

MINUTES
WEST HARRIS COUNTY REGIONAL WATER AUTHORITY

February 8, 2023

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 8th day of February, 2023, 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
Karla Cannon	Director
Dennis Gorden	Director
John "Jay" Wheeler	Director

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

Also attending the meeting were Bryan Thomas of Inframark Water Infrastructure Operations; Wayne Ahrens, Melinda Silva, and Chase Juhl of DEC; Troy Anthony of Project Surveillance, Inc.; Kevin Berry of EEPB; and Alia Vinson, Sanjay Bapat, and Justin Cherne of Allen Boone Humphries Robinson LLP. 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 news articles regarding the Colorado River drought conditions. He noted that the seven states using Colorado River water missed a deadline to agree on water use reductions.

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 January 11, 2023, regular Authority Board meeting. Following review and discussion, Director Gorden moved to approve the minutes of the January 11, 2023, regular Authority Board meeting, as submitted. The motion was seconded by Director Struzick, 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

Director Thornhill reported that the Authority has begun preparations for upcoming outreach efforts.

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 2023 through January is approximately 98.194% of the previous year at this date and that the average usage for 2023 is projected to be 66.21 MGD.

Ms. Silva reported that for January and for the 2023 calendar year, the Authority was 35.53% converted to surface water.

Ms. Silva provided an update on design and schedule matters concerning the remaining 2025 CIP projects.

Ms. Silva reported that the population and water demand projections are being updated based on new data from the U.S. Census Bureau.

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 Harris County Municipal Utility District No. 188 has 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 50, Contract 32, Surface Water Supply Project ("SWSP") Segments B1 and B2, SWSP Segment B3, SWSP Segments C1 and C2, and SWSP Segments 3-A1, 3-A2, and 3-A3.

Regarding Contract 50, Ms. Silva reported that work continues on the meter station and DEC is coordinating with the municipal utility district regarding startup.

Regarding Contract 32, Ms. Silva reported that DEC is coordinating with Harris County Municipal Utility District No. 500 regarding startup.

Ms. Silva reviewed and recommended approval of three demolition contracts with Cherry Demolition Company ("Cherry") for clearing structures required for SWSP Segments B1/B2 and SWSP Segments A1 and A2, subject to final review by the Authority President. Following review and discussion, Director Struzick made a motion to approve the three demolition contracts with Cherry for clearing structures required for SWSP Segments B1/B2 and SWSP Segments A1 and A2, subject to final review by the Authority President. Director Wheeler seconded the motion, which passed unanimously.

Ms. Silva recommended approval of: (1) Pay Estimate No. 7 in the amount of \$8,550.00 to D.L. Elliott Enterprises for Contract 32; (2) Pay Estimate No. 14 in the amount of \$535,484.72 to Persons Services Corp. for Contract 50; (3) Pay Estimate No. 7 in the amount of \$14,851,462.64 to Harper Brothers Construction, LLC for SWSP Segments B1 and B2; (4) Pay Estimate No. 8 in the amount of \$1,653,505.47 to Jay Dee Contractors, Inc. for SWSP Segment B3; (5) Pay Estimate No. 25 in the amount of

\$168,910.10 to S.J. Louis Construction of Texas Ltd. for SWSP Segment C1; (6) Pay Estimate No. 25 in the amount of \$1,457,478.06 to Harper Brothers Construction, LLC for SWSP Segment C2; and (7) Pay Estimate No. 14 in the amount of \$165,645.10 to R Construction Company for SWSP Segment 3-A1. Following review and discussion, Director Weppler made a motion to approve the above-described pay estimates, as recommended. Director Thornhill seconded the motion, which passed unanimously.

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

Ms. Silva reported that the Authority received a revised Cash Call No. 12 for the NEWPP Expansion Project and stated payment will be presented for approval later in the meeting during the bookkeeper's report.

CONTRACTS FOR SERVICES FOR ENGINEERING, ENGINEERING DESIGN, GEOTECHNICAL, ABSTRACTING, SURVEYING, LEGAL, RIGHT-OF-WAY ACQUISITION, COMMUNICATIONS, WEBSITE, ACCOUNTING/BOOKKEEPING AND SOFTWARE, RATE ANALYSIS, 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 reported that the contract documents for construction of SWSP Segments A1 and A2 will be submitted to the Texas Water Development Board for approval to issue a Notice to Proceed for the project.

Ms. Silva then reported Freese & Nichols, the design engineer for the RePump Station, submitted 100% design plans to all agencies for final approvals and that various issues related to Harris County civil review are being worked through.

Ms. Silva also reported that the surveys and geotechnical investigations are being scheduled for the Bellaire Meter Station and the I-10 Meter Station. She noted that weather has delayed the clearing contractor for the I-10 Meter Station.

Ms. Silva reported that the design package is being worked on for the Northeast Meter Station and coordination with the Texas Department of Transportation related to drainage outfall continues.

Ms. Silva then reported that submittal of 100% design plans for SWSP Kinder Morgan Segment 1 is scheduled for February 17, 2023.

Ms. Silva also reported that design of Kinder Morgan Segments 2-5 are currently on hold.

Ms. Silva reported that EHRA, the design engineer for the Kinder Morgan 7 sub-segment, is coordinating with municipal utility districts on meter stations.

Ms. Silva then reported that a pre-proposal meeting was held on February 2, 2023 with Sanders, the design engineer for Contract 51.

Ms. Silva also reported that a pre-proposal meeting has been scheduled for February 15, 2023 with Arcadis, the design engineer for Contract 52.

Ms. Silva reported that Carollo, the design engineer for Contract 63, is working on 60% design plans and that the plans are due on March 1, 2023.

Ms. Silva then reported that LAN, the design engineer for Contract 64, is working on 30% design plans and the plans are due on March 28, 2023. She noted that the survey work for the project is complete.

Ms. Silva also reported that fieldwork by Kimley Horn, the design engineer for Contract 65, is underway and Geotech is mobilizing in mid-February.

Ms. Silva reported that 30% design plans submitted on January 27, 2023, by Sander Engineering, the design engineer for Contract 25, are under review.

Ms. Silva then reported that 30% design plans are expected to be submitted by Huitt-Zollars, the design engineer for Contract 26, on February 24, 2023.

Ms. Silva also reported that 60% design plan submittal from Vogler & Spencer, the design engineer for Contract 27, is due.

Ms. Silva then reviewed and recommended approval of the following: (1) Addendum No. 7 to the contract with AECOM for construction phase services for SWSP Segments A1 and A2 in the amount of \$1,944,716.50; (2) Master Services Agreement with Hollaway Environmental + Communications Services ("Hollaway") for environmental services related to Authority CIP projects; (3) Addendum No. 1 to the contract with BGE, Inc. for design services related to SWSP Segment 3-B1 in the amount of \$112,000.00; (4) Addendum No. 6 to the Master Services Agreement with Integra Realty Resources Houston ("Integra") to increase the contract amount to \$950,000.00; and (5) Supplement No. 4 to Work Authorization No. 1 to Integra to increase the maximum payable amount to \$106,000.00. Following review and discussion, Director Struzick moved to approve (1) the above-described addenda; (2) the Master Services Agreement with Hollaway; and (3) Supplement No. 4 to Work Authorization No. 1 to Integra. Director Wheeler seconded the motion, which passed by a vote of eight for the motion, with Director Postle abstaining.

The Board then considered approving the following work authorizations: (1) Work Authorization No. 166 to Luper in the amount of \$6,670.00; (2) Supplement No.

3 to Work Authorization No. 7 to KDM to extend the termination date until project completion; (3) Work Authorization Nos. 195 and 196 to Rapid Research Inc. in the amounts of \$350.00 and \$300.00, respectively; (4) Work Authorization No. 35 to Terracon Consultants, Inc. in the amount not to exceed \$3,600.00; and (5) Work Authorization No. 1 to Hollaway for environmental services for CIP internal environmental review in the amount of \$19,800.00. Ms. Silva noted that Work Authorization No. 1 to Hollaway replaces Work Authorization No. 17 to Hollaway approved by the Board at the January 2023 Board meeting. Following review and discussion, Director Struzick moved to approve the above-described work authorizations and supplement to work authorization. Director Wheeler seconded the motion, which carried by a vote of eight for the motion, with Director Postle abstaining.

ENVIRONMENTAL PERMITTING, COMPLIANCE, MITIGATION AND RELATED AGREEMENTS

Ms. Silva provided a report on the update to the SWSP East-West Nationwide Permit ("NWP") from NWP 12 to NWP 58.

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, 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 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.

CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY AND REQUEST BOARD APPROVAL OF 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 51, CONTRACT 64, AND CONTRACT 65 ROUTES, AND AUTHORIZING THE INITIATION OF CONDEMNATION PROCEEDINGS TO ACQUIRE SUCH PROPERTIES AND PROPERTY INTERESTS

Director Thornhill 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 routes established for Contract 51, Contract, 64, and Contract 65 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 Wepler seconded the motion. A roll call of the Board was taken and the motion passed unanimously, with all directors voting "yea."

CONSTRUCTION UPDATES

Mr. Juhl presented the attached SWSP Monthly Construction Status Report dated January 30, 2023.

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

Mr. Berry 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 Struzick moved to approve the bookkeeper's report and the disbursements reflected in the bookkeeper's report. Director Wheeler seconded the motion, which carried by a vote of eight 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, TERMINATIONS, AND DROUGHT CONTINGENCY PLAN MATTERS

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


CONVENE IN EXECUTIVE SESSION TO CONSULT WITH ATTORNEY PURSUANT TO SECTION 551.071 TEXAS GOVERNMENT CODE

The Board did not convene in executive session.

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

(SEAL)





Secretary, Board of Directors

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