

MINUTES  
WILLOW FORK DRAINAGE DISTRICT

May 13, 2021

The Board of Directors (the “Board”) of Willow Fork Drainage District (the “District”) met in regular session by teleconference, with access by telephone available to the public, pursuant to Texas Government Code Section 551.125 and Governor Greg Abbott’s emergency disaster declaration dated March 13, 2020, on the 13<sup>th</sup> day of May, 2021, and the roll was called of the members of the Board being present by telephone:

Wendy Duncan	President
Dan Smith	Vice President
Vacant	Secretary
Gregg Nady	Assistant Vice President
Joe Robinson	Assistant Secretary

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

Also attending the teleconference were: Robert Stowe, member of the public; Rick May, District resident and as a representative of Best Trash, LLC; Glen Jarrett of TBG Partners (“TBG”); Stacy Thibodeaux and Clay Brandenburg of Inframark Water & Infrastructure Services (“Inframark”); Jerry Schroeder of Champions Hydro-Lawn (“Champions”); Craig Kalkomey of LJA Engineering; Karen Kottke of AECOM; Fran Matuska of F. Matuska, Inc.; Yvonne Arceneaux; Matthew May and Mark Madersky of Best Trash LLC; and Harry H. Thompson, Michelle Maynard and Jane Miller of Allen Boone Humphries Robinson LLP (“ABHR”).

Mr. Thompson reviewed certain recommended protocols for conducting the District’s meeting via teleconference. He announced that the meeting was being recorded and that consultant reports presented at the meeting were posted online and available to the public in the form of an “agenda packet” prior to the start of the meeting at <https://www.districtdirectory.org/agendapackets/wfdd/>

COMMENTS FROM DISTRICT RESIDENTS

Mr. Thompson offered any members of the public attending the meeting by telephone the opportunity to make public comment.

Mr. Matthew May commented that the entrance to his business at 191710 FM 1093 appears to have been damaged over a 2-year period during the District’s desilting of the Diversion Channel and said he has not been able to resolve getting the driveway repaired with the contractor, Allgood Construction Co., Inc. (“Allgood”), on site. Mr. Kalkomey said he would discuss this matter under the engineering report.

There being no other members of the public requesting to make public comment, the Board moved to the next agenda item.

#### APPROVE MINUTES

The Board reviewed the minutes of the April 8, 2021, meeting. Director Nady moved to approve the minutes, as submitted. Director Robinson seconded the motion, which passed.

#### UPDATE ON COVID 19 MATTERS

Mr. Thompson and Ms. Matuska stated no action was needed on this item.

#### UPDATE ON FEMA CLAIM

Ms. Thibodeaux updated the Board on total reimbursement received for the Diversion Channel project from the Federal Emergency Management Agency ("FEMA"), the status of projects pending approval for funding, the timeline for submitting additional projects for funding, and extensions for submitting certain projects through the fall of 2021.

#### MAINTENANCE OF STORM SEWER LINES

Mr. Brandenburg reported the status of previously approved manhole and inlet repairs in Cinco Municipal Utility District No. 1. He confirmed that Inframark generated 62 work orders, primarily for sealing inlets and manholes and replacing rings and throats.

#### BOOKKEEPER'S REPORT

Ms. Matuska reviewed the bookkeeper's report and the quarterly investment report, copies of which are attached. After review and discussion, Director Nady moved to (1) approve the bookkeeper's report and payment of the bills, including handwritten check no. 5038 in the amount of \$56.42, payable to Entouch Systems and check no. 5039 in the amount of \$2,019.34, payable to Reliant Energy; and (2) defer discussion and/or approval of payment to Allgood for Pay Application No. 13 and Final until the engineering report. Director Robinson seconded the motion, which passed unanimously.

#### TAX ASSESSOR/COLLECTOR'S REPORT

Ms. Matuska presented the County tax collection report.

## OPERATOR'S REPORT, INCLUDING AUTHORIZING DITCH MAINTENANCE,

Mr. Schroeder reviewed the operator's report, a copy of which is attached, and reviewed the status of the ditches and channels, as well as certain trails. Discussion ensued.

## ENGINEER'S REPORT

Mr. Kalkomey reviewed the engineer's report, a copy of which is attached.

Mr. Kalkomey first discussed the status of desilting of the final 8,200 linear feet of the Diversion Channel and presented Pay Application No. 13 and Final in the amount of \$455,734.13, payable to Allgood. He also presented Change Order 4 with no change to the contract total to extend the final contract completion date to May 13, 2021. The Board determined that Change Order No. 4 is beneficial to the District. Discussion ensued regarding pre and post construction condition of Mr. Matthew May's access driveway, the quality of the repair of the driveway made by Allgood, options for payment for repair of the driveway, and estimated costs between \$30,000 to \$50,000 to repair the driveway. Mr. Rick May and Mr. Madersky said that they have photos of the condition of their property access driveway and said that the repair by Allgood is unacceptable to them. Mr. Kalkomey stated that Allgood and/or Champions had made repairs to the driveway recently. Mr. Kalkomey recommended that the Board allow him to walk the site with Best Trash and, should any remediation work be necessary, prepare a reasonable and acceptable scope of rehabilitation work. Following discussion, Director Nady moved to, upon the recommendation of LJA and a finding that Change Order No. 4 is beneficial to the District, (1) approve Change Order No. 4; and (2) table the discussion and approval of Pay Estimate No. 13 and Final to Allgood until the next District meeting, pending LJA's further review of the situation. Director Smith seconded the motion, which passed unanimously.

## PARK MATTERS

Ms. Arceneaux discussed recent and upcoming Central Green events and requested approval for (1) a Nigerian festival; (2) 2 renewed Abracadoodle events; and (3) rental of a temporary shelter through Houston tents and events until the Central Green canopy is complete. Following review and discussion, Director Nady moved to approve expenditures for (1) a Nigerian festival; (2) 2 renewed Abracadoodle events; and (3) rental of a temporary shelter through Houston tents and events until the Central Green canopy is complete. Director Smith seconded the motion, which passed unanimously.

Mr. Jarrett updated the Board regarding the status of construction of the Central Green canopy and discussed soil issues around piers 3 and 4. He said that TBG is working with geotechnical and structural engineers to determine the best method to

stabilize the piers and requested that the Board authorize a change order for an amount not to exceed \$11,000 for such work. The Board determined the proposed change order is beneficial to the District. Following discussion, and based upon the recommendation of TBG and a finding that the change order is beneficial to the District. Director Smith moved to approve a change order for an amount not to exceed \$11,000, as discussed. Director Nady seconded the motion, which passed unanimously.

#### COMMUNITY COMMUNICATIONS

Director Duncan updated the Board regarding communication matters and updates to the District website.

#### DIRECTOR MATTERS

Mr. Thompson reported that Director Poulter has submitted his resignation. The Board discussed posting notice of the vacancy on the District website and accepting applications to fill the vacancy through June 7, 2021. Following review and discussion, Director Robinson moved to accept John Poulter's resignation, and to direct notice be posted of the vacancy. Director Smith seconded the motion, which passed unanimously.

#### CURRENT EVENTS AND ACTION ITEMS

Director Robinson discussed current events, including an update regarding the 87<sup>th</sup> Texas legislative session and developments related to the COVID-19 vaccine. Director Duncan discussed pending House Bill 2525 and moved to authorize ABHR to write a letter of opposition to House Bill 2525 and send the letter to House committee members associated with the proposed bill. Director Robinson seconded the motion, which passed unanimously.

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

/s/ Joe Robinson

Secretary, Board of Directors



(SEAL)

LIST OF ATTACHMENTS TO MINUTES

	Minutes
	<u>Page</u>
List of FEMA projects .....	2
Storm Sewer Maintenance Report .....	2
Bookkeeper's Report For Drainage And Parks.....	2
Tax Report.....	2
Operator's Report.....	3
Engineer's Report.....	3