

MINUTES  
WEST HARRIS COUNTY REGIONAL WATER AUTHORITY

April 13, 2022

The Board of Directors (the "Board") of the West Harris County Regional Water Authority (the "Authority") met in regular session, open to the public, on the 13th day of April, 2022, at the Fry Road Municipal Utility District Administration Building, 20111 Saums Road, Katy, Texas 77449, inside the boundaries of the Authority, and the roll was called of the members of the Board:

Eric Hansen	President
Larry Wepler	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 Thornhill, thus constituting a quorum.

Also attending the meeting were Bryan Thomas of Inframark Water Infrastructure Operations ("Inframark"); Melinda Silva, Wayne Ahrens, and Nancy Collins of DEC; Troy Anthony of Project Surveillance, Inc.; Frank Turner of EEPB; Fred Junkin of Phelps Dunbar LLP; and Sanjay Bapat and Cheryl Panozzo of Allen Boone Humphries Robinson LLP ("ABHR"). Also present at the meeting were those persons included on the attached list.

PUBLIC COMMENT

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

Mr. Bob Blumrick stated he is a director of Harris County Municipal Utility District No. 163 and discussed recent articles about increased contaminants entering the Edwards Aquifer.

There being no additional members of the public requesting to make public comment, Director Hansen moved to the next agenda item.

## MINUTES OF PREVIOUS MEETINGS

The Board reviewed the minutes of the March 9, 2022, regular Authority Board meeting. Following review and discussion, Director Struzick moved to approve the minutes of the March 9, 2022, regular Authority Board meeting, as submitted. The motion was seconded by Director Owens, which passed unanimously.

## 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

Mr. Ahrens reported that Ms. Payne stated that the Water Is Life mobile teaching lab recently participated in a community event sponsored by Harris County Municipal Utility District No. 127.

## ENGINEERING MATTERS

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

Ms. Silva reviewed the monthly pumpage report. She pointed out that pumpage for 2022 through March is approximately 97.08% of the previous year at this date and that the average usage for 2022 is projected to be 60.88 MGD.

Ms. Silva reported that for March, the Authority was 41.78% converted to surface water and that for the 2022 calendar year, the Authority was 41.05% converted to surface water.

## 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.

## 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

Ms. Silva reported that the 2021 Annual Groundwater Report is scheduled to be presented by the Harris-Galveston Subsidence District at a public hearing on April 28, 2022, at 10:00 a.m.

Ms. Silva then reported that Harris County Municipal Utility District No. 172 has reported drilling of a new well.

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

Ms. Silva reported on the status of construction for Contract 36, Contract 50, Contract 32, Surface Water Supply Project ("SWSP") Segment B3, SWSP Segments B1 and B2; SWSP Segments C1 and C2, and SWSP Segments 3-A1, 3-A2, and 3-A3.

Regarding Contract 36, Ms. Silva reported she anticipates that the project will be finalized within the next 30 days.

Regarding Contract 50, Ms. Silva reported that the contractor is working on tunnels along Fry Road and Morton Road and boring across Morton Road into the plant.

Regarding Contract 32, Ms. Silva stated that submittals for the project are ongoing.

Ms. Silva reported that DEC is waiting for the contractor for Segment B3 to submit insurance documents for the contract and that a Notice to Proceed was issued on April 11, 2022, for Segments B1 and B2.

Ms. Silva recommended approval of: (1) Pay Estimate No. 4 in the amount of \$234,346.05 to Persons Services Corp., for Contract 50; (2) Pay Estimate No. 15 in the amount of \$2,077,839.83 to S.J. Louis Construction of Texas, Ltd. for SWSP Segment C1; (3) Pay Estimate No. 15 in the amount of \$1,379,284.58 to Harper Brothers Construction, LLC for SWSP Segment C2; (4) Pay Estimate No. 4 in the amount of \$464,721.28 to R Construction Company for SWSP Segment 3-A1; and (5) Pay Estimate No. 6 in the amount of \$796,418.19 to Main Lane Industries, Ltd., for SWSP Segment 3-A3.



Following review and discussion, Director Weppler made a motion to approve the above-described pay estimates, as recommended. Director Wheeler seconded the motion, which passed unanimously.

Director Weppler requested that DEC add a column to the Authority construction contracts table in future engineer's report to show the percentage of contract time that has been completed to date.

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

The Board considered authorizing payment of Cash Call no. 11 for the NEWPP. Following discussion, Director Wheeler made a motion to approve payment of Cash Call no. 11. Director Gorden seconded the motion, which passed unanimously.

CONTRACTS FOR SERVICES FOR ENGINEERING, ENGINEERING DESIGN, GEOTECHNICAL, ABSTRACTING, SURVEYING, LEGAL, RIGHT-OF-WAY ACQUISITION, COMMUNICATIONS AND CRISIS MANAGEMENT, AUDIO/VISUAL TECHNOLOGY, WEBSITE, ACCOUNTING AND SOFTWARE, INVESTMENT ADVISORY SERVICES, 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 discussed the design contracts for Contract 25, Contract 26, and Contract 27 (the "Mission Bend CIP") with Sanders Engineering, Huitt Zollars, and Vogler and Spencer, respectively, and reported that the Mission Bend CIP design contracts were placed on hold and need to be reinitiated. Following discussion, Director Struzick made a motion to authorize restarting the Mission Bend CIP design contracts and authorize negotiating revised engineering design services agreements with Sanders Engineering, Huitt Zollars, and Vogler and Spencer for Contract 25, Contract 26, and Contract 27, respectively. Director Weppler seconded the motion, which passed unanimously.

Director Hansen reported that the Design Committee recommends that the Board authorize negotiating the engineering design services agreement for Contract 63 with Carollo Engineers, Inc. ("Carollo"). Following discussion, Director Struzick moved to select Carollo as the design engineer for Contract 63 and authorize negotiating an engineering design services agreement for Contract 63 with Carollo. Director Postle seconded the motion, which carried by a vote of seven for the motion with Director Weppler abstaining.



The Board then considered approving an additional work authorization to Conrad Inc., for cybersecurity consulting services, in the amount not to exceed \$20,000.00. Following review and discussion, Director Wheeler moved to approve the work authorization to Conrad Inc., in the amount not to exceed \$20,000.00. Director Owens seconded the motion, which passed by unanimous vote.

Ms. Silva reported that EHRA submitted a proposal to change the Kinder Morgan sub-segment 7 design plans due to the change in alignment.

Ms. Silva then reported that the design engineer, AECOM, submitted a response to the City of Houston's comments on the final project design plans for SWSP Segment A and that Harris County Flood Control District approved the variance request.

Ms. Silva reported that Freese & Nichols, the design engineer for the RePump Station is addressing additional comments on the 100% design plans from Harris County.

Ms. Silva then reported that AECOM, the design engineer for the Central Pump Station, is finalizing the bid documents for the project.

Ms. Silva also reported that the design engineer for Segment 3-A5 and Segment 3-B1 resubmitted design plans for the projects based on comments related to 408 permit clarification to the United States Army Corps of Engineers ("USACE").

Ms. Silva provided an update regarding meters at the Northeast Meter Station and reported that work continues on the butterfly valve installation package.

Ms. Silva also provided an update on design and schedule matters concerning the SWSP Kinder Morgan segments.

The Board considered approving the following: (1) Addendum No. 1 to the contract with Edminister, Hinshaw, Russ & Associates in the amount of \$70,051.00 to change the Kinder Morgan sub-segment 7 design plans due to the change in alignment; (2) Addendum No. 6 to the contract with Freese and Nichols for SWSP Segment C1 to increase the contract amount to \$8,911,866.00; (3) Addendum No. 8 to the contract with AECOM for the Central Pump Station to extend the project completion date to September 1, 2022; (4) Addendum No. 10 to the contract with Black & Veatch for SWSP Segments B1 and B2 construction phase services in the amount of \$2,394,029.38; and (5) Addendum No. 11 to the contract with Black & Veatch for SWSP Segment B3 construction phase services in the amount of \$1,382,578.68. Following review and discussion, Director Struzick moved to approve the above-described addenda. Director Gorden seconded the motion, which carried by a vote of seven for the motion with Director Postle abstaining.



The Board then considered approving the following work authorizations: (1) Work Authorization No. 44 to Hawkins Lease Service, Inc., in the amount of \$348,047.00; (2) Work Authorization No. 188 to Rapid Research, Inc., in the amount of \$50.00; (3) Work Authorization No. 189 to Rapid Research, Inc., in the amount of \$350.00; (4) Work Authorization No. 190 to Rapid Research, Inc., in the amount of \$50.00; (5) Work Authorization No. 159 to Lupher, LLC in the amount of \$600.00; (6) Work Authorization No. 160 to Lupher, LLC in the amount of \$20,000.00; and (7) Work Authorization No. 161 to Lupher, LLC in the amount of \$600.00. Following review and discussion, Director Wheeler moved to approve the above-described work authorizations. Director Weppeler seconded the motion, which carried by a vote of seven for the motion with Director Postle abstaining.

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

Ms. Silva reported that the SWSP Nationwide Permit ("NWP") is being updated from NWP 12 to NWP 58 due to changes to the USACE NWP Program.

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

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 attached engineer's report.

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

There was no discussion on this matter.

#### CONSTRUCTION UPDATES

Mr. Anthony presented the attached SWSP Monthly Construction Status Report dated April 1, 2022.



#### RESOLUTION REGARDING APPROVAL OF CHANGE ORDERS

Mr. Bapat reviewed a Resolution Regarding Approval of Change Orders. Following review and discussion, Director Wepler moved to approve the Resolution Regarding Approval of Change Orders and direct that the Resolution be filed appropriately and retained in the Authority's official records. Director Struzick seconded the motion, which passed unanimously.

#### TEXAS WATER DEVELOPMENT BOARD FUNDING

There was no discussion on this matter.

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

Mr. Turner reviewed the bookkeeper's report, a copy of which is attached, and the disbursements in the bookkeeper's report submitted for the Authority's review. Following review and discussion, Director Owens moved to approve the bookkeeper's report and the disbursements reflected in the bookkeeper's report. Director Wepler seconded the motion, which 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, AUTOMATIC METER READING, REQUESTS FOR REIMBURSEMENT, CREDITS, OR WAIVERS, REPAIRS, INSPECTIONS, MAINTENANCE, CATHODIC PROTECTION, RIGHT OF WAY MAINTENANCE, AND WATER SUPPLY ISSUES, APPROVAL OF CONTRACTS FOR RELATED WORK, CHANGE ORDERS, WORK AUTHORIZATIONS, AMENDMENTS TO AND ASSIGNMENTS OF CONTRACTS, AND TERMINATIONS, WINTER STORM RECOVERY MATTERS

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

Mr. Thomas reported that the after pulling Booster Pump No. 4 and inspecting the mechanical seal, the vendor increased the prior estimate of \$30,000.00 to pull the pump for maintenance and repair the mechanical seal to \$50,000.00. Following discussion, Director Struzick made a motion to authorize pulling Booster Pump No. 4 for maintenance and approve repair of the mechanical seal in an amount not to exceed \$50,000.00. Director Wepler seconded the motion, which passed by unanimous vote.



APPROVE ANNUAL REPORT ON IMPLEMENTATION OF WATER  
CONSERVATION PLAN AND AUTHORIZE SUBMITTAL TO THE TEXAS WATER  
DEVELOPMENT BOARD

The Board considered approving the annual report on implementation of the Authority's Water Conservation Plan. After discussion, Director Struzick moved to approve the annual report on implementation of the Authority's Water Conservation Plan, direct that the report be filed appropriately and retained in the Authority's official records, and authorize submission of the report to the Texas Water Development Board, subject to final review by the Authority's president. Director Wheeler seconded the motion, which passed unanimously.

REVIEW DROUGHT CONTINGENCY PLAN

The Board reviewed the Authority's current Drought Contingency Plan. The Board concurred that no changes were necessary to the current Drought Contingency Plan and took no further action.

CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 551.072, TEXAS  
GOVERNMENT CODE, AND SECTION 551.071, TEXAS GOVERNMENT CODE

Director Weppler left the meeting and did not participate in executive session.

The Board convened in executive session at 6:47 p.m. pursuant to Section 551.071, Texas Government Code to conduct a private consultation with attorney, including special counsel Mr. Junkin. The Board determined that the presence of Mr. Ahrens, Ms. Silva, Ms. Collins, and Mr. Anthony in this executive session was necessary in order for the Board to obtain the necessary legal advice from its attorney, and the Board concurred to have them present. Present at the closed meeting were Directors Hansen, Postle, Struzick, Janneck, Gorden, Owens, and Wheeler, Mr. Junkin, Mr. Ahrens, Ms. Silva, Ms. Collins, and Mr. Anthony, Mr. Bapat, and Ms. Panozzo.

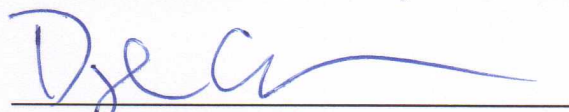
RECONVENE IN OPEN SESSION AND AUTHORIZE APPROPRIATE ACTION

At 8:08 p.m., the Board reconvened in open session. Director Owens made a motion to authorize actions discussed in executive session. Director Gorden seconded the motion, which passed unanimously.

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

(SEAL)



  
Secretary, Board of Directors



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