

MINUTES
WEST HARRIS COUNTY REGIONAL WATER AUTHORITY

April 12, 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 12th day of April, 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 Weppler	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 except Directors Postle and Thornhill, 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.; Frank Turner of EEPB; and Alia Vinson and Cheryl Panozzo 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. There being no 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 8, 2023, regular Authority Board meeting. Following review and discussion, Director Struzick moved to approve the minutes of the March 8, 2023, regular Authority Board meeting, as submitted. The motion was seconded by Director Gorden, 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. Thomas reported that a new website for the Authority is almost complete.

Mr. Thomas discussed Authority social media initiatives through Facebook and Instagram, including irrigation messaging that features the Water My Yard program mascot, Irry Gator.

Mr. Thomas also reported that the Authority obtained an exhibit booth at the 2023 Association of Water Board Directors summer conference, which will feature Irry Gator.

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 March is approximately 105.309% of the previous year at this date and that the average usage for 2023 is projected to be 54.77 MGD.

Ms. Silva reported that for March, the Authority was 39.51% converted to surface water and for the 2023 calendar year, the Authority was 37.25% 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 the Authority sent letters to districts that earned credits for alternative water usage pursuant to their respective Agreements Regarding Credits for Alternative Water Supply Use with the Authority.

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, SWSP Segments 3-A1, 3-A2, and 3-A3, and the SWSP Central Pump Station.

Regarding Contract 50, Ms. Silva reported the meter stations are approximately 95% complete and she anticipates that surface water will be delivered in May 2023.

Regarding Contract 32, Ms. Silva reported that interconnect approval from the Texas Commission on Environmental Quality is pending.

Ms. Silva recommended approval of: (1) Pay Estimate No. 2 in the amount of \$1,816,551.90 to Reytec Construction Resources, Inc. for the Central Pump Station; (2) Pay Estimate No. 16 in the amount of \$250,309.80 to Persons Services Corp. for Contract 50; (3) Pay Estimate No. 9 in the amount of \$2,851,949.81 to Harper Brothers Construction, LLC for SWSP Segments B1 and B2; (4) Pay Estimate No. 10 in the amount of \$3,491,391.42 to Jay Dee Contractors, Inc. for SWSP Segment B3; (5) Pay Estimate No. 27 in the amount of \$7,632.00 to S.J. Louis Construction of Texas Ltd. for SWSP Segment C1; (6) Pay Estimate No. 27 in the amount of \$1,171,580.62 to Harper Brothers Construction, LLC for SWSP Segment C2; (7) Pay Estimate No. 16 in the amount of \$221,104.19 to R Construction Company for SWSP Segment 3-A1; and (8) Pay Estimate No. 18 in the amount of \$594,538.95 to E.P. Brady, Ltd. for SWSP Segment 3-A2. 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.

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, 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 then reported that issues related to Harris County fire code review of the 100% design plans for the RePump Station are being resolved and noted that City of Houston (the "City") approval of the plans is pending.

Ms. Silva also reported that layout drawings of the Bellaire Meter Station are being worked on.

Ms. Silva also reported that a drainage plan for the I-10 Meter Station is being worked on and coordination regarding a pipeline crossing is ongoing.

Ms. Silva reported that 60% design plans for the Northeast Meter Station were submitted to agencies last week.

Ms. Silva then reported that comments on the 100% design plans for the SWSP Kinder Morgan Segment 1 from the City are being reconciled.

Ms. Silva also reported that DEC is working with the design engineers for SWSP Kinder Morgan Segments 2-5 on updates to their proposals for design of these projects.

Ms. Silva reported that a proposal to restart design of Kinder Morgan Segment 6 is under review and noted that the impact of new development on tunnel crossing of I-10 is being evaluated.

Ms. Silva reported on coordination with EHRA, the design engineer for the Kinder Morgan 7 sub-segment, regarding extension of an easement to serve Harris County Municipal Utility District No. 5.

Ms. Silva then reported that a design proposal with Sander Engineering Corporation was authorized in the amount of \$415,833.00 for basic design and \$160,552 for special services for Contract 51.

Ms. Silva also reported she anticipates that a design proposal with Arcadis for Contract 52 will be presented for approval at the next Authority Board meeting.

Ms. Silva reported comments were returned to Carollo, the design engineer for Contract 63, on the 60% design plans.

Ms. Silva then reported comments were returned to LAN, the design engineer for Contract 64, on the 30% design plans and that additional SUE work with LAN was authorized in the amount of \$10,318.00.

Ms. Silva also reported that 30% design plans were submitted by Kimley Horn, the design engineer for Contract 65, on April 6, 2023.

Ms. Silva reported that comments were returned to Sander Engineering, the design engineer for Contract 25, on the 30% design plans.

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

Ms. Silva also reported that comments were returned to Vogler & Spencer, the design engineer for Contract 27, on the 60% design plans.

Ms. Silva reviewed and recommended approval of a Master Services Agreement with Terracon Consultants, Inc. to provide CIP environmental services. Following review and discussion, Director Weppner moved to approve the Master Services Agreement with Terracon Consultants, Inc. Director Struzick seconded the motion, which passed unanimously.

The Board then considered approving the following work authorizations: (1) Work Authorization No. 25 with Texas American Title Company in the amount of \$11,700.00; (2) Work Authorization No. 36 to V&A Consulting Engineers, Inc. in the amount of \$35,287.00; (3) Work Authorization No. 37 to V&A Consulting Engineers, Inc. in the amount of \$35,658.00; (4) Work Authorization No. 197 to Rapid Research, Inc. in the amount of \$830.00; (5) Work Authorization No. 198 to Rapid Research, Inc. in the amount of \$3,815.00; (6) Work Authorization No. 199 to Rapid Research, Inc. in the amount of \$3,815.00; (7) Supplement No. 1 to Work Authorization No. 5 to Fugro USA, Land, Inc. to increase the maximum payable amount to \$22,000.00; and (8) Work Authorization No. 1 to Terracon Consultants, Inc. in the amount of \$43,700.00 for environmental services for Contracts 25, 26, 27, and 63. Following review and discussion, Director Struzick moved to approve the above-described work

authorization and supplement to work authorization. Director Wheeler seconded the motion, which passed unanimously.

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.

Mr. Silva reported that a response from the United States Army Corps of Engineers regarding the application for jurisdictional determination for the Northeast Meter Station site to declassify the property as wetlands submitted on December 7, 2022, is still pending.

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.

Director Janneck joined the meeting.

ENCROACHMENTS OF EASEMENTS OR OTHER REALTY INTERESTS, INCLUDING ACCEPT, CONVEY, AMEND, OR RELEASE ENCROACHMENT AGREEMENTS, RESOLUTION ADOPTING ENCROACHMENT POLICY, AND RESOLUTION REGARDING ENCROACHMENT REVIEW COMMITTEE AUTHORIZATIONS AND DELEGATIONS

Ms. Vinson reported that the Authority plans to implement an encroachment policy (the "Policy") and presented a Resolution Adopting Encroachment Policy. Following review and discussion, Director Weppler moved to approve the Resolution Adopting Encroachment Policy and direct that it be filed appropriately and retained in the Authority's official records. Director Struzick seconded the motion, which passed unanimously. Ms. Vinson noted that the Policy will be posted to the Authority's website and a notice regarding the Policy will be distributed to municipal utility district engineers and attorneys.

Ms. Vinson then presented a Resolution Regarding Encroachment Review Committee Authorizations and Delegations. Following review and discussion, Director Struzick moved to approve the Resolution Regarding Encroachment Review Committee

Authorizations and Delegations and direct that it be filed appropriately and retained in the Authority's official records. Director Wheeler seconded the motion, which passed unanimously.

CONSTRUCTION UPDATES

Mr. Juhl presented the attached SWSP Monthly Construction Status Report dated April 3, 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. He then reviewed two invoices from Center Point Energy Houston Electric, LLC, both in the amount of \$2,420.00. Following review and discussion, Director Wheeler moved to approve the bookkeeper's report and the disbursements reflected in the bookkeeper's report, and the two payments to Center Point Energy Houston Electric, LLC in the amount of \$2,420.00 each. Director Struzick seconded the motion, which passed unanimously.

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.

REVIEW CRITICAL LOAD SPREADSHEET FOR DISTRICT'S FACILITIES

The Board considered the critical load spreadsheet for the Authority's facilities. Following review and discussion, Director Wheeler made a motion to authorize filing of the critical load spreadsheet. Director Gorden seconded the motion, which passed unanimously.

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 subject to final review by the Authority's President, 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. 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 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)



M. T. L. O.
Asst. Secretary, Board of Directors

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