

FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 7

Minutes of Special Meeting of Board of Directors
May 21, 2024

The Board of Directors (the "Board") of Fort Bend County Levee Improvement District No. 7 (the "District") met in special session at The Club of New Territory, 1200 Walker School Road, Sugar Land, Texas 77479, an official meeting place of the Board, on May 21, 2024, in accordance with the duly posted Notice of Special Public Meeting, and the roll was called of the duly constituted officers and members of the Board, as follows:

Cindy Picazo, Chairman
Gerald Kazmierczak, Vice-Chairman
Nathan Bedee, Secretary
Susheem Mehta, Assistant Secretary
James R. Grotte, Director

and all of said persons were present, thus constituting a quorum.

Also present were: Phil Martin and Caitlin Cox of Mike Stone & Associates, Inc. ("MSA"); Craig Kalkomey and Kane Mudd of LJA Engineering, Inc. ("LJA"); Calep Estes and Angie Hartwell of Touchstone District Services, LLC ("Touchstone"); Bill Glass of Enhanced Energy Services of America, LLC ("Enhanced"); Michael Walker, Executive Director of the New Territory Residential Community Association, Inc. ("NTRCA"); Katrina Chapman, Richard Chapman, Loren Haskins, and John Shelton, members of the public and residents of the District; and Christopher Skinner of Schwartz, Page & Harding, L.L.P. ("SPH").

The Chairman called the meeting to order and declared it open for such business as might regularly come before the Board.

PUBLIC COMMENTS

The Board began by opening the meeting for public comments. Mr. Glass discussed his communications with Constellation Energy regarding efforts to provide electricity services at the pump station, and he responded to questions from the Board.

RESOLUTION ADOPTING HAZARD MITIGATION PLAN

In connection with the grant funding for the Brazos River Bank Erosion Control Project, Mr. Martin reported that the Federal Emergency Management Agency ("FEMA") has approved the District's draft Hazard Mitigation Plan ("HMP"). He recommended the Board approve a Resolution Adopting the 2024 HMP (the "Resolution"); a copy of said Resolution is attached hereto as **Exhibit A**. After discussion on the matter, it was moved by Director Bedee, seconded by Director Grotte and unanimously carried, that (i) the Board adopt the Resolution, effective on the date of final approval by FEMA, and (ii) the Chairman and Secretary be authorized to execute the Resolution on behalf of the Board and the District.

FLOOD MANAGEMENT COMMITTEE OF FORT BEND COUNTY ECONOMIC DEVELOPMENT COUNCIL

Mr. Martin and Director Kazmierczak provided the Board with an update regarding membership structure of the Fort Bend levee Coalition, organized under and part of Fort Bend Chamber of Commerce (the "FBCC"). In that regard, Mr. Martin presented to and reviewed with the Board levels of membership and related costs. Following discussion, Director Kazmierczak moved to approve payment to the FBCC in the amount of \$10,820 for Chairman's Circle membership at the FBCC, including said coalition. Director Bedee seconded said motion, which unanimously carried.

MEETING PLACE OUTSIDE DISTRICT

As the next order of business, the Board considered adoption of an Order Establishing Meeting Place of Board of Directors Outside the District at Fort Bend Chamber of Commerce located at 445 Commerce Green Blvd, Sugar Land, Texas 77478. Following discussion, Director Grotte moved to approve the Order Establishing Meeting Place of Board of Directors Outside the District; a copy of such Order is attached hereto as **Exhibit B**. Director Kazmierczak seconded said motion, which unanimously carried.

CAPITAL IMPROVEMENT PROJECTS

Mr. Martin presented to and reviewed with the Board the Project Manager's Activity Report dated May 21, 2024, prepared by MSA, attached hereto as **Exhibit C**.

Mr. Mudd next presented to and reviewed with the Board an Engineering Report dated March 19, 2024, prepared by LJA, included with **Exhibit D**.

Regarding the construction of the additional Stormwater Pump Station in the Crescent Ridge subdivision (the "Stormwater Pump Station Project"), following discussion, Director Bedee moved to approve Pay Estimate No. 21 in the amount of \$247,142.70 from NBG Constructors, Inc., as recommended by LJA. Director Grotte seconded said motion, which unanimously carried.

Regarding the Detention and Drainage Improvements and Facilities project, following discussion, Director Bedee moved to approve Pay Estimate No. 4 from Harris Construction, LLC in the amount of \$404,739.90, as recommended by LJA. Director Grotte seconded said motion, which unanimously carried.

ATTORNEY'S REPORT

The Board next considered the attorney's report. In connection therewith, Mr. Skinner advised that he has no additional items that have not already been discussed.

WEBSITE AND COMMUNICATION MATTERS

The Board authorized Touchstone to prepare and post on the District's website an update on construction of drainage and detention improvements and facilities within the District.

CLOSED SESSION

The Board concurred that a Closed Session would not be required in connection with the matters discussed at the meeting.

FUTURE AGENDA ITEMS

The Board considered items for placement on future agendas.

ADJOURNMENT

There being no further business to come before the Board, on motion made by Director Bedee, seconded by Director Kazmierczak and carried unanimously, the meeting was adjourned.





Secretary, Board of Directors

LIST OF ATTACHMENTS TO MINUTES

- EXHIBIT A Resolution Adopting the 2024 Hazard Mitigation Plan
- EXHIBIT B Order Establishing Meeting Place of Board of Directors Outside The District
- EXHIBIT C MSA Activity Report
- EXHIBIT D LJA Engineering Report

EXHIBIT A

**RESOLUTION OF THE BOARD OF DIRECTORS OF
FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 7
ADOPTING THE 2024 HAZARD MITIGATION PLAN**

WHEREAS, Fort Bend County Levee Improvement District No. 7 (the “District”) recognizes the threat that natural hazards, especially flood hazards, may detrimentally impact people and property in the District; and

WHEREAS, the District’s Mitigation Planning Committee has created the District’s Hazard Mitigation Plan, dated May 21, 2024, and effective on the date of final approval by the Federal Emergency Management Agency, pursuant to the Flood Mitigation Assistance Program (44 CFR 78.6), the Hazard Mitigation and Pre-Disaster Mitigation Programs (44 CFR Parts 201 and 206), the process outlined in materials prepared by the Federal Emergency Management Agency, and under the authority derived from Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended; and

WHEREAS, the District’s Hazard Mitigation Plan, dated May 21, 2024, and effective on the date of final approval by the Federal Emergency Management Agency, identifies mitigation goals and actions to reduce or eliminate long term risk to people and property within the District from the impacts of possible future hazards and disasters; and

WHEREAS, adoption of the Hazard Mitigation Plan by the District demonstrates its commitment to hazard mitigation and achieving the goals outlined in the District’s Hazard Mitigation Plan, dated May 21, 2024, and effective on the date of final approval by the Federal Emergency Management Agency.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Fort Bend County Levee Improvement District No. 7 that the attached Fort Bend County Levee Improvement District No. 7 Hazard Mitigation Plan dated May 21, 2024, and effective on the date of final approval by the Federal Emergency Management Agency, be and hereby is adopted.

The District hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was properly and timely posted, and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all in accordance with and as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

PASSED AND ADOPTED this the 21st day of May, 2024.

FORT BEND COUNTY LEVEE
IMPROVEMENT DISTRICT NO. 7

By: 
Chairman, Board of Directors

ATTEST:

By: 
Secretary, Board of Directors

EXHIBIT B

FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 7

ORDER ESTABLISHING MEETING PLACE
OF BOARD OF DIRECTORS OUTSIDE THE DISTRICT

The Board of Directors of the captioned District met at a special meeting of said Board held on May 21, 2024, in accordance with the duly posted notice of special meeting, and the roll was called of the duly constituted officers and members of said Board as follows:

Cindy Picazo, Chairman
Gerald Kazmierczak, Vice-Chairman
Nathan Bedee, Secretary
Susheem Mehta, Assistant Secretary
James R. Grotte, Director

and all of said persons were present, thus constituting a quorum when the following business was transacted.

It was moved by Director Grotte, seconded by Director Kazmierczak and unanimously carried, that there be established a regular meeting place for the Board of Directors of Fort Bend County Levee Improvement District No. 7 at 445 Commerce Green Blvd, Sugar Land, TX 77478, which is located outside the boundaries of said District.

The mailing address of the District shall be c/o Schwartz, Page & Harding, L.L.P., 1300 Post Oak Boulevard, Suite 2400, Houston, Texas 77056.

The aforesaid meeting place of the Board of Directors is hereby declared to be a public place, and all residents and taxpayers of the District, and all other members of the public, are hereby invited to attend all meetings of the Board.

Notice of the establishment of said meeting place outside the District shall be given as provided by law.

The Chairman is authorized to execute and the Secretary to attest this Order on behalf of the Board and District.

Passed, ordered and adopted, this 21st day of May, 2024.



Chairman
Board of Directors

ATTEST:



Secretary
Board of Directors

(SEAL)



FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 7

NOTICE OF DESIGNATION OF MEETING
PLACE OF BOARD OF DIRECTORS OUTSIDE THE DISTRICT

TO THE RESIDENTS AND TAXPAYERS OF FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 7 AND TO ALL OTHER INTERESTED PERSONS:

Notice is hereby given that the Board of Directors of Fort Bend County Levee Improvement District No. 7 (hereinafter called "District"), at a special meeting of said Board held on May 21, 2024, established a meeting place of said Board outside the boundaries of the District at 445 Commerce Green Blvd, Sugar Land, TX 77478.

All residents and taxpayers of the District and all other interested persons are invited to attend all meetings of the Board of Directors, including at said location.

The mailing address for correspondence directed to the District is 1300 Post Oak Boulevard, Suite 2400, Houston, Texas 77056.

(SEAL)



A handwritten signature in black ink, appearing to read "M. P. ...", written over a horizontal line.

Secretary
Board of Directors

EXHIBIT C



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 281.343.0712



May 21, 2024

FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 7
 General Manager Board Report

1. **Public comments.**
2. **General, Administrative and Financial Management.**
 - a. **Financial Management Plan and implementation of same, including grant funding; status of FEMA Hazard Mitigation Grant Program (administered through TDEM) related to Brazos River Bank Erosion Control Project, and Flood Infrastructure Fund Financial Commitment from Texas Water Development Board for Detention and Drainage Improvements and Facilities;**

FEMA Hazard Mitigation Grant Program (Brazos River Erosion Control Project):

Reimbursement #	10		11		12		13		14	
Total	84,543.22	9/7/23	896,149.58	11/28/23	672,720.59	12/19/23	775,865.71	1/5/24	6,808,368.55	1/15/24
FEMA (75%)	63,407.42	10/10/23	672,112.19	3/9/24	504,540.44	3/9/24	581,899.28	3/13/24	5,106,276.41	3/9/24
TDEM (18.75%)	15,851.85		168,028.05		126,135.11		145,474.82		1,276,569.10	
LID 7 (6.25%)	5,283.95		56,009.35		42,045.04		48,491.61		425,523.03	

In late April, TDEM was contacted about the missing reimbursements for Request #10-14, and a follow up request was sent prior to the meeting.

Reimbursement #	15		16		17		18	
Total	907,666.71	2/15/24	3,102,997.01	3/25/24	5,848,231.80	5/20/24	185,986.23	
FEMA (75%)	680,750.03		2,327,247.76		4,386,173.85		139,489.67	
TDEM (18.75%)	170,187.51		581,811.94		1,096,543.46		34,872.42	
LID 7 (6.25%)	56,729.17		193,937.31		365,514.49		11,624.14	

HMGP	4332	35	10	1	\$84,566.26	\$84,543.22	-\$23.04	8) Complete	109
HMGP	4332	35	11	1	\$896,149.58	\$896,149.58	\$0.00	8) Complete	128
HMGP	4332	35	12	1	\$672,720.59	\$672,720.59	\$0.00	8) Complete	129
HMGP	4332	35	13	2	\$775,865.71	\$775,865.71	\$0.00	8) Complete	110
HMGP	4332	35	14	1	\$6,808,368.55	\$6,808,368.55	\$0.00	8) Complete	110
HMGP	4332	35	15	2	\$907,666.71	\$907,666.71	\$0.00	8) Complete	111
HMGP	4332	35	16	2	\$3,102,997.01	\$3,102,997.01	\$0.00	4) Obtain Sample Selection Documentation	112

Request #15 was approved on May 16, and reimbursement should be included in the June Bookkeeping Report. Request #16 is waiting on additional expense documentation from AECOM before it will be approved.



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May 21, 2024

i. **Consider approval of Resolution Adopting 2024 Hazard Mitigation Plan Update;**

FEMA completed a successful review of the HMP Update, and related changes can be viewed in the Local Mitigation Plan Review Tool. The HMP document can now be finalized and submitted to FEMA and TDEM, as approved by the Board at the November 2, 2023 meeting.

FIF – TWDB (Detention and Drainage Improvement Facilities):
Outlay Report No. 10 was submitted to TWDB following the payment of May invoices.

b. **Report regarding status of activities of Fort Bend Flood Management Committee;**

The Fort Bend Flood Management Committee will no longer operate as a committee of the Fort Bend Economic Development Council. The Flood Managed Committee has also rebranded as the Fort Bend Levee Coalition, and the Coalition will now operate under the Fort Bend Chamber of Commerce. The cost for LID 7 to remain a member of the Fort Bend Levee Coalition is expected to decrease from the previous annual total of \$12,500. As Coalition members, the District would also become a member of the Fort Bend Chamber of Commerce and can join as Business Class or Chairman’s Circle Members:

	<u>Business Class</u>	<u>Chairman’s Circle</u>
Chamber membership	\$1,000	\$3,750
Coalition membership	\$3,000	\$3,000
<u>Advocacy*</u>	<u>\$1,070</u>	<u>\$1,070</u>
Total Cost	\$8,070	\$10,820

**Advocacy estimate based on pro rata taxable value of Coalition members, and final amount to be confirmed in June.*

c. **Order Establishing Meeting Place of Board of Directors Outside the District;**

As a member of the Fort Bend Chamber of Commerce through the Fort Bend Levee Coalition, LID 7 would have the option to schedule Board meetings at the Chamber (445 Commerce Green Blvd, Sugar Land, TX 77478). Because LID 7 Board meetings are afterhours, the Chamber did request an additional \$500 per year to cover some direct costs for staffing. The meeting rooms are equipped for virtual meetings with cameras, projectors, microphones, and speakers.

3. **Capital Improvement Projects, including consideration of Task Order(s) proposed by Mike Stone Associates, Inc., AECOM Technical Services, Inc., or LJA Engineering, Inc.**

An updated [action list](#) is posted for reference.

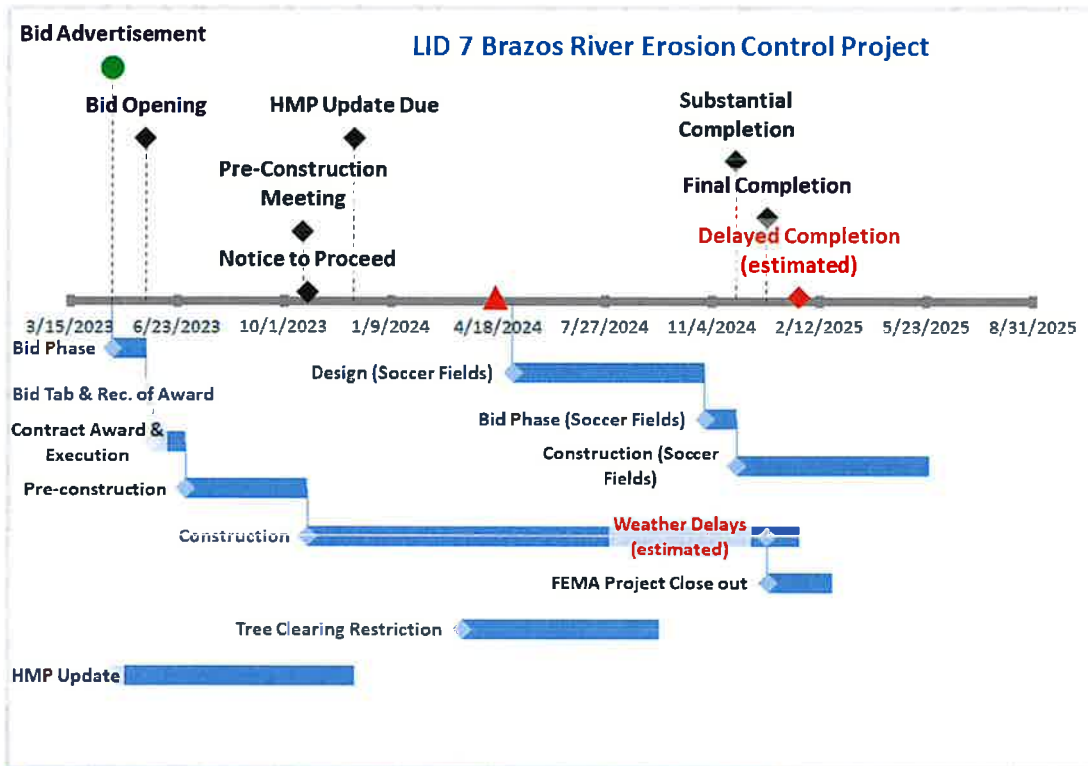
a. **Brazos River Bank Erosion Control Project**

Elevated water levels on the Brazos River continue to delay critical construction activity on the project. Since April 10, Texas Dewatering has been unable to work on the bendway weirs or place stone riprap along the banks of the Brazos. Weir No. 3 was almost complete in early April before the crane was forced to move to higher ground. Rock placement also stopped between Weir #1 and #2 on April 10. The contractor continues to haul out excess fill material and import additional rock. However, the Brazos will need to return to a Richmond, TX gage of 14 feet before all critical construction activity can resume. The latest schedule update calculates project completion in January 2025, but it is possible that could be delayed until February based on the current duration of flooding.

The photo below is from April 11, prior to major flooding. The latest aerial video from May 9 is posted online: https://www.youtube.com/watch?v=oi_9oApn3qM



April 11 Construction Progress (prior to flooding)



Start	End	Duration	Label
4/23/2023	5/24/2023	32	Bid Phase
5/25/2023	5/30/2023	6	Bid Tab & Rec. of Award
5/31/2023	6/30/2023	31	Contract Award & Execution
7/1/2023	10/22/2023	114	Pre-construction
10/23/2023	12/25/2024	430	Construction
12/25/2024	1/24/2025	31	Weather Delays (estimated)
12/26/2024	2/23/2025	60	FEMA Project Close out
5/1/2024	10/27/2024	180	Design (Soccer Fields)
10/28/2024	11/26/2024	30	Bid Phase (Soccer Fields)
11/27/2024	5/25/2025	180	Construction (Soccer Fields)
4/23/2023	12/5/2023	227	HMP Update
3/15/2024	9/15/2024	185	Tree Clearing Restriction

Milestones

Date	Label
4/23/2023	Bid Advertisement
5/24/2023	Bid Opening
10/18/2023	Pre-Construction Meeting
10/23/2023	Notice to Proceed
12/5/2023	HMP Update Due
11/26/2024	Substantial Completion
12/25/2024	Final Completion
1/24/2025	Delayed Completion (estimated)
4/15/2024	Timeline Date

Texas Dewatering Contract: \$44,104,042.50
 Work Complete to Date: \$17,953,578.71 (41%)
 Contract Time Complete: 41%



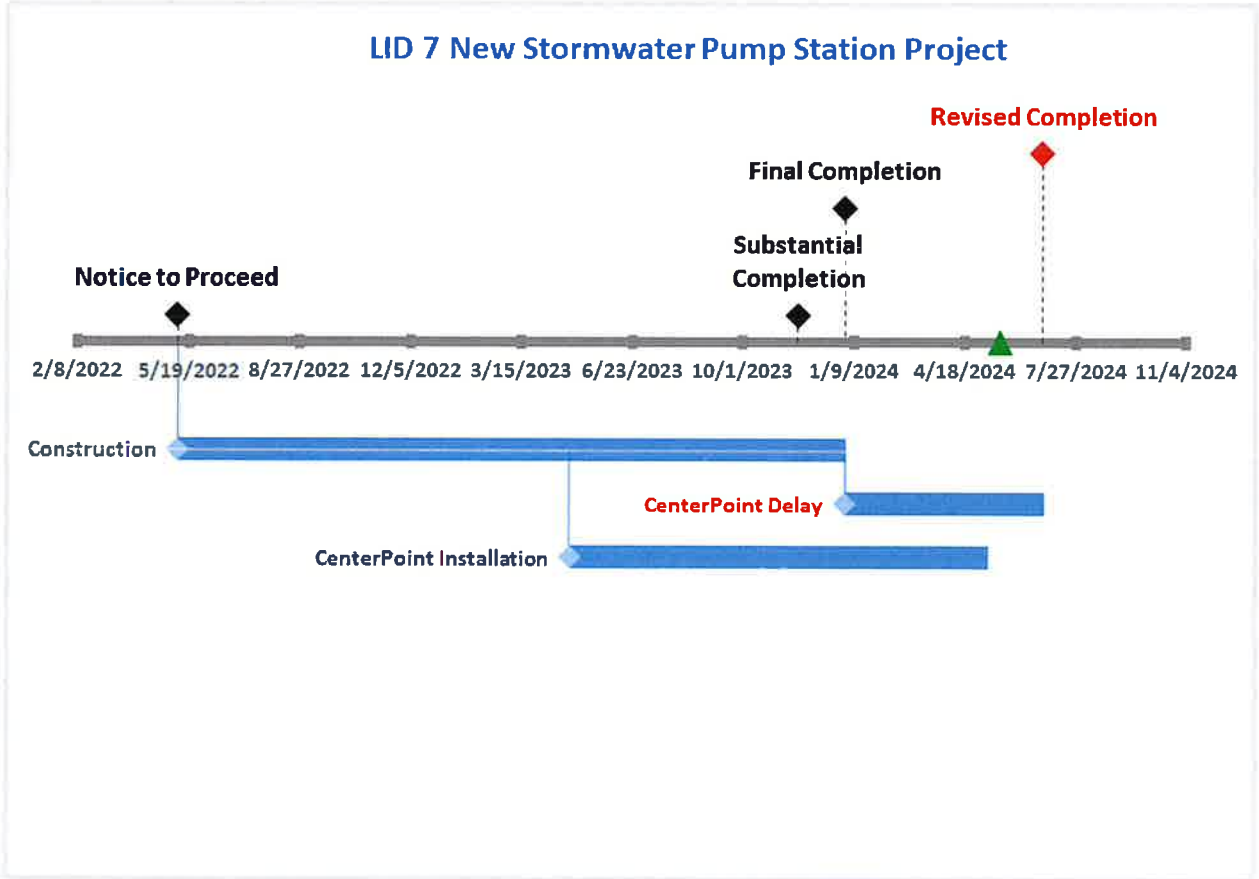
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May 21, 2024



b. **External Drainage Channel Erosion Control Project**

c. **New Stormwater Pump Station Project**



Start	End	Duration	Label
5/9/2022	1/1/2024	603	Construction
1/1/2024	6/28/2024	180	CenterPoint Delay
4/27/2023	5/8/2024	378	CenterPoint Installation

Milestones

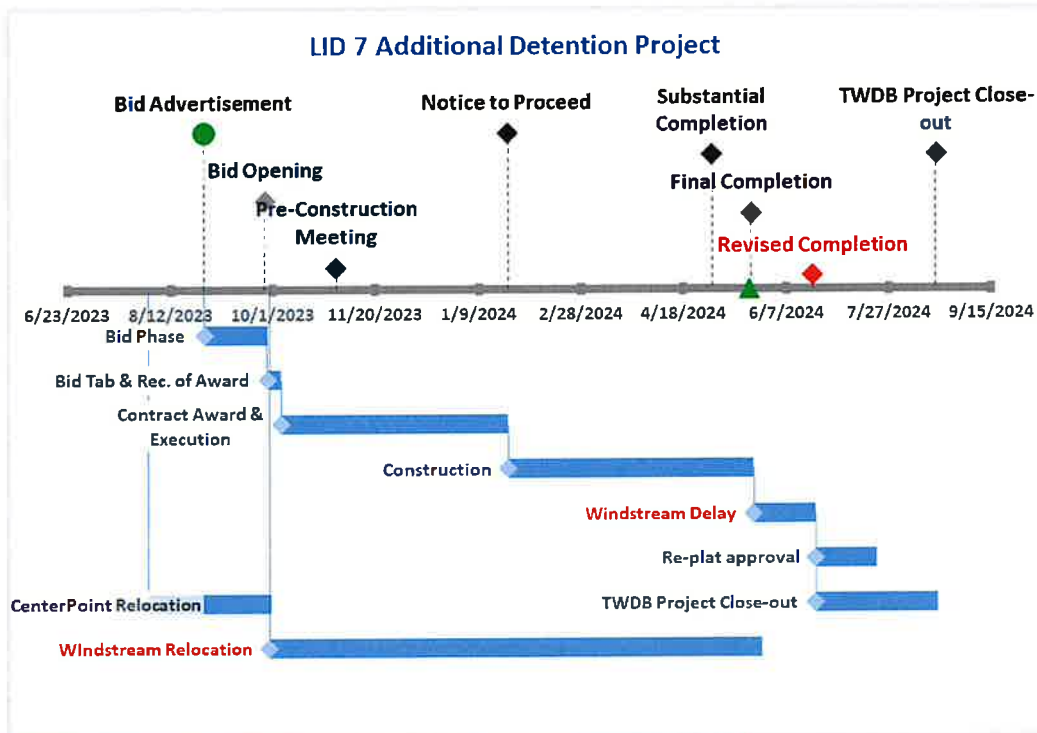
Date	Label
5/9/2022	Notice to Proceed
11/20/2023	Substantial Completion
1/1/2024	Final Completion
6/28/2024	Revised Completion
5/20/2024	Timeline Date

NBG Construction Contract: \$21,669,940.07

Work Complete to Date: \$20,770,571.27 (96%)

Contract Time Complete: 100%

d. **Detention and Drainage Improvements and Facilities**



Start	End	Duration	Label
8/28/2023	9/27/2023	31	Bid Phase
9/28/2023	10/4/2023	7	Bid Tab & Rec. of Award
10/5/2023	1/22/2024	110	Contract Award & Execution
1/23/2024	5/21/2024	120	Construction
5/22/2024	6/20/2024	30	Windstream Delay
6/21/2024	7/20/2024	30	Re-plat approval
6/21/2024	8/19/2024	60	TWDB Project Close-out
8/1/2023	9/29/2023	60	CenterPoint Relocation
9/29/2023	5/25/2024	240	Windstream Relocation

Milestones

Date	Label
8/28/2023	Bid Advertisement
9/27/2023	Bid Opening
11/1/2023	Pre-Construction Meeting
1/23/2024	Notice to Proceed
5/2/2024	Substantial Completion
5/21/2024	Final Completion
6/20/2024	Revised Completion
8/19/2024	TWDB Project Close-out
5/20/2024	Timeline Date

Harris Construction Contract: \$5,301,472
 Work Complete to Date: \$1,383,392.20 (35%)
 Contract Time Complete: 100%



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May 21, 2024

-
- e. **Reclaimed Water Project**
 - f. **Flood projection improvements for northern boundary**
4. **Attorney's Report;**
 5. **Website and Communications Matters;**

Construction updates were drafted for the website regarding the [Brazos River Erosion Control Project](#) and the [New Pump Station Project](#).

6. **Announcements /Future Agenda;**

EXHIBIT D



**FORT BEND COUNTY LEVEE IMPROVEMENT DISTRICT NO. 7
ENGINEERING REPORT
LJA Job No. 2703-1900 (12.0)
May 21, 2024**

3. Capital Improvement Projects, including consideration of Task Orders proposed by Mike Stone and Associates, Inc., AECOM Technical Services, Inc., or LJA Engineering, Inc.

C. New Stormwater Pump Station Project, including:

i. Status of financing and scheduling, and:

Nothing at this time.

ii. Status of construction, including approval of any pay estimates or change orders:

a. Storm Water Pump Station:

Main Lane Industries, LTD, is the contractor for this project. CenterPoint has delivered the transformer for the project. Main Lane Industries has equipment and manpower on site to connect the wiring from the building to the transformer. LJA and MSA have been coordinating with Enhanced Energy Services regarding the execution of the contract for the new meter at the pump station. Enchanted Rock has also assisted this process by providing a standard agreement to negotiate new service.

Additionally, a fence was repaired at the adjacent property to the pump station. However, the repairs include untreated pickets. The contractor has been made aware of this error and they are replacing it with cedar panels, as anticipated by the homeowners.

Proposed Action Items:

Approve Progress Estimate No. 21 in the amount of \$247,142.70.

D. Detention and Drainage Facilities Project:

i. Status of financing and scheduling;

Proposed Action Item:

Nothing at this time.

ii. Status of construction, including approval aof any pay estimate and change orders;

The contractor for this project is Harris Construction Company. Work on site has been steady as the contractor excavates the detention pond.

Proposed Action Item:

- Approve Progress Estimate No. 4 in the amount of \$404,739.90.

E. Reclaimed Water Project, including;

i. Status of construction, including approval of any pay estimates and change orders;

This project is being constructed by Jerdon Enterprises, LP (Jerdon). The ContorPoint motorc have ctill not boon inctallod. LJA will follow up next week to determine the timeline on these meters.

Proposed Action Item:

Nothing at this time.

F. Flood protection improvements for northern boundary, including status of preliminary engineering report;

Proposed Action Item:

Nothing at this time.



May 9, 2024

Fort Bend County Levee Improvement District No. 7
c/o Mr. Christopher Skinner
Schwartz, Page & Harding, L.L.P.
1300 Post Oak Blvd. , Suite 1400
Houston, Texas 77056

Re: Progress Estimate No. 21
Storm Water Pump Station Expansion
To Serve Fort Bend County Levee Improvement District No. 7
Fort Bend County Levee Improvement District No. 7
City of Sugar Land, Fort Bend County, Texas
LJA Job No. 2703-2011 (11.2)

Dear Directors:

Enclosed for your approval is Progress Estimate No. 21 for the referenced project as submitted by NBG Constructors, Inc. Included with the estimate is the Conditional Waiver and Release on Progress Payment, Unconditional Waiver and Release on Progress Payment and Request for Extension of Time.

We have reviewed this estimate with our project representative, and the quantities are in accordance with work performed. Therefore, we recommend payment in the amount of \$247,142.70.

Please call me at 713.953.5215 if you have any questions regarding this estimate.

Sincerely,

Kane Mudd, PE
Senior Project Manager

PKM/em

Enclosure

Copy: Mr. David Boehm, NBG Constructors, Inc. (w/enclosure)
Ms. Michele Uong, Forvis (w/enclosure)
Mr. Gregg B. Haan, PE, LJA Engineering, Inc. (w/enclosure)
Mr. Raul Trevino, LJA Engineering, Inc. (w/enclosure)

PROGRESS ESTIMATE

Project: Construction of the Storm Water Pump Station Expansion to Serve Fort Bend County Levee Improvement District No. 7 City of Sugar Land Fort Bend County, Texas

LJA Job No. 2703-2011 Estimate No. 21 For Period From 04/01/2024 to 04/30/2024 Contract Completion Date: 11/20/2023 Notice to Proceed Date: 5/9/2022 Approved Time Extensions: 43 Revised Contract Completion Date: 1/02/2024

Contract Date: May 9, 2022

TOTAL AMOUNT WORK: DONE TO DATE: \$ 21,045,120.27

Original Contract Amount: \$21,785,926.30

Less Late Start Amount: (\$0.00)

Revised Contract Amount: \$21,669,940.07

Less Amount Retained: (\$2,104,512.03)

Final Contract Amount: \$ TBD

Less Previous Payments: (\$18,693,465.54)

Less Economic Disincentives: (\$0.00)

AMOUNT DUE CONTRACTOR: \$ 247,142.70

Owner: Fort Bend County Levee Improvement District No. 7

Contractor: NBG Constructors, Inc.

CERTIFICATE OF THE CONTRACTOR OR HIS DULY AUTHORIZED REPRESENTATIVE

To the best of my knowledge, I certify that all items, quantities and prices of work and materials shown on the face of this estimate are correct; that all work has been performed and materials supplied in full accordance with the terms and conditions of the corresponding construction contractual documents between the Owner and the Contractor, including all changes authorized thereto; that the foregoing is a true and correct statement of the contract amount up to and including the last day of the period covered by this estimate and that no part of the "AMOUNT DUE CONTRACTOR" has been received.

I further certify that all just and lawful bills against the below named Contractor, for labor, material and expendable equipment employed in the performance of said contract have been paid in full accordance with the Contract requirements.

NBG Constructors, Inc. Contractor 05/08/2024 Date

Tyler Emmerson Signature Project Manager Title

Digitally signed by Tyler Emmerson DN: C=US E=tyler.emmerson@mc2civil.com, O=mc2 civil, CN=Tyler Emmerson Date: 2024.05.09 15:52:55-0500

CERTIFICATE OF ENGINEER'S REPRESENTATIVE

I certify that a qualified project representative was present on the project on a periodic basis to observe construction and that all materials and work included in this statement have been performed in general accordance with the construction plans and specifications and authorized changes thereto. I further certify that I have verified this estimate and that, to the best of my knowledge and belief, it is a true and correct statement of work performed and materials supplied by the Contractor, that the amount due him is correct and just.

PROJECT MANAGER: [Signature] DATE: 05/09/2024

OWNER'S ACCEPTANCE: DATE:

May 1, 2024

Fort Bend County Levee Improvement District No. 7
c/o Mr. Christopher Skinner
Schwartz, Page & Harding, L.L.P.
1300 Post Oak Blvd. , Suite 1400
Houston, Texas 77056

Re: Progress Estimate No. 4
Construction of the Detention and Drainage Facilities
To Serve Fort Bend County Levee Improvement District No. 7
City of Sugar Land, Fort Bend County, Texas
LJA Job No. 2703-2012 (11.2)

Dear Directors:

Enclosed for your approval is Progress Estimate No. 4 for the referenced project as submitted by Harris Construction, LLC Included with the estimate are the Conditional Waiver and Release on Progress Payment, Unconditional Waiver and Release on Progress Payment and Request for Extension of Time.

We have reviewed this estimate with our project representative, and the quantities are in accordance with work performed. Therefore, we recommend payment in the amount of \$404,739.90.

Please call me at 713.953.5215 if you have any questions regarding this estimate.

Sincerely,

Kane Mudd, PE
Senior Project Manager

PKM/em

Enclosure

Copy: Mr. Chad Harris, Harris Construction, LLC (w/enclosure)
Ms. Tina Tran, Forvis (w/enclosure)
TCEQ Regional Office (Houston) (w/ enclosure)
Mr. Raul Trevino, LJA Engineering, Inc. (w/enclosure)

PROGRESS ESTIMATE

Project: Construction of the Detention and Drainage Facilities to Serve Fort Bend County Levee Improvement District No. 7
City of Sugar Land
Fort Bend County, Texas

LJA Job No. 2703-2012 Estimate No. 4
For Period From 3/26/24 to 4/25/24
Contract Completion Date: 5/21/24
Notice to Proceed Date: 1/22/24
Approved Time Extensions: _____
Revised Contract Completion Date: _____

Contract Date: December 8, 2023

TOTAL AMOUNT WORK:
DONE TO DATE: \$ 1,833,103.20

Original Contract Amount: \$5,301,472.00

Less Late Start Amount:(\$ _____)

Revised Contract Amount: \$ _____

Less Amount Retained:(\$ 183,310.32)

Final Contract Amount: \$ _____

Less Previous Payments:(\$ 1,245,052.98)

Less Economic Disincentives:(\$ _____)

AMOUNT DUE
CONTRACTOR:\$ 404,739.90

Owner: Fort Bend County Levee Improvement District No. 7

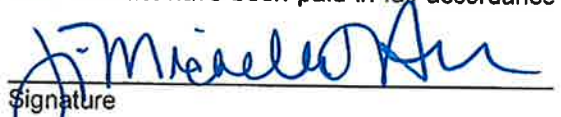
Contractor: Harris Construction Company, LLC

CERTIFICATE OF THE CONTRACTOR OR HIS DULY AUTHORIZED REPRESENTATIVE

To the best of my knowledge, I certify that all items, quantities and prices of work and materials shown on the face of this estimate are correct; that all work has been performed and materials supplied in full accordance with the terms and conditions of the corresponding construction contractual documents between the Owner and the Contractor, including all changes authorized thereto; that the foregoing is a true and correct statement of the contract amount up to and including the last day of the period covered by this estimate and that no part of the "AMOUNT DUE CONTRACTOR" has been received.

I further certify that all just and lawful bills against the below named Contractor, for labor, material and expendable equipment employed in the performance of said contract have been paid in full accordance with the Contract requirements.

Harris Construction Company, LLC


Signature

Contractor

Manager

4/30/24

Title

Date

CERTIFICATE OF ENGINEER'S REPRESENTATIVE

I certify that a qualified project representative was present on the project on a periodic basis to observe construction and that all materials and work included in this statement have been performed in general accordance with the construction plans and specifications and authorized changes thereto. I further certify that I have verified this estimate and that, to the best of my knowledge and belief, it is a true and correct statement of work performed and materials supplied by the Contractor, that the amount due him is correct and just.

PROJECT MANAGER: _____ DATE: _____

OWNER'S ACCEPTANCE: _____ DATE: _____