Tranquility Lakes and Mirror Lake.

MEETING SCHEDULE AND IN-DISTRICT MEETINGS

The Board discussed the next Board meeting on November 21, 2018. After discussion, the Board agreed to change the meeting date to November 28, 2018, at 5:00 p.m.

There being no further business to come before the Board, the Board concurred to adjourn the meeting.

(SEAL)



*Linda Clem*  
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Secretary, Board of Directors

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