

MINUTES
BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 28

June 19, 2019

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 19th day of June, 2019, at Heritage Bank, 1850 Pearland Parkway, Pearland, Texas inside 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, thus constituting a quorum.

Also present at the meeting were Tracey Scott of Myrtle Cruz, Inc.; Brittini Silva of Assessments of the Southwest, Inc.; Chance Vinklerek and Everett Deao of LJA Engineering, Inc. ("LJA"); Justin Klump and Kaz Jones of Storm Water Solutions; Chad Thumann of R West Development; Dawn Payne-Cubbage, Deenadayalan Bakthavasalem, and Kishore Kommana, residents of the District; and Hannah Brook and Sharon Covan of Allen Boone Humphries Robinson LLP.

MINUTES

The Board considered approving the minutes of the May 15, 2019, meeting. Following review and discussion, Director Gordon moved to approve the minutes of the meeting. Director Hubert seconded the motion, which passed by unanimous vote.

ASSOCIATION OF WATER BOARD DIRECTORS ("AWBD") SUMMER CONFERENCE, APPROVE REIMBURSEMENT OF ELIGIBLE EXPENSES, AUTHORIZE ATTENDANCE AT WINTER CONFERENCE

The Board discussed the AWBD summer conference. After discussion, Director Escamilla moved to authorize reimbursement of the eligible conference expenses to the directors who attended the summer conference and to authorize directors to attend the winter AWBD conference in Dallas, Texas. Director Gordon seconded the motion, which passed by unanimous vote.

FINANCIAL AND BOOKKEEPING

Ms. Scott reviewed the bookkeeper's report, a copy of which is attached, and the budget for the fiscal year end July 31, 2019. After review and discussion, Director

Hubert moved to approve the bookkeeper's report and the checks presented for payment. Director Gordon seconded the motion, which passed by unanimous vote.

TAX ASSESSMENT AND COLLECTIONS

Ms. Silva reviewed the tax assessor/collector's report, a copy of which is attached. After review and discussion, Director Gordon moved to approve the tax assessor/collector's report. Director Brooks seconded the motion, which passed by unanimous vote.

STORM WATER PERMITTING MATTERS

Mr. Klump presented a proposal in the amount of \$1,500 for preparation and submittal of the proposed Notice of Intent ("NOI") relative to participation in the City of Pearland's (the "City") Storm Water Management Program. He also requested approval of the annual budget in the amount of \$3,500 to coordinate with the City in implementing the Storm Water Management Program. He discussed the goals and responsibilities identified in the SWMP for future implementation during the City's five-year permit term.

Following review and discussion, Director Gordon moved: (1) approve the proposal from Storm Water Solutions in the amount of \$1,500; (2) authorize submission of the NOI; and (3) approve the annual budget in the amount of \$3,500. Director Brooks seconded the motion, which passed by unanimous vote.

ENGINEERING MATTERS

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

EXCAVATION OF DETENTION POND TO SERVE MIRROR LAKE

Mr. Vinklarek reported on excavation of the detention pond to serve Mirror Lake. He presented and recommended for approval Pay Estimate No. 3 in the amount of \$60,617.23, submitted by Dimas Bros. Construction.

Discussion ensued regarding Change Order No. 2 to the contract with Dimas Bros. Construction to increase the contract in the amount of \$57,101.25 for additional dewatering to complete the bottom of the pond. Director Gordon stated his objections to the Change Order. Mr. Vinklarek said Dimas Bros. Construction came in to complete the project after R Construction pulled out. Mr. Deao said the existing pond contained water and additional dewatering was needed to complete the project. He said LJA's opinion is that the Change Order was a necessary increase to the contract and recommends approval. Ms. Brook said the Texas Commission on Environmental Quality will also review the

change Order when submitted in a bond application report. After discussion, Director Escamilla moved to approve Change Order No. 2 in the amount of \$57,101.25 as an increase to the contract with Dimas Bros. Construction, based upon the Board's finding that the Change Order is beneficial to the District and the engineer's recommendation. Director Hubert seconded the motion, which passed by a vote of three in favor with Directors Brooks and Gordon voting against.

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

Mr. Vinklarek reported on Mirror Lake, water, sanitary sewer, drainage and detention facilities. He presented and recommended for approval Pay Estimate No. 5 in the amount of \$108,381.11, submitted by R Construction.

Mr. Vinklarek reviewed and recommended approval of Change Order No. 1 to the contract with R Construction for Mirror Lake, water, sanitary sewer, drainage and detention facilities to increase the contract in the amount of \$9,709.59. The Board determined that Change Order No. 1 is beneficial to the District.

MIRROR LAKE STORM WATER PUMP STATION

Mr. Vinklarek reported on the storm water pump station to serve Mirror Lake. He presented and recommended for approval Pay Estimate No. 8 in the amount of \$8,968.00, 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 said construction is complete. Mr. Vinklarek 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 said the project is complete. Mr. Vinklarek had no pay estimates to present to the Board. Mr. Thumann said he will confirm for the next Board meeting that no pay estimates are outstanding in order for the District to accept the project.

HOUSE COUNT REPORT

Mr. Vinklerek reported on the number of homes in the District. He said there are currently 2,401 lots in the District with 2,210 homes started or built.

After review and discussion, Director Escamilla moved to: (1) approve Pay Estimate No. 3 in the amount of \$60,617.23 for the excavation of the detention pond serving Mirror Lake; (2) approve Pay Estimate No. 5 in the amount of \$108,381.11 for the Mirror Lake water, sewer and drainage project; (3) approve Change Order No. 1 in the amount of \$9,709.59 as an increase to the contract with R Construction Company for the Mirror Lake water, sewer and drainage and detention project, based upon the Board's finding that the Change Order is beneficial to the District and the engineer's recommendation; (4) approve Pay Estimate No. 8 in the amount of \$8,968.00 for the Mirror Lake Storm Water Pump Station; and (5) 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

The Board considered approving a Utility Conveyance and Security Agreement to the City for Covington Estates, water, sewer and drainage facilities. After discussion, Director Gordon moved to approve the Utility Conveyance and Security Agreement. Director Clem seconded the motion, which passed unanimously.

MAINTENANCE OF DETENTION PONDS

Mr. Jones reviewed photographs of the progress of the pond rehabilitation work in Canterbury Park, Pearland Lakes, and Twin Lakes. The Board agreed to send a letter to all of the homeowner associations upon completion of the pond rehabilitation work explaining the responsibilities of the homeowner associations for future maintenance of the ponds.

Mr. Jones presented and reviewed a proposal from Storm Water Solutions in the amount of \$8,990.00 for removal of an existing inlet and construction of a new inlet at the Twin Lakes pond and construction of a new inlet including a new top grate. Mr. Jones said the slope repairs at the Stone Bridge pond will be completed soon and an iron treatment will be applied to the Covington Estates pond.

After review and discussion, Director Escamilla moved to approve the proposal from Storm Water Solutions in the amount of \$8,990 for removal of an existing inlet at the Twin Lakes pond. Director Hubert seconded the motion, which passed by unanimous vote.

SIGNAGE FOR DETENTION PONDS AND STORM WATER FACILITIES

Mr. Jones said the detention pond signs have arrived, but the pole attachments were unacceptable and have been re-ordered.

WEBSITE

There was no discussion on this matter.

HOMEOWNER ASSOCIATION MATTERS

Ms. Payne-Cabbage addressed the Board to discuss the high cost of the pond and channel maintenance in Pearland Lakes. She asked that the District partner with the Pearland Lakes homeowner association and share the cost of maintaining the pond. Director Gordon said it is the City's requirement that the homeowner associations maintain the ponds. He said the District previously gave a \$2,000 payment to each homeowner association for pond maintenance. Mr. Gordon said the District must treat all homeowner associations the same and cannot give monetary assistance to one and not all associations. Mr. Bakthavasalem commented on the lack of lighting around the pond. Director Clem suggested contacting the City regarding lighting.

DEVELOPER FINANCING AGREEMENTS; AMENDMENTS AND ASSIGNMENTS

There was no discussion on this matter.

DEVELOPMENT IN THE DISTRICT

Mr. Thumann discussed development in Cypress Village.

MEETING SCHEDULE AND IN-DISTRICT MEETINGS

The Board discussed the next Board meeting on July 17, 2019, and agreed to meet at the office of Allen Boone Humphries Robinson.

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



Secretary, Board of Directors



ATTACHMENTS TO MINUTES

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