

MINUTES
BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 28

October 16, 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 16th day of October, 2019, 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, except Director Clem, thus constituting a quorum.

Also present at the meeting were Tracey Scott of Myrtle Cruz, Inc.; David Patterson of Assessments of the Southwest, Inc.; Chance Vinklerek of LJA Engineering, Inc.; Kaz Jones of Storm Water Solutions, LLC ("SWS"); Casey Jon Lambright of Lambright McKee, P.C., representing Pearland Lakes Community Association, Inc. ("Pearland Lakes CA"); Douglas Howard of KB Home Lone Star, Inc. ("KB Home"); and Hannah Brook and Aidé Meza of Allen Boone Humphries Robinson LLP ("ABHR").

MINUTES

The Board considered approving the minutes of the September 18, 2019, meeting. Following review and discussion, Director Brooks moved to approve the minutes of the meeting. Director Hubert seconded the motion, which passed by unanimous vote.

FINANCIAL AND BOOKKEEPING

Ms. Scott presented and reviewed the bookkeeper's report, a copy of which is attached. After review and discussion, Director Gordon moved to approve the bookkeeper's report and the checks presented for payment. Director Brooks seconded the motion, which passed by unanimous vote.

Ms. Brook announced to the Board the 2019 Association of Water Board Directors fall seminar on October 30, 2019, at the Omni Houston Hotel. She said the discussion topics will be disaster and flood mitigation issues and state flood planning and financing programs that were established during the 86th Legislative Session.

TAX ASSESSMENT AND COLLECTIONS

Mr. Patterson presented and 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

There was no report on this matter.

ENGINEERING MATTERS

Mr. Vinklarek presented and reviewed 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. 4 and Final in the amount of \$2,306.52 submitted by Dimas Bros. Construction and recommended the District accept the project.

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

Mr. Vinklarek reported on Mirror Lake, water, sanitary sewer, drainage, and detention facilities. He said the project is complete and recommended the District accept the project.

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. 9 and Final in the amount of \$16,149.40 submitted by C4 Partners, LLC ("C4") and Change Order No. 2 to the contract with C4 to increase the contract in the amount of \$634.00 due to field conditions. The Board determined that Change Order No. 2 is beneficial to the District. Mr. Vinklarek recommended the District accept the project.

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 presented and recommended for approval Pay

Estimate No. 8 and Final in the amount of \$58,734.63 submitted by Triple B Services and recommended the District accept the project.

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 presented and recommended for approval Pay Estimate No. 10 and Final in the amount of \$93,661.32 submitted by Triple B Services and recommended the District accept the project.

HOUSE COUNT REPORT

Mr. Vinklarek reported on the number of homes in the District. He said there are currently 2,401 lots in the District with 2,265 homes started or built.

Following discussion, Director Gordon moved to: (1) approve Pay Estimate No. 4 and Final in the amount of \$2,306.52 for excavation of the detention pond to serve Mirror Lake and accept the project; (2) accept the water, sanitary sewer, drainage, and detention project to serve Mirror Lake; (3) approve Change Order No. 2 in the amount of \$634.00 as an increase the contract with C4 for the storm water pump station project to serve Mirror Lake based upon the Board's finding that Change Order No. 2 is beneficial to the District and the engineer's recommendation; (4) approve Pay Estimate No. 9 and Final in the amount of \$16,149.40 for the storm water pump station to serve Mirror Lake and accept the project; (5) approve Pay Estimate No. 8 and Final in the amount of \$58,734.63 for water, sanitary sewer, and drainage to serve Tranquility Lakes, Section 4 and accept the project; (6) approve Pay Estimate No. 10 and Final in the amount of \$93,661.32 for water, sanitary sewer, and drainage to serve Cypress Village, Section 3 and accept the project; and (7) accept the engineer's report. Director Brooks 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 of Pearland (the "City") for water, sanitary sewer, and drainage to serve Mirror Lake. The Board considered approving a Utility Conveyance and Security Agreement to the City for water, sanitary sewer, and drainage to serve Tranquility Lakes, Section 4. The Board considered approving a Utility Conveyance and Security Agreement to the City for water, sanitary sewer, and drainage to serve Cypress Village, Section 3. After review and discussion, Director Gordon moved to approve the Utility Conveyance and Security Agreements. Director Escamilla seconded the motion, which passed by unanimous vote.

Discussion ensued regarding the conveyance of a 7.919 acre detention pond site in Canterbury Park from KB Home. Following discussion, no action was taken on this matter.

MAINTENANCE OF DETENTION PONDS

Mr. Jones presented and reviewed a proposal from SWS in the annual amount of \$15,680.00 for mowing and maintenance of the Province Village detention ponds, a copy of which is attached. Mr. Jones recommended the maintenance service schedule as presented. After review and discussion, Director Brooks moved to approve a one-time mowing by SWS and defer action on the proposal, as presented. Director Gordon seconded the motion, which passed by unanimous vote.

WEBSITE

There was no discussion on this matter.

HOMEOWNER ASSOCIATION MATTERS

Mr. Lambright discussed the terminated maintenance agreement between the District and Pearland Lakes CA. He said the Pearland Lakes CA management company desires to negotiate a new maintenance agreement. Ms. Brook explained the District's responsibility of maintaining the ponds in the District at the City standards for detention ponds. Following discussion, no action was taken on this matter.

DEVELOPER FINANCING AGREEMENTS; AMENDMENTS AND ASSIGNMENTS

There was no additional discussion on this matter.

DEVELOPMENT IN THE DISTRICT

Mr. Howard discussed development in the District.

MEETING SCHEDULE AND IN-DISTRICT MEETINGS

The Board discussed the next Board meeting on November 20, 2019, and agreed to meet at the office of ABHR.

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

(SEAL)



Linda Chen
Secretary, Board of Directors

ATTACHMENTS TO MINUTES

	Minutes
	<u>Page</u>
bookkeeper's report	1
tax assessor/collector's report	2
engineering report	2
proposal from SWS	4