

MINUTES  
WEST HARRIS COUNTY REGIONAL WATER AUTHORITY

June 10, 2020

The Board of Directors (the "Board") of the West Harris County Regional Water Authority (the "Authority") met in regular session by teleconference and videoconference, with access by video or telephone available to the public, pursuant to Texas Government Code Section 551.125 and Governor Greg Abbott's directive suspending certain open-meeting requirements due to the COVID-19 public health emergency, dated March 16, 2020, on the 10th day of June, 2020, and the roll was called of the members of the Board being present by video and/or telephone:

Eric Hansen	President
Larry Weppler	Vice President
Douglas (Cam) Postle	Secretary
Gary Struzick	Assistant Vice President
Michael Thornhill	Assistant Secretary
Mark Janneck	Director
Michael Owens	Director
Dennis Gorden	Director
John "Jay" Wheeler	Director

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

Also attending the meeting were Bryan Thomas of Inframark Water Infrastructure Operations ("Inframark"); Barbara Payne of Payne Communications & Associates; Wayne Ahrens and Melinda Silva of Dannenbaum Engineering Corp.; Erin Garcia of Myrtle Cruz, Inc.; and Alia Vinson, Sanjay Bapat, and Cheryl Panozzo of Allen Boone Humphries Robinson LLP ("ABHR"). Also attending the meeting were members of the public present via video and/or telephone.

Mr. Bapat reviewed certain recommended protocols for conducting the Authority's meeting via teleconference and videoconference. He announced that the meeting was being recorded and that consultant reports presented at the meeting were posted online and available to the public in the form of an "agenda packet" prior to the start of the meeting at [www.districtdirectory.org/agendapackets/whcrwa](http://www.districtdirectory.org/agendapackets/whcrwa).

PUBLIC COMMENT

Director Hansen offered any members of the public attending the meeting by telephone the opportunity to make public comment. No members of the public requested to make public comment.

## MINUTES OF PREVIOUS MEETING

The Board reviewed the minutes of the May 14, 2020, meeting. Following discussion, Director Owens moved to approve the minutes of the May 14, 2020, meeting, as submitted. The motion was seconded by Director Wheeler. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

## UPDATE ON COVID-19 EPIDEMIC EMERGENCY AND CONSIDER OPERATIONS AND SERVICE REQUIREMENTS RELATING TO COVID-19 EPIDEMIC

Ms. Vinson reported that the Authority Board meetings will continue to be conducted via teleconference and videoconference during the pendency of the COVID-19 epidemic, so long as Governor Abbott's directive suspending certain provisions of the Texas Open Meetings Act, allowing meetings to be held via teleconference and videoconference, remains in place.

## CUSTOMER APPEALS

No customer appeals were presented.

## TOWNHALL MEETINGS AND WORKSHOPS, WEBSITE, SOCIAL MEDIA, WATER CONSERVATION PROGRAM AND TRAILERS, ATTENDANCE AT CONFERENCES AND MEMBERSHIP IN ORGANIZATIONS, NEWSLETTERS AND MAILOUTS

Ms. Payne reported that the Waterworks newsletter will be distributed to residents tomorrow, the Partners in Progress newsletter will be distributed to municipal utility districts and operators by tomorrow, and a hurricane preparedness workshop will be held via video conference.

Ms. Payne also discussed the Authority's launching of the Texas A&M AgriLife Extension Water My Yard program (the "Program"). She reported that billing inserts to introduce the Program spokesperson, Irry Gator, to the public can be ordered.

## ENGINEERING MATTERS

Ms. Silva reviewed an engineer's report, a copy of which is attached, with the Board.

Ms. Silva reviewed with the Board a monthly pumpage report. She pointed out that the pumpage for 2020 through May is approximately 107.3% of the previous year at this date. Ms. Silva reported that approximately 24.07 million gallons per day ("MGD") of surface water was purchased from the City of Houston (the "City") during May, 2020.

Ms. Silva reported that a representative from Dannenbaum Engineering Corporation attended the Coastal Water Authority virtual meeting.

REQUESTS FOR SURFACE WATER CONVERSION

There was no discussion on this matter.

WATER TRUNKLINE FINANCING AGREEMENTS AND WATER SUPPLY COMMITMENT LETTER AGREEMENTS

There was no discussion on this matter.

REIMBURSEMENTS TO UTILITY DISTRICTS

There was no discussion on this matter.

JOINT WATER LINE PROJECTS

There was no discussion on this matter.

GROUNDWATER REDUCTION PLAN, SUBSIDENCE DISTRICT AND GROUNDWATER REDUCTION REGULATIONS, WELL PERMITS, PURCHASE AND SALE OF CONSERVATION/GROUNDWATER CREDITS, AUTHORITY REQUIREMENTS FOR CONVERSION TO SURFACE WATER AND CHLORAMINES DISINFECTION AND AGREEMENTS REGARDING CREDITS FOR ALTERNATIVE WATER SUPPLY USE

There was no discussion on this matter.

AUTHORITY CONSTRUCTION PROJECTS AND CONTRACTS, AWARD CONSTRUCTION CONTRACTS, AUTHORIZE NEGOTIATION OF CONSTRUCTION CONTRACTS, APPROVE CHANGE ORDERS AND PAY ESTIMATES, ACCEPT PROJECTS, AND AUTHORIZE ANY NECESSARY TERMINATION

Ms. Silva reported on the status of the automated meter reading system implementation, the Surface Water Supply Project ("SWSP") Segment A clearing contract, Contract 38, Contract 37, Contract 35, the Contract for Segment 3-A4, and the Segment A casing project.

Ms. Silva recommended closing out and final acceptance of the contract for the automated meter reading system implementation. Following discussion, Director Thornhill made a motion to close out and accept the project for the automated meter reading system implementation. Director Gorden seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

Ms. Silva recommended approval of Pay Estimate No. 17 and Final in the amount of \$88,539.20 to Accurate Utility Supply, LLC for the automated meter reading system, approval of Pay Estimate No. 7 in the amount of \$582,703.20 to Main Lane Industries, Ltd., for Contract 38, Pay Estimate No. 5 in the amount of \$762,495.75 to Main Lane Industries, Ltd., for Contract 35, Pay Estimate No. 4 in the amount of \$809,538.30 to Garney Companies, Inc., for Contract S3-A4, and Pay Estimate No. 1 in the amount of \$294,928.20 to Persons Services, Corp., for Contract 37. Following review and discussion, Director Struzick made a motion to approve the above-mentioned pay estimates, as recommended. Director Janneck seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

CITY OF HOUSTON WATER SUPPLY CONTRACT AND SUPPLEMENTS THERETO, INCLUDING AMENDMENTS THERETO, CHARGES FOR OPERATION AND MAINTENANCE EXPENSES, AND CASH CALLS, NORTHEAST WATER PLANT ("NEWPP") EXPANSION, LUCE BAYOU, AND NORTHEAST TRANSMISSION LINE

There was no discussion on this matter.

CONTRACTS FOR SERVICES FOR ENGINEERING, ENGINEERING DESIGN, GEOTECHNICAL, ABSTRACTING, SURVEYING, LEGAL, RIGHT-OF-WAY ACQUISITION, COMMUNICATIONS AND CRISIS MANAGEMENT, WEBSITE, OPERATING SERVICES, AND APPRAISAL SERVICES, INCLUDING APPROVAL OF CONTRACTS FOR SERVICES, WORK AUTHORIZATIONS, CHANGE ORDERS, AMENDMENTS TO AND ASSIGNMENTS OF CONTRACTS, TERMINATIONS, AND LEGAL CONFLICTS WAIVER

Ms. Silva recommended approval of Change Order No. 1 to Contract S3-A4 with Garney Companies Inc., for a four-day time extension and to increase the contract in the amount of \$10,672.54. The Board determined that Change Order No. 1 is beneficial to the Authority. After review and discussion, Director Wheeler moved to approve Change Order No. 1 in the amount of \$10,672.54 as an increase to Contract S3-A4 with Garney Companies Inc., and a four-day time extension, based upon the Board's finding that the Change Order is beneficial to the Authority and the engineer's recommendation. Director Owens seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

Ms. Silva reported that contracts for construction of Contract 36 are ready to be signed.

Ms. Silva then reported that IDS Engineering Group, Inc., the engineer for Contract 50, will need resolution with the City to achieve 100% design plans.

Ms. Silva reported that EHRA, the engineer for Kinder Morgan 7, is working on submittal of 90% design plans.

Ms. Silva also reported that EHRA, the engineer for Contract 32, is working on submittal of 90% design plans.

Ms. Silva reported that AECOM Technical Services, Inc., the engineer for the Segment A project, is working on submittal of 90% design plans.

Ms. Silva also reported that Black & Veatch, the engineer for Segment B of the SWSP, submitted the "pre-100%" plans to the City of Houston for Segments B1/B2 and B3 and that resolution with the City is needed to achieve 100% design plans. She stated the variances for Segments B1/B2 and B3 have been approved by Harris County Flood Control District.

Ms. Silva then reported that Freese & Nichols, the engineer for the Segment C of the SWSP, received plan approval by the City and the project is scheduled to advertise on June 12, 2020.

Ms. Silva also reported that Freese & Nichols, the engineer on the RePump Station, is evaluating options to meet the new floodplain criteria.

Ms. Silva reported that AECOM Technical Services, Inc., the engineer on the Central Pump Station, submitted 100% design plans for agency review.

Ms. Silva then reported that Mbroh Engineering, Inc., the engineer for the wide area network, fiber optic, and incidental electrical design services, is working on Segment A valve stations. She also reported that designs for Segment B, Segment C, and the Central Pump Station have been completed.

Ms. Silva also reported that Half Associates, Inc., the engineer for Kinder Morgan 1, will need resolution with the City to achieve 100% design plans.

Ms. Silva reported that IDS Engineering Group, Inc., the engineer for Kinder Morgan 2, will need resolution with the City to achieve 100% design plans.

Ms. Silva then reported that Garver, the engineer for Kinder Morgan 3, will need resolution with the City to achieve 100% design plans.

Ms. Silva also reported that Lockwood, Andrews & Newnam, Inc., the engineer for Kinder Morgan 4, will need resolution with the City to achieve 100% design plans.

Ms. Silva reported that Jones & Carter, Inc., the engineer for Kinder Morgan 5, will need resolution with the City to achieve 100% design plans.

Ms. Silva also reported that Black & Veatch Corporation, the engineer for Kinder Morgan 6, will need resolution with the City to achieve 100% design plans.

Ms. Silva then reported that Binkley & Barfield, Inc., the engineer for Segment 3-A1, is working on submittal of 100% design plans. will need resolution with the City to achieve 100% design plans.

Ms. Silva reported that Kimley-Horn & Associates, Inc., the engineer for Segment 3-A2, will need resolution with the City to achieve 100% design plans.

Ms. Silva also reported that Freese & Nichols, Inc., the engineer for Segment 3-A3, will need resolution with the City to achieve 100% design plans.

Ms. Silva reported that Huitt-Zollars, Inc., the engineer for Segment 3-A5, will need resolution with the City to achieve 100% design plans.

Ms. Silva also reported that BGE, Inc., the engineer for Segment 3-B1, will need resolution with the City to achieve 100% design plans.

The Board then considered the following work authorizations: (1) Supplement No. 1 to Work Authorization No. 34 to Abstract Services of Houston to amend the scope of abstracting services and the termination date to December 31, 2020; (2) Work Authorization No. 152 to Rapid Research, Inc., in the amount of \$100.00; (3) Work Authorization No. 153 to Rapid Research, Inc., in the amount of \$1,000.00; (4) Work Authorization No. 14 to S&V Surveying, Inc., in the amount of \$7,395.00; and (5) Supplement No. 16 to Work Authorization No. 16 to Fugro Consultants, Inc., in the amount of \$43,475.00. Following review and discussion, Director Thornhill moved to approve the above-described work authorizations and the supplement to work authorization. Director Struzick seconded the motion. A roll call of the Board was taken and the motion carried by a vote of seven for the motion with Director Postle abstaining.

#### ENVIRONMENTAL PERMITTING, COMPLIANCE, MITIGATION AND RELATED AGREEMENTS

There was no discussion on this matter.

#### REALTY INTEREST ACQUISITION AND CONVEYANCE, INCLUDING ACCEPT, CONVEY, AMEND, APPROVE OR RELEASE EASEMENTS, EASEMENT AGREEMENTS, ASSIGNMENTS OF EASEMENTS, DEEDS, PLATS, RIGHT OF ENTRY AGREEMENTS, APPROVE PURCHASE AND SALE AGREEMENTS, AND APPROVE INTERLOCAL AGREEMENTS WITH HARRIS COUNTY AND HARRIS COUNTY FLOOD CONTROL DISTRICT

Ms. Silva noted that the Chief Administrative Official, Director Postle, has been designated to approve easements and the list of approved easements is reflected on the engineer's report.

CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY AND REQUEST BOARD APPROVAL OF FIRST AMENDED RESOLUTION AUTHORIZING ACQUISITION OF REAL PROPERTY INTERESTS TO CONFIRM THE EXISTENCE OF A PUBLIC NECESSITY FOR THE AUTHORITY TO ACQUIRE CERTAIN PROPERTIES AND PROPERTY INTERESTS ALONG THE CONTRACT 50 ROUTE, AND AUTHORIZING THE INITIATION OF CONDEMNATION PROCEEDINGS TO ACQUIRE SUCH PROPERTIES AND PROPERTY INTERESTS

Director Hansen moved that the Board of Directors of the West Harris County Regional Water Authority, in a record vote applying to all units of property to be condemned, adopt a Resolution Authorizing Acquisition of Real Property Interests which authorizes the use of the power of eminent domain to acquire properties and property interests for the construction, installation, operation, and maintenance of facilities and appurtenances thereto necessary and convenient for the transportation and delivery of water at the general location and along the general route established for Contract 50, as shown on Exhibit A to the Resolution, and delegates to the Authority's Chief Administrative Official for land and property acquisition the authority to supervise such acquisitions and, as necessary, to initiate condemnation proceedings to acquire such properties and property interests. Director Wheeler seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

ENCROACHMENTS OF EASEMENTS OR OTHER REALTY INTERESTS, INCLUDING ACCEPT, CONVEY, AMEND, OR RELEASE ENCROACHMENT AGREEMENTS

The Board considered consenting to an encroachment by Magellan Pipeline Company, L.P. relating to the Segment B3 tunnel alignment. Following review and discussion, Director Postle moved to approve a Consent to Encroachment for Magellan Pipeline Company, L.P., and direct that it be filed appropriately and retained in the Authority's official records. Director Janneck seconded the motion. A roll call of the Board was taken and the motion carried by a vote of seven for the motion with Director Struzick abstaining.

TEXAS WATER DEVELOPMENT BOARD ("TWDB") FINANCING MATTERS

There was no discussion on this matter.

FINANCIAL AND BOOKKEEPING MATTERS, INCLUDING PAYMENT OF BILLS, REVIEW OF INVESTMENTS, AND AUTHORITY FEES AND CHARGES

Ms. Garcia reviewed the bookkeeper's report, a copy of which is attached, a budget comparison, and the disbursements in the bookkeeper's report submitted for the Authority's review. Ms. Garcia noted that check no. 1027 in the amount of \$16,903.16

and check no. 1858 in the amount of \$11,196.58 both payable to Whitley Penn will be voided. Following review and discussion, Director Owens moved to approve the bookkeeper's report and the disbursements reflected in the bookkeeper's report, excluding check nos. 1027 and 1858 to Whitley Penn. Director Gorden seconded the motion. A roll call of the Board was taken and the motion carried by a vote of seven for the motion with Director Postle abstaining.

DELINQUENT AMOUNTS DUE THE AUTHORITY AND VIOLATIONS OF AUTHORITY RULES OR ORDERS; IMPOSE CIVIL PENALTIES AND APPROVE PAYMENT PLAN OR SETTLEMENT AGREEMENTS; CONDUCT HEARING REGARDING SAME

There was no discussion on this matter.

OPERATION OF AUTHORITY FACILITIES, BILLINGS, REPAIRS, INSPECTIONS, MAINTENANCE, CATHODIC PROTECTION, AUTOMATIC METER READING, RIGHT OF WAY MAINTENANCE, AND WATER SUPPLY ISSUES, INCLUDING APPROVAL OF CONTRACTS FOR SUCH WORK, CHANGE ORDERS, WORK AUTHORIZATIONS, AMENDMENTS TO AND ASSIGNMENTS OF CONTRACTS, AND TERMINATIONS

Mr. Thomas reviewed the operator's report, a copy of which is attached.

APPROVE ANNUAL REPORT IN ACCORDANCE WITH CONTINUING DISCLOSURE OF INFORMATION AGREEMENT

Ms. Vinson discussed the annual report to be filed in accordance with the Authority's continuing disclosure of information agreement pursuant to Rule 15c2-12 of the United States Securities and Exchange Commission. After review and discussion, Director Wheeler moved to approve the annual report and authorize filing of same, subject to final review. Director Struzick seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

ANNUAL REVIEW OF PROCEDURES FOR CONTINUING DISCLOSURE COMPLIANCE

Ms. Vinson discussed the Authority's procedures for continuing disclosure compliance. The Board concurred to make no changes to the procedures.

INSURANCE MATTERS, INCLUDING RENEWAL OF COVERAGE WITH TEXAS WATER CONSERVATION ASSOCIATION RISK MANAGEMENT FUND

The Board deferred this matter to the next Design Committee meeting.

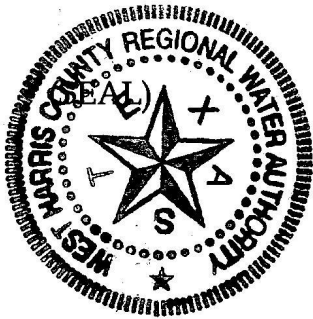


CONVENE EXECUTIVE SESSION TO DISCUSS THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY AND CONSULTATION WITH ATTORNEY REGARDING ANY PENDING OR CONTEMPLATED LITIGATION OR SETTLEMENT OFFERS

The Board did not convene in executive session.

There being no further matters to come before the Authority, the meeting was adjourned.

/s/Douglas (Cam) Postle  
Secretary, Board of Directors



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