

MINUTES  
WILLOW FORK DRAINAGE DISTRICT

July 13, 2023

The Board of Directors (the "Board") of Willow Fork Drainage District (the "District") met by regular session, open to the public, on the 13<sup>th</sup> day of July 2023, at the offices of LJA Engineering, Inc., 1904 West Grand Parkway North, Suite 100, Katy Texas 77449, outside the boundaries of the District, and the roll was called of the members of the Board:

John Savage	President
Gregg Nady	Vice President
Sarah Hubbell	Secretary
Alexander "Alec" Bray	Assistant Vice President
Joseph S. Robinson	Assistant Secretary

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

Also attending the meeting, either in person or by telephone, were: Gary Fagan, member of the public; Robert Miller and Katie May of Inframark Water & Infrastructure Services ("Inframark"); Jerry Schroeder of Champions Hydro-Lawn ("Champions"); Craig Kalkomey of LJA Engineering ("LJA"); Maeve Burns of TBG Partners ("TBG"); Cara Sliva of Artesian Financial Services ("Artesian"); Yvonne Arceneaux, District Park Manager; and Harry H. Thompson and Whitney Lington of Allen Boone Humphries Robinson LLP ("ABHR").

COMMENTS FROM DISTRICT RESIDENTS

Director Savage offered any members of the public attending the meeting the opportunity to make public comment.

There being no members of the public wishing to make comments, Director Savage moved to the next agenda item.

APPROVE MINUTES

The Board reviewed the minutes of the June 8, 2023, regular meeting. After review and discussion, Director Nady moved to approve the minutes, as discussed. Director Bray seconded the motion, which passed unanimously.

TAX ASSESSOR/COLLECTOR'S REPORT

Ms. Sliva presented the County tax collection report, a copy of which is attached.

Ms. Sliva presented and reviewed a Summary of the 10/20 year write off of property taxes per Texas Property Tax Code Section 33.05 "Limitation on Collection of Taxes".

Ms. Thompson discussed the "truth-in-taxation" property tax calculations and tax levy process for water districts and stated that Chapter 49 of the Texas Water Code establishes three main categories for water districts, based on a district's development status and/or tax rate. He reviewed the definitions for each of the three categories and said the Board must annually determine the District's category for that tax year and follow the associated notice and levy provisions in the Texas Water Code. Discussion ensued regarding the District's development status. After fully considering relevant data, information, and statutory definitions, the Board determined that the District is a Developed District for the 2023 tax year.

Following review and discussion, and information provided by the County tax assessor collector, Director Nady moved to: (1) approve the County tax collection report; (2) authorize execution of the Summary of the 10/20 year write off of property taxes per Texas Property Tax Code Section 33.05 "Limitation on Collection of Taxes" and direct that it be filed appropriately and retained in the District's official records; and (3) adopt a Resolution Regarding Development Status for 2023 Tax Year establishing the District as a Developed district for the 2023 tax year pursuant to Section 49.23603, Texas Water Code; and direct that the Resolution be filed appropriately and retained in the District's official records. Director Bray seconded the motion, which passed unanimously.

#### FINANCIAL AND BOOKKEEPING MATTERS

Ms. Sliva reviewed the bookkeeper's report, including the quarterly investment report, copies of which are attached.

Ms. Sliva reviewed the District's budget for both parks and drainage, for the fiscal year ending September 30, 2023, and reviewed a comparison of actual expenditures against the original budget adopted.

Ms. Sliva stated check no. 8280, in the amount of \$3,025.00 payable to Berg Oliver was not included in the bookkeeper's report. Ms. Sliva requested Board approval of check no. 8280.

The Board discussed the Association of Water Board Directors ("AWBD") summer conference and considered authorizing attendance at the winter conference.

Mr. Thompson stated that House Bill No. 2815, which became effective on June 18, 2023, sets the maximum water district director fees of office at the per diem amount set by the Texas Ethics Commission for members of the legislature. He noted that,

pursuant to House Bill No. 2815, the current maximum amount for director fees of office is \$221.00, and going forward, the maximum amount automatically will be indexed for inflation. The Board then considered adopting a Resolution Establishing Director Fees of Office and District Reimbursement Policy to reflect that directors' fees of office shall be paid at the maximum rate allowed by law, noting that this would replace the previously adopted Resolution.

Following review and discussion, and based off of the bookkeeper's recommendation, Director Hubbell moved to: (1) approve the bookkeeper's report and payment of the bills, including check no. 8280; (2) approve reimbursement of all eligible expenses for Directors who attended the summer conference, which the District's bookkeeper confirmed follow the District's Travel Reimbursement Guidelines, and to authorize attendance of any interested Directors at the winter conference; and (3) adopt a Resolution Establishing Director Fees of Office and District Reimbursement Policy, effective June 18, 2023, and direct that the Resolution be filed appropriately and retained in the District's official records. Director Bray seconded the motion, which passed unanimously.

ADOPT RESOLUTION VOTING FOR WATER DISTRICT NOMINEE FOR THE ELECTION OF THE BOARD OF DIRECTORS OF THE FORT BEND CENTRAL APPRAISAL DISTRICT ("FBCAD")

Mr. Thompson stated that water districts elect one member to the Board of Directors of the FBCAD, and the District is eligible to cast 15 votes for its preferred water district nominee. He noted that ABHR has not yet received the ballot of nominees from FBCAD. Following discussion, the Board concurred to take no action.

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.

Mr. Schroeder presented a proposal from Champions in the amount of \$1,800.00 to remove an Oak tree leaning on a resident's fence line. Discussion ensued.

Discussion ensued regarding the lake fountain at Willow Fork Park.

Discussion ensued regarding stickers that are being placed on District signs. Following review and discussion, the Board requested for Champions to check all District signs and remove any stickers placed on District signs.

Mr. Thompson presented two proposals from Lake Management Services, L.P. ("Lake Management") for the maintenance of District facilities: (i) maintenance of District facilities one time per month, in the amount of \$365.00 per month; and (ii) maintenance of District facilities two times a month, in the amount of \$620.00 per

month. Discussion ensued. Following review and discussion, the Board requested for Lake Management to resubmit a proposal designating months for the District's facilities to be maintained twice a month and once a month.

Following review and discussion and based on the operator's recommendation, Director Nady moved to: (1) approve the operator's report; and (2) approve proposal from Champions in the amount of \$1,800.00 to remove an Oak tree leaning on a resident's fence line. Director Hubbell seconded the motion, which passed unanimously.

#### UPDATE ON FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA") CLAIM AND MAINTENANCE OF STORM SEWER LINES

Ms. May discussed the FEMA report and updated the Board on the total reimbursements received from FEMA for the Diversion Channel project. Discussion ensued regarding the reimbursement process and timeline for the Diversion Channel project and the Stormwater Quality Park project. Ms. May stated a final walkthrough for the Diversion Channel project was conducted on June 29, 2023.

Discussion ensued regarding LJA invoices submitted for the silt removal connected to the Diversion Channel project that were found to be ineligible for FEMA reimbursement.

Mr. Miller reviewed a storm line maintenance report, a copy of which is attached.

#### ENGINEER'S REPORT

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

Mr. Kalkomey updated the Board on the outfalls located on Buffalo Bayou.

Mr. Kalkomey discussed repairs needed for the Canyon Gate outfall WFD-72 and requested Board approval to design and bid the project.

Mr. Kalkomey reviewed a Resolution Adopting Prevailing Wage Rate Scale for Construction Projects.

Mr. Kalkomey updated the Board on the Fort Bend County Diversion Channel Cleanout Project and stated JBRI Construction Services, LLC ("JBRI") is requesting Pay Estimate No. 8 and Final, in the amount of \$32,688.88 and acceptance of the project. Discussion ensued. Following review and discussion, the Board requested for LJA to follow up with JBRI regarding turf establishment for the project and took no action on Pay Estimate No. 8 and Final, in the amount of \$32,688.88.



Mr. Kalkomey updated the Board on the Stormwater Quality Park project and stated GW Phillips ("GW") has mobilized and started the regrade of the bottom and side slopes. Mr. Kalkomey reviewed and recommended approval Change Order No. 1 in the amount of \$70,880 to the contract with GW for additional fill to complete the project. The Board determined that Change Order No. 1 is beneficial to the District.

The Board discussed outfalls in the District and inlet capacity.

Following review and discussion, and based off the engineer's recommendation, Director Bray moved to: (1) approve the engineer's report; (2) adopt the Resolution Adopting Prevailing Wage Rate Scale for Construction reflecting the District's adoption of Fort Bend County's prevailing wage rates, and direct that such document retained in the District's official records; and (3) approve Change Order No. 1 in the amount of \$70,880 to the contract with GW for additional fill to complete the Stormwater Quality Park project. Director Nady seconded the motion, which passed unanimously.

#### PROJECT BARKER

The Board discussed Project Barker matters.

Mr. Kalkomey updated the Board on the meeting with Harris County to discuss Project Barker. Mr. Kalkomey stated Harris County is not able to make financial contributions to Project Barker. Discussion ensued, and the Board concurred to defer any funding for the project at this time. Following review and discussion, Director Bray moved to: (1) authorize LJA to provide updates to the United States Army Corps of Engineers and to the Texas Water Development Board regarding Project Barker; and (2) authorize LJA to make updates to the Project Barker website. Director Nady seconded the motion, which passed unanimously.

The Board then discussed excavation feasibility of District land.

#### POST-HARVEY LITIGATION MATTERS

Mr. Thompson stated that Fort Bend County has scheduled town hall meetings for July and August.

Discussion ensued regarding community communications about the upcoming town hall meetings for July and August. After review and discussion, Director Nady moved to authorize eSiteful to send an e-blast to the District's residents. Director Hubbell seconded the motion, which passed unanimously.

#### FLOOD MITIGATION EFFORTS INCLUDING COMMUNITY OUTREACH AND AUTHORIZE APPROPRIATE ACTION, IF APPLICABLE

There was no discussion on this agenda item.

## PARK MATTERS

Ms. Arceneaux updated the Board on District park matters. Discussion ensued regarding scheduling of performers.

The Board discussed a water leak located in the bathroom at Central Green.

The Board discussed WiFi at Willow Fork Park.

Ms. Burns updated the Board on the Katy Independent School District ("KISD") trail project and stated 3 bids were received for the project. She stated that TBG recommends the contract be awarded to the lowest bidder, DL Meacham LP ("Meacham"), in the amount of \$65,152.25. Based on the landscape architect's recommendation, the Board concurred that, in its judgment, Meacham was a responsible bidder whose bid would result in the best and most economical completion of the District project.

The Board inquired about the lighting and electrical contract for Willow Fork Park and discussion ensued.

After review and discussion, Director Hubbell made a motion to award the contract for the KISD trail project to Meacham in the amount of \$65,152.25, subject to the ABHR review of the contractor's bonds and insurance. Director Nady seconded the motion, which passed unanimously.

## EXECUTION OF AMENDMENT TO INFORMATION FORM

Mr. Thompson reported on legislation passed by the Texas Legislature to update the language for the Notice to Purchasers form that must be provided by persons proposing to sell or convey real property located in a water district. He said water districts that are required to maintain a website or have access to a website under Section 26.18, Tax Code, are also now required to post their Notice to Purchasers on the applicable website. The Board then considered authorizing execution of an Amendment to Information Form reflecting the District's new form of Notice to Purchasers attached thereto. Mr. Thompson explained that the District is required to file the Amendment to Information Form in the Official Public Records of Real Property of Fort Bend County, Harris County and with the Texas Commission on Environmental Quality ("TCEQ").

After review and discussion, Director Bray moved to authorize execution of the Amendment to Information Form and to authorize filing with Fort Bend County, Harris County and the TCEQ. Director Hubbell seconded the motion, which passed unanimously.

REPORT ON LEGISLATIVE MATTERS

Mr. Thompson reviewed a report prepared by ABHR regarding legislative matters pertaining to the 88th Regular Session of the Texas Legislature.

REPORTS FROM DIRECTORS AND COMMITTEES, REGARDING CORRESPONDENCE AND/OR REPORTS RECEIVED DURING THE MONTH AND EVENTS AND ACTIVITIES ATTENDED DURING THE MONTH

The Board discussed dates for upcoming committee meetings.

The Board discussed the Houston Stronger project and letter of support for the Water Resources Reform and Development Act Section 7001 Study Proposal for the Addicks and Barker Reservoirs Flood Risk Management Improvements ("Section 7001 Study Proposal"). Following review and discussion, Director Nady moved to approve the submission of the letter of support for the Section 7001 Study Proposal. Director Hubbell seconded the motion, which passed unanimously.

Director Robinson discussed current events.

MEETING MATTERS, INCLUDING SPECIAL MEETINGS, AGENDA ITEMS, AND SCHEDULING

The Board concurred to hold the next drainage meeting in person on August 10, 2023, at LJA's office located at 1904 West Grand Parkway North, Suite 100, Katy, Texas 77449, and to hold the next parks meeting in person on July 27, 2023, at the same location mentioned above.

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

(SEAL)



  
Secretary, Board of Directors

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