

MINUTES  
BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 28

June 27, 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 27th day of June, 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.; Rhonda Patterson of Assessments of the Southwest, Inc.; Chance Vinklarek of LJA Engineering, Inc. ("LJA"); Chad Thumann of R West Development; Shannon Waugh of Off Cinco; Roger Williamson, a resident of the District; and Susan Edwards and Sharon Covan of Allen Boone Humphries Robinson LLP.

MINUTES

The Board considered approving the minutes of the May 16, 2018, regular meeting. Mr. Vinklarek noted a correction to the minutes. Following review and discussion, Director Gordon moved to approve the minutes of the meeting, as corrected. Director Brooks 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 Gordon 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 Austin, Texas. Director Brooks seconded the motion, which passed by unanimous vote.

## DEVELOPER REIMBURSEMENT REPORT

There was no report on this matter pending receipt of Texas Commission on Environmental Quality authorization.

## FINAL ARBITRAGE REBATE AND YIELD RESTRICTION CALCULATION SERVICES FOR SERIES 2013 BONDS

The Board considered accepting a proposal from OmniCap Group, LLC for preparation of the final arbitrage rebate and yield restriction calculation for the District's Series 2013, Unlimited Tax Bonds. After discussion, Director Clem moved to accept the proposal. Director Brooks 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 proposed budget for the fiscal year end July 31, 2019. After review and discussion, Director Clem moved to approve the bookkeeper's report and the checks presented for payment. Director Gordon seconded the motion, which passed by unanimous vote. The Board deferred any action on the proposed budgeted.

## TAX ASSESSMENT AND COLLECTIONS

Ms. Patterson 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.

## AUTHORIZE DELINQUENT TAX ATTORNEY TO PROCEED WITH COLLECTION OF DELINQUENT TAXES

The Board considered authorizing the delinquent tax attorney, Perdue, Brandon, Fielder, Collins & Mott, LLP, to proceed with the collection of delinquent taxes as of July 1, 2018. After discussion, Director Gordon moved to authorize the delinquent tax attorney to proceed with the collection of delinquent taxes as of July 1, 2018. Director Brooks seconded the motion, which passed by unanimous vote.

## CASH REDEMPTION OF BONDS AND APPROVE NOTICE OF CASH REDEMPTION OF BONDS AND MATERIAL EVENT NOTICE

The Board discussed information on the proposed cash redemption of the Series 2010 Bonds (the "Bonds") presented at the May meeting. After discussion, Director

Gordon moved to approve the Notice to Paying Agent of Bond Redemption. Director Brooks 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.

#### MIRROR LAKE, CLEARING AND GRUBBING

There was no report on Mirror Lake, clearing and grubbing.

#### 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 Change Order No. 1 to the contract with Dimas Bros. Construction to increase the contract in the amount of \$8,800.00, for unanticipated excavation and grading conditions encountered during excavation of the detention pond to serve Mirror Lake. The Board determined that Change Order No. 1 is beneficial to the District.

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

Mr. Vinklarek reported on Mirror Lake, water, sanitary sewer and drainage 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. 1 in the amount of \$28,128.60, submitted by C4 Partners, LLC.

Mr. Vinklarek presented and recommended for approval Change Order No. 1 to the contract with C4 Partners, LLC for the storm water pump station to serve Mirror Lake to increase the contract in the amount of \$31,254.00 due to additional mobilization and boring and for conforming to regulatory criteria required by

the City of Pearland requiring replacement of a pump. The Board determined that Change Order No. 1 is beneficial to the District.

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 had no pay estimates to present to the Board.

MAINTENANCE OF DETENTION PONDS

Mr. Vinklarek said ABHR was contacted by a resident of Twin Lakes, Section 1, regarding a tree encroaching on a retaining wall within Reserve J. He said there is no retaining wall, but there is a concrete wall between the home lots and the detention pond within Reserve H. Mr. Vinklarek said there are multiple trees along the wall that need to be cleared, but the growth is not affecting the detention pond. He said the clearing is the responsibility of the homeowner association.

SURPLUS FUNDS APPLICATION

Mr. Vinklarek said the surplus funds application was submitted to the Texas Commission on Environmental Quality on March 1, 2018. Director Brooks asked about the use of surplus funds to reduce bond indebtedness. Ms. Edwards said she will contact ABHR's tax attorney regarding this matter.

HOUSE COUNT REPORT

Mr. Vinklarek reported on the number of homes in the District. He said there are currently 2,146 lots in the District with 2,126 homes started or built. Mr. Vinklarek said that District signs for Cypress Village and Tranquility Lakes have been ordered.

After review and discussion, and based on the engineer's recommendation, Director Gordon moved to: (1) approve Change Order No. 1 in the amount of \$8,800.00 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; (2) approve Pay Estimate No. 1 in the amount of

\$28,128.60 for the Mirror Lake Storm Water Pump Station; (3) approve Change Order No. 1 in the amount of \$31,254.00 as an increase to the contract with C4 Partners, LLC for the storm water pump station, based on the Board's finding that the Change Order is beneficial to the District and the engineer's recommendation; and (4) 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

There was no discussion on this matter.

RESOLUTION ESTABLISHING IN-DISTRICT MEETING PLACE

The Board considered adopting a Resolution Establishing In-District Meeting Place at Heritage Bank, 1850 Pearland Pkwy, Pearland, Texas 77581, that will open in October. Discussion ensued. Director Gordon requested a cost analysis to determine the additional costs to meet in the District. After discussion, Director Gordon moved to authorize the bookkeeper to prepare a report on the additional cost to the District to hold meetings in the District, based on information provided to her by the consultants that attend the meetings. Director Clem seconded the motion, which passed by unanimous vote.

After discussion, Director Brooks moved to adopt the Resolution Establishing In-District Meeting Place at Heritage Bank, and direct that the Resolution be filed appropriately and retained in the District's official records. Director Hubert seconded the motion, which passed by a vote of three in favor with Directors Gordon and Clem voting against.

WEBSITE

Ms. Waugh addressed the Board to discuss creation of a District website. She distributed a summary of website layout options and monthly hosting and maintenance options, a copy of which is attached. After review and discussion, Director Brooks moved to approve Option 1 for monthly hosting and maintenance at a cost of \$50.00 per month plus updates. Director Clem seconded the motion, which passed by a vote of four in favor with Director Gordon opposed. The Board discussed a domain name for the website and agreed to use BCMUD28.org.

HOMEOWNER ASSOCIATION MATTERS

There was no report on homeowner association matters.

MAINTENANCE AGREEMENTS

Discussion ensued regarding the maintenance of detention ponds. Mr. Vinklarek said he is working on the scope of detention pond maintenance in order to obtain a proposal.

COST SHARING AGREEMENTS

There was no 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

Mr. Thumann reported on development in the District.

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

(SEAL)

*Assistant* Ernst Hubert  
Secretary, Board of Directors



ATTACHMENTS TO MINUTES

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