

MINUTES OF REGULAR MEETING
EAST MONTGOMERY COUNTY IMPROVEMENT DISTRICT
February 11, 2021

THE STATE OF TEXAS §
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COUNTY OF MONTGOMERY §

The Board of Directors of East Montgomery County Improvement District (the “District”) met in Regular Session, open to the public, on the 11th day of February, 2021, at 5:30 p.m., at the East Montgomery County Improvement District Complex, Board Room, Room, 103, 21575 US Hwy. 59 North, New Caney, Texas, in accordance with the duly posted notice of meeting, and the roll was called of the duly constituted member of said Board of Directors, as follows:

Brenda Webb	Chairperson
Stephen Carlisle	Vice Chair
Katherine Persson	Secretary
Leonard Rogers	Assistant Secretary
Fred Wetz	Treasurer/Investment Officer
Martin Zepeda	Assistant Treasurer
Richard Tramm	Director
Ronald Willingham	Director

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

Also present were Mr. Frank McCrady, Ms. Mattlage, Mr. Joe O’Connell, Mr. Greg Phipps, Ms. Kaye Townley, Mr. David Marks (via telephone) and several members from the community, as shown on the attached sign in sheet.

Chair Webb called the meeting to order, announced that a quorum was present.

Director Rogers led in prayer followed by the pledges of allegiance led by Director Willingham.

As the first order of business, the Board deferred receiving questions and comments from members of the audience after Chair Webb stated that no one had signed up to speak.

The Board next considered the review and approval of the minutes of the Board of Directors meeting held on January 14, 2021. After review and discussion, Director Persson moved to approve the minutes of the Board of Directors meeting held on January 14, 2021, as written. Director Zepeda seconded the motion, which unanimously carried.

The Board next considered the status of the 2020 constable patrol security program at shopping centers located within the District during the holiday season. Constable Welch presented and reviewed the attached security patrol report with the Board.

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The Board next considered the status of construction of improvements and the leasing of space in the District's office building. Mr. McCrady stated that a vacuum truck is scheduled to remove all the rocks off the roof next Monday and then the installation of the new roof will begin.

The Board next considered the financial, bookkeeping, cash flow and investment reports, and authorizing the payment of invoices presented as reflected in said reports. Ms. Townley presented the attached financial and investments reports, prepared by Municipal Accounts & Consulting, LP, and discussed the invoices presented for payment. Following review, Director Wetz made a motion to approve said reports as presented and to authorize payment of invoices on the General Operating Fund and debits for payroll, and on the Special Events Account, as set forth on the attached reports. Director Zepeda seconded the motion, which unanimously carried.

The Board next considered a report on engineering and construction projects within the Industrial Park, including the status of the sale of dirt excavated from the future detention pond site. Mr. Phipps stated that no dirt sales occurred during the month.

The Board next considered the status of platting the Industrial Park, Section 3. Mr. Phipps stated that the tax certificates for ownerships within the plat boundary are being ordered from the Montgomery County Tax Office as the taxes are paid. He stated that the plat will be resubmitted with the 2020 tax certificates.

The Board next considered the status of the drainage improvements along Gene Campbell Boulevard. Mr. Phipps stated that JAC is working with Montgomery County Pct. 4 for inclusion of the work into the Gene Campbell Boulevard widening project.

The Board next considered a report on the Economic Development Administration ("EDA") Business Center Building in the Industrial Park, including the approval of plans, specifications and construction documents and authorizing the Project Bidding Phase. Mr. Phipps stated that Joiner Architects ("Joiner") is approximately 80% complete with the floor plan and site layout. He stated that JAC will be meeting with Joiner on Monday to discuss the project and the items necessary to complete the job.

The Board next deferred the review of bids, consideration of architect's/engineer's recommendations, and consideration of award of project for construction.

The Board next deferred actions relating to the EDA Business Center Building.

The Board next deferred announcements, after Mr. McCrady stated he had nothing new to report.

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The Board next recessed to Executive Session at 5:52 p.m. to discuss real property matters pursuant to §551.072, Texas Government Code, pending or contemplated litigation pursuant to §551.071, Texas Government Code, matters in which the duty of the attorney to the District under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflict with Chapter 551, Texas Government Code, pursuant to §551.071, Texas Government Code, personnel matters pursuant to §551.074, Texas Government Code and Economic Development negotiations pursuant to §551.087, Texas Government. The Board returned from Executive Session at 7:18 p.m.

The Board next deferred a report on the status of the arbitration between Drymalla Construction Co. and the subcontractor on the YMER construction project.

The Board next considered a report on the activities within the Industrial Park.

The Board next deferred the approval of a Conveyance of Utility Facilities for water distribution and wastewater collection facilities to serve Industrial Park, Section 3 (Quadvest) to East Montgomery County MUD No. 3 (“EMC 3”), as the plat has not yet been recorded.

The Board next deferred the approval of a Conveyance of Utility Facilities for wastewater lift station and force main improvements to serve Industrial Park, Section 3 (Quadvest) to EMC 3, as the plat has not yet been recorded.

The Board next considered the status of the re-purchase of the 4.286-acre tract and the 10.4668-acre tract owned by Powerhouse Industries (formerly World Fab). Mr. McCrady stated that the closing documents are with the title company and that the re-purchase transaction is expected to close soon.

The Board next considered the status of the Purchase and Sale Agreement (“Agreement”) with LAW Investment Holdings, LLP (“LAW”), or its assignee relative to the purchase of a 10.4668-acre tract of land in the Industrial Park. Mr. McCrady stated the documents for the purchase transaction are not yet with the title company, as the purchase cannot occur until the Powerhouse Industrial re-purchase transaction is complete.

The Board next deferred the approval of an Incentive Agreement and a Purchase and Sale Agreement with PolyWeld USA Inc., or its assignee, relative to the purchase of a tract of land in the Industrial Park, including authorizing the Chair and President to take all actions necessary to close on the purchase and sale of the land.

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The Board next deferred the approval of an Incentive Agreement and a Purchase and Sale Agreement with JHarp Land Management LLC, or its assignee, relative to the purchase of a tract of land in the Industrial Park, including authorizing the Chair and President to take all actions necessary to close on the purchase and sale of the land.

The Board next considered the status of contracts relative to the purchase of land for expansion in the Industrial Park. Mr. McCrady reported on the status of negotiations.

The Board next deferred the approval of a Resolution of Authority relative to the purchase and financing of tracts of land for expansion of the North Industrial Park.

The Board next considered the status of the sale of a 127-acre tract of land in the North Industrial Park for construction of building no. 2. Mr. McCrady stated that the documents are currently with the title company.

The Board next considered the approval of granting a Temporary Turn Around Easement (0.410 acres) and a Drainage and Sanitary Sewer Easement (1.025 acres) to East Montgomery County MUD No. 3 (“EMC No. 3”) relative to the annexation property. After discussion, Director Persson moved that the Board grant the two (2) easements to EMC No. 3, as set out above. Director Rogers seconded the motion, which unanimously carried.

The Board next deferred the status of a petition to annex 71.788 acres of land owned by the District into EMC No. 3 after Mr. Marks stated that MRPC has not received the executed Consent Resolution from the City of Conroe.

The Board next deferred the review and approval of a proposal relative to the renewal of the District’s insurance coverage for term expiring March 31, 2021, after Mr. McCrady stated that he, Director Wetz and Mr. O’Connell will be meeting with TML to discuss the renewal proposal.

The Board next discussed the approval of the final account of construction costs related to the New Quest/TxDOT detention pond, acceptance of the project as complete, granting of detention easements, entering into a maintenance agreement relative to the detention pond, receipt of funds from TxDOT and payment thereof to New Quest in accordance with the terms of the Developer Reimbursement Agreement. After discussion, Director Carlisle moved that the Board authorize Mr. McCrady to take all actions necessary to complete and close out the project, including granting the easement to TxDOT, receiving payment from TxDOT and making payment to New Quest. Director Zepeda seconded the motion, which unanimously carried.


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The Board next considered matters for possible placement on future agendas, including the review of a breakdown of the expenses and revenues from the 2020-2021 Holiday to Remember Ice Rink and Winter Festival.

There being no further business to come before the Board of Directors, the meeting was adjourned.

(SEAL)





Katherine Persson
Secretary, Board of Directors