

**HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 401**  
**Minutes of Meeting of Board of Directors**  
**March 10, 2023**

The Board of Directors of Harris County Municipal Utility District No. 401 met at Inverness Clubhouse, 9200 Inverness Crossing Boulevard, Tomball, Harris County, Texas 77375, on March 10, 2023, in accordance with the duly posted notice of meeting, and the roll was called of the duly constituted officers and members of said Board of Directors, as follows:

Blair Fesler, President  
Mark Atchison, Vice-President  
Santee Wright, Secretary  
Roland Massey, Assistant Vice President/Secretary  
Jordan Thomas, Assistant Vice President/Secretary

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

Also present were Andres Aranzales of Vogler and Spencer Engineering, Inc. ("V&S"); Les Griffith of Champions Hydro-Lawn, Inc. ("Champions"); Dustin Collins and Shannon Torres, residents; and Blake Ellis of Marks Richardson PC.

The President called the meeting to order.

PUBLIC COMMENT

As the first order of business, the Board considered comments from the public. No one present had anything new to report.

TOUR OF FACILITIES AND PROPERTY

The Board next departed the clubhouse and took a tour of the District's various facilities. The Board inspected the progress on the walkway leading down to the detention pond area, which is located between two (2) houses on Shieldhall Lane. V&S had placed stakes marking a one-foot (1') offset from the District's property line so that the Board could have a better visual of how much room the District has to work with on either side of the walkway and decide where to place the fence. The Board then agreed to move the fence in from the property line by approximately three feet (3') to align with the end posts of the fence and gate to the detention pond area and to extend it to roughly where the water spigots are located on the side of each house. After discussion, Director Atchison made a motion to approve the quote from Salco Fence, in the amount of \$4,800, as presented at the February meeting. Director Wright seconded the motion, which unanimously carried.

REVIEW AND APPROVE PROPOSAL FOR REPLACEMENT OF WIXFORD LANE FENCE

The Board next considered the review and approval of a proposal for the replacement of the fence on Wixford Lane. The Board traveled to Wixford Lane to view the fence and gate to the detention pond area. The Board noted that there was a large gap underneath the fence and that the

fence was low enough to be jumped over. The Board also noted that the fence did not extend enough to form a closure on either end, allowing residents to walk around it to reach the detention pond area once the gate is locked.

Mr. Collins and Ms. Torres joined the meeting at this time.

Mr. Collins addressed the Board and noted that trespassers are coming from elsewhere and residents of the neighborhood are not in the detention pond area after dark. Ms. Torres expressed concern about the lack of access to the detention pond area and how it will affect the safety of her walks at night since she will have to walk all the way to the clubhouse to re-enter the neighborhood if the gate is locked. She stated that she is also concerned about further construction and noted that the real problems were caused by those entering through holes cut in the fence near the Sugarberry neighborhood, behind Albury Trails Estates detention basin D. After discussion, Director Atchison made a motion to authorize V&S to solicit bids for the installation of a six-foot (6') fence that extends to the neighbor's fences to close off the gaps on either side. Director Massey seconded the motion, which unanimously carried.

Mr. Collins and Ms. Torres exited the meeting at this time.

#### DISCUSS MODIFICATION OF FENCING TO MITIGATE TRESSPASSING ISSUE

The Board next considered a discussion regarding modification of fencing to mitigate the trespassing issue. The Board traveled to view the holes in the fence near Albury Trails Estates detention basin D. The Board noted that the fence had once again been cut and removed by Sugarberry residents accessing the detention basin to ride ATVs and dirt bikes. The Board discussed several options for how to deter the activity, including placing concrete bollards where the hole in the fence is currently located. The Board then discussed amending the park rules to include that gates are locked between 9:00 p.m. and 5:00 a.m. to allow easier access to the park for residents of the District. The Board also discussed adding a rule that states that the park is for use by residents and their guests. Mr. Griffith then asked about adding a fence across the adjacent ponds to effectively limit the vehicle traffic to the pond closest to the Sugarberry neighborhood and adding pedestrian gates for residents who wish to walk around the entire detention basin. Director Thomas suggested adding an automatic gate with a code lock at the WWTP so that the Harris County Constables could more easily access the detention pond area for patrols. Director Atchison then suggested digging trenches just inside the fence to create a moat or ditch that would fill with water and deter access to ATVs. Mr. Aranzales mentioned that any alteration to a detention pond would require approval from the Harris County Flood Control District. The Board then inspected the railing along the overflow swale on the other side of the detention basin and noted that a thicker metal fence was present here. After discussion, Director Atchison made a motion to: 1) authorize V&S to solicit bids to fortify the gap in the fence with various options including bollards and cables, pipe rails or boulders, 2) install an electric LiftMaster gate at the WWTP, and 3) authorize Champions to solicit quotes for planting vegetation beyond the fence, but within the District's property line, to deter access to the area. Director Wright seconded the motion, which unanimously carried.

The Board next traveled back to the WWTP to inspect the newly installed slats in the exterior fence of the WWTP.

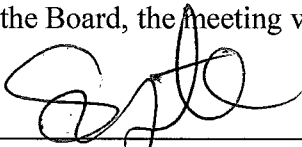
The Board then traveled to the Water Plant. The Board noted that the front gate and fence were down around the property due to construction of the new water well, but the contractor should have installed at least a seven-foot (7') fence around the entirety of the Water Plant. The Board noted that only a temporary shorter fence was installed on an interior portion of the Water Plant and it was not enough of a deterrent to keep unauthorized visitors out. Mr. Aranzales advised the contractor to address both the front gate and fence immediately.

ITEMS FOR FUTURE AGENDAS

The Board next considered items for future agendas.

ADJOURN

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

  
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Secretary, Board of Directors