

## WILLOW FORK DRAINAGE DISTRICT PARK MATTERS

September 22, 2021

The Board of Directors (the "Board") of Willow Fork Drainage District (the "District") met by regular session, open to the public, on the 22<sup>th</sup> day of September, 2021 at the offices of LJA Engineering, Inc., 1904 West Grand Parkway North, Suite 100, Katy Texas 77449, outside the boundaries of the District, with supplemental access by telephone available to the public, and the roll was called of the members of the Board:

Wendy Duncan	President
Vacant	Vice President
John Savage	Secretary
Gregg Nady	Assistant Vice President
Joe Robinson	Assistant Secretary

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

Also present at the meeting were Fran Matuska of F. Matuska, Inc.; Katie May and Robert Miller of Inframark, LLC; Craig Kalkomey of LJA Engineering ("LJA"); Neil Stillman, Friends of the Park; Marie Newsom and Jerry Schroeder of Champions Hydro-Lawn, Inc. ("Champions"); Harry H. Thompson and Meagan Guilmenot of Allen Boone Humphries Robinson LLP ("ABHR").

Also present by telephone were Andrew Dunn and Josh Lugo of On Site Protection LLC ("On Site"); Yvonne Arceneaux, District Park Manager and Glenn Jarrett of TBG Partners.

Due to the COVID-19 Virus epidemic emergency and the high threat level warnings issued by various governments and agencies, the District established a telephone option for members of the public to listen to the meeting and to address the Board. No members of the public were on the telephone.

### COMMENTS FROM THE PUBLIC

Director Duncan offered any members of the public attending the meeting the opportunity to make a public comment. There being no members of the public wishing to make comments, Director Duncan moved to the next agenda item.

### ACCEPT RESIGNATION OF DIRECTOR SMITH AND AUTHORIZE EXECUTION OF DISTRICT REGISTRATION FORM

Mr. Thompson reported that Director Smith submitted his resignation to the Board. The Board discussed procedures related to filling the vacancy on the Board.

# DRAFT

After review and discussion, Director Nady moved to accept the resignation of Director Smith. Director Savage seconded the motion, which passed unanimously vote. The Board discussed possibly reorganizing the Board positions, but deferred action until the vacant spot can be filled.

The Board then considered authorizing the filing of an updated District Registration Form with the Texas Commission on Environmental Quality (“TCEQ”), reflecting the vacant position on the Board. Following review and discussion, Director Nady moved to authorize the filing of the updated District Registration Form with the TCEQ and direct that the District Registration Form be filed appropriately and retained in the District’s official records. Director Savage seconded the motion, which passed unanimously.

## MINUTES

The Board next considered approving the minutes of the August 25, 2021, parks meeting. Director Nady moved to approve the minutes. Director Savage seconded the motion, which passed.

## FRIENDS OF THE PARK

Mr. Stillman updated the Board on the District’s Butterfly Garden.

Mr. Stillman updated the Board regarding the design and delivery of an interpretive panel regarding the history of the Texas Western Narrow-Gauge Railroad in the Katy area.

Mr. Stillman requested approval to install one interpretive panel in addition to purchasing railroad exhibit materials at an estimated cost of \$1,600. Discussion ensued. The Board considered approving the purchase and installation of the interpretive panel and railroad exhibit materials. Mr. Thompson recommended adding a QR code to the Railroad Panel for translations into other languages. After further discussion, ABHR agreed to reach out to companies regarding multilingual QR codes for the Railroad Panel.

Director Duncan requested that Friends of the Park be featured in an upcoming newsletter.

After review and discussion, Director Savage moved to approve the installation and purchase of the interpretive panel and railroad exhibit materials at an estimated cost of \$1,600. Director Nady seconded the motion, which carried unanimously.

## SECURITY REPORT

Mr. Dunn reviewed the security report with the Board, a copy of which is attached.

Mr. Lugo gave an update on camera installation at Exploration Park (the "Park"). Discussion ensued regarding hard-wired lights and camera placement. The Board requested quotes from On Site and Champions for the hard wiring the lights to be presented at the next meeting for Board review. Ms. Arceneaux reported a security incident that took place at Central Green.

Mr. Thompson reviewed an email response from a resident regarding grass clippings found along the District's drainage channel. Discussion ensued. After further discussion, the Board concurred that ABHR will send a response letter stating that the resident must stay in compliance and refrain from violating District's Rules and Regulations.

## BOOKKEEPER'S REPORT

Ms. Matuska reviewed the bookkeeper's report for parks, a copy of which is attached. Ms. Matuska reviewed the Park's budget for the fiscal year ending September 30, 2022.

Director Nady inquired about the District's proposed budget and cost associated with tree planting on the Diversion Channel. Discussion ensued. After further discussion, the Board concurred to defer tree planting within the District until a later date.

After review and discussion, Director Nady moved to approve the bookkeeper's report and payment of the bills. Director Savage seconded the motion, which passed unanimously. Director Nady moved to adopt the Park's budget. Director Savage seconded the motion, which carried unanimously.

## CHAMPIONS MAINTENANCE REPORT

Mr. Schroeder reviewed the maintenance report for parks, a copy of which is attached, and updated the Board regarding the status of facilities and ongoing maintenance and repair. Mr. Schroeder reviewed a proposal in the amount of \$5,600 to remove dead Palo Verde Trees and replace them with G Vitex Trees.

Mr. Stillman gave an update on potential landscaping improvements on the hill adjacent to the butterfly park. Following discussion, the Board concurred to authorize the development of additional natural gardening as discussed and to name the project

“Patti’s Patch” in memory of Patti Hopper. Mr. Thompson stated he would reach out to Ms. Hopper’s family to confirm the proposed details.

Ms. Newsom presented an outdoor event inquiry that would be a 20–25-person boot camp at the Park for Board approval. Mr. Thompson stated he sent additional requirements and information to the requestor but will follow up with them again.

Ms. Newsome also presented a request from the Director of Transportation at Katy Independent School District (“Katy ISD”) asking to place a bus at a parking lot near the soccer fields to promote open positions for Katy ISD for approximately five weeks. The Board discussed property ownership, Katy Youth Football scheduling, and possible locations for the bus to be placed. The Board considered approving the request. Discussion ensued. After further discussion, Champions stated they would reach out to Katy ISD for more details and location proposals to present at the next meeting for Board consideration.

Director Nady reported on areas/interceptors in the district that need attention and requested to review proposals at the next Drainage meeting.

Following review and discussion, Director Savage moved to upon the recommendation of Champions, approve the removal of Verde Trees and purchase materials in the estimated amount of \$5,600. Director Nady seconded the motion, which carried unanimously.

## LANDSCAPE ARCHITECT REPORT

Mr. Jarrett reviewed the landscape architect’s report, a copy of which is attached, and provided an update on the status of the Central Green Shade Structure project with Johnson.

Mr. Jarrett updated the Board regarding Trails Packages 2, 3, and 4.

Mr. Thompson reported on the Interlocal Agreement for Contribution for Design and Construction of the Willow Fork Drainage District Fry Underpass (the “Agreement”). Discussion ensued regarding the Park’s budget for funding if Memorial Municipal Utility District cannot timely contribute funds for the Agreement. Director Nady provided an update on the statuses of the other districts relating to the Agreement. After further discussion, the Board concurred to revisit the Agreement at a later date.

Director Nady inquired on the status of Trails Package 4 that would extend to Exploration Park. Mr. Jarrett stated that there has not been the issuance of plans on the southern segment. Mr. Thompson stated that the District is currently trying to secure a sublease with Fort Bend and Harris Counties.

Mr. Jarrett reported that bids were received for the District's Historic Train Exhibit Project. He recommended the Board award the contract to the low bidder, Champions, in the amount of \$23,391.83. The Board concurred that, in its judgement, Champions was a responsible bidder who would be most advantageous to the District and would result in the best and most economical completion of the project.

After review and discussion and based on the landscape architect's recommendations, Director Nady moved to (1) approve the landscape architect's report; and (2) award the contract for construction of the District's Historic Train Exhibit Project to Champions in the amount of \$23,391.83, subject to the approval of the payment and performance bonds and review of the certificate(s) of insurance and endorsements, if any, provided by the contractor. Director Savage seconded the motion, which passed by unanimous vote.

## ENGINEERING REPORT

Mr. Kalkomey discussed engineering matters. A copy of the engineering report is attached.

Mr. Kalkomey reviewed estimated costs from Division III + Constructors, Inc. ("Division III") for installation and light pole placement within the District. He stated that a change order for the installation of the eight light poles could be approximately \$15,000 to \$25,000. He also noted that the District would receive a \$2,400 credit from Division III for four lights that the District would need install at a different location. Discussion ensued on light placement for the four lights. LJA stated they would reach out to Fort Bend County regarding placing the additional four light poles at the SH-99 Underpass. LJA proposed a budget of no more than \$25,000 to install lights and anticipates presenting a change order at the next meeting for review and approval.

Mr. Kalkomey provided an update on the Westheimer Parkway Underpass. He reported that LJA received a call from a resident claiming that they cannot install their fence due to a back slope interceptor's swell. Mr. Kalkomey stated he was coordinating with the landowner for a solution.

Mr. Kalkomey gave an update on the Diversion Channel and recommended that the Board approve payment of Pay Application No. 14 in Final in the amount of \$201,844.74, payable to Allgood Construction ("Allgood"). He stated the issues with the Best Trash private road have been worked out between Allgood and Best Trash.

Mr. Kalkomey reported that bids were received for the repairs to Va1, Va9, and Va12 slope erosion repairs as part of the District's Public Assistance Grant from Hurricane Harvey. Mr. Kalkomey stated that LJA is recommending award of the contract to the second lowest bidder, Compact, TX ("Compact"). He noted the low bidder for the contract, Division III, has previously failed to perform satisfactory work

for the District. The Board discussed prior issues with Division III on previous projects. LJA stated its belief that awarding this contract to Compact would be most advantageous to the District and would result in the best and most economical completion of the project. The Board concurred, in its judgment, that Compact was a responsible bidder who would be most advantageous to the District and would result in the best and most economical completion of the project.

After review and discussion, and based on the engineer's recommendation, Director Savage moved to (1) approve the engineering report; (2) authorize Division III to install eight lights at the Park in the maximum amount of \$25,000; (3) approve Pay Application No. 14 in Final in the amount of \$201,844.74, payable to All Good Construction, subject to verification of completion by LJA; and (4) award the contract for the Va1, Va9, and Va12 Slope Erosion Repairs to Compact in the amount of \$196,330.00. Director Nady seconded the motion, which passed unanimously

Mr. Kalkomey presented a resident's request to use the District's access point to install a pool in their backyard. Discussion ensued on potential access locations and costs associated with the request. Mr. Thompson outlined options for the Board to consider. After further discussion, the Board concurred not to accept the resident's request to use the District's access point to install a pool in their backyard as the potential damage to the Diversion facilities is high and no such requests had been granted previously by the Board. Mr. Thompson stated that ABHR is going to draft a response to the resident.

## PROJECT BARKER AND AUTHORIZE APPROPRIATE ACTION

Mr. Thompson gave an update on Project Barker. He stated that ABHR is working to secure a meeting date on October 19, 2021, at 6:30 p.m. at the Cinco Ranch Golf Club, subject to availability of the location. The Board then discussed invitees and community engagement for Project Barker.

## REPORT FROM EVENTS DIRECTOR AND PARKS COMMITTEE RECOMMENDATIONS

Ms. Arceneaux discussed recent and upcoming Central Green events.

Ms. Arceneaux requested Board approval for an amendment to the form agreement for Central Green events to modify the cancellation terms related to weather for Tamar, a potential performer. She stated that due to the event being outdoors and subsequent conditions due to weather, Tamar's representative is requesting any cancellation by the District to be 48 hours of the scheduled performance time and the District agrees to pay the artist 50% of the performance fee. Also, if any cancellation is after 48 hours, the District will agree to pay the artist in full. Discussion ensued. After further discussion, Director savage moved to accept the revision and approve the

contract, subject to ABHR review. Director Robinson seconded the motion, which passed by unanimous vote.

Mr. Thompson presented and reviewed updated Federal Emergency Management Agency ("FEMA") documents for Board approval. He stated that the District needs to update FEMA documents to reflect the current directors. After review and discussion, Director Savage moved to approve the updated FEMA documents. Director Savage passed by unanimous vote.

## COMMUNICATIONS MATTERS

Director Duncan reviewed a communications report from April Renberg, a copy of which is attached, and discussed updates to the District website. Ms. Duncan requested Board approval to authorize LJA and April Renberg to coordinate, design, print, and mail out postcards for Project Barker. Discussion ensued. After further discussion, Director Savage moved to authorize the preparation and mailout of the postcards for Project Barker. Director Nady seconded the motion, which passed by unanimous vote.

## CURRENT EVENTS

Director Robinson discussed current events.

## REVIEW ACTION LIST AND DISCUSS MEETING SCHEDULE AND ITEMS FOR INCLUSION ON NEXT AGENDA

The Board concurred to hold the next drainage meeting in person on October 14 , 2021, at LJA's office.

## EXECUTIVE SESSION

The Board did not convene in Executive Session.

## OPEN SESSION

This item was not necessary. There being no other business to come before the Board, the meeting was adjourned.

(SEAL)

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Secretary, Board of Directors

LIST OF ATTACHMENTS TO MINUTES

	Minutes
	<u>Page</u>
Security report .....	3
Bookkeeper’s reports .....	3
Champions Maintenance report .....	3
Landscape Architect’s report .....	4
Engineering report .....	5
Communications report .....	7