

MINUTES  
WEST HARRIS COUNTY REGIONAL WATER AUTHORITY

August 9, 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 9th day of August, 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 except Director Postle, thus constituting a quorum.

Also attending the meeting were Bryan Thomas of Inframark Water Infrastructure Operations ("Inframark"); Wayne Ahrens, Melinda Silva, and Chase Juhl of DEC; Troy Anthony of Project Surveillance, Inc.; Kevin Berry of EEPB; and Sanjay Bapat 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.

Mr. Bob Blumrick stated he is a director of Harris County Municipal Utility District No. 163 and inquired regarding implementation of the Authority's Drought Contingency Plan. Director Hansen stated that Mr. Blumrick's inquiry will be addressed later in the meeting.

Mr. Philip Johnson requested a written response to a list of questions provided to the Board. Director Hansen referred Mr. Johnson to the Authority's website and the website for the Harris-Galveston Subsidence District as resources.

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 July 12, 2023, regular Authority Board meeting. Following review and discussion, Director Thornhill moved to approve the minutes of the July 12, 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

Director Hansen reported that the 2023 edition of the "Partners in Progress" newsletter is complete and has been posted on the Authority's website.

## 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 June is approximately 95.07% of the previous year at this date and that the average usage for 2023 to date is 69.29 MGD.

Ms. Silva reported that for July, the Authority was 27.53% converted to surface water and for the 2023 calendar year, the Authority was 35.25% 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

There was no discussion on this matter.

## 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, SWSP Segments A1/ A2, and the SWSP Central Pump Station.

Regarding Contract 50, Ms. Silva reported that final punch list items are being worked on.

Regarding Contract 32, Ms. Silva reported that approval from the Texas Water Development Board is needed to close out the project.

Ms. Silva recommended approval of: (1) Pay Estimate No. 6 in the amount of \$2,722,200.82 to Reytec Construction Resources, Inc. for the Central Pump Station; (2) Pay Estimate No. 20 in the amount of \$20,250.00 to Persons Services Corp. for Contract 50; (3) Pay Estimate No. 13 in the amount of \$3,275,981.66 to Harper Brothers Construction, LLC for SWSP Segments B1 and B2; (4) Pay Estimate No. 14 in the amount of \$10,198,747.82 to Jay Dee Contractors, Inc. for SWSP Segment B3; (5) Pay Estimate No. 31 in the amount of \$1,590,522.28 to S.J. Louis Construction of Texas Ltd. for SWSP Segment C1; (6) Pay Estimate No. 31 in the amount of \$911,749.83 to Harper Brothers Construction, LLC for SWSP Segment C2; (7) Pay Estimate No. 22 in the amount of \$11,310.00 to E.P. Brady, Ltd. for SWSP Segment 3-A2; and (8) Pay Estimate No. 3 in the amount of \$171,014.58 to Harper Brothers Construction, LLC for SWSP Segment A1/ A2. Following review and discussion, Director Weppeler made a motion to approve the above-described pay estimates, as recommended. Director Struzick 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 PURIFICATION PLANT ("NEWPP") EXPANSION, LUCE BAYOU, AND NORTHEAST TRANSMISSION LINE

Ms. Silva reported that the Water Supply Contract Advisory Committee meeting, which was scheduled for September 1, 2023, is being rescheduled.

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 work with site development for the RePump Station continues.

Ms. Silva reported that 90% design plans for the Bellaire Pump Station Meter Station are being worked on.

Ms. Silva then reported that 90% design plans for the I-10 Meter Station are being worked on.

Ms. Silva reported that 90% design plans for the Northeast Meter Station are also being worked on.

Ms. Silva reported that the design work for SWSP Kinder Morgan Segments 1-6 is proceeding.

Ms. Silva then reported that design plans for SWSP Segment 3-A5 are on hold pending approval from the Harris County Flood Control District of the SWSP Segment 3-B1 design plans.

Ms. Silva also reported that right-of-way issues are being resolved for Segment 3-B1 design plans.

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

Ms. Silva then reported that 30% design plans for Contract 51 are due.



Ms. Silva also reported that 30% design plans for Contract 52 are due on September 29, 2023.

Ms. Silva reported that a kickoff meeting with IDS Engineering Group, Inc., the design engineer for Contract 53, is being scheduled.

Ms. Silva then reported that the design proposal for Contract 54 from InduSri is under review.

Ms. Silva also reported regarding Contract 55 and stated that DEC is coordinating with the municipal utility districts' engineers regarding the location of future water plant sites.

Ms. Silva reported that comments on the 90% design plans submitted by Carollo, the design engineer for Contract 63, were returned.

Ms. Silva then reported that comments on the 60% design plans submitted by Lockwood, Andrews, and Newman, Inc., the design engineer for Contract 64, were also returned.

Ms. Silva reported that comments on the 60% design plans submitted by Kimley Horn, the design engineer for Contract 65, were returned.

Ms. Silva reported that Sander Engineering, the design engineer for Contract 25, is working on the 60% design plans.

Ms. Silva then that Huitt-Zollars, the design engineer for Contract 26, is also working on the 60% design plans.

Ms. Silva then reported that Vogler & Spencer, the design engineer for Contract 27, is working on the 90% design plans.

Ms. Silva also reported that a proposal meeting with 5 Engineering, the design engineer for Contract 28, is being scheduled.

Ms. Silva reported that a proposal meeting is also being scheduled with Kuo, the design engineer for Contract 29.

Ms. Silva reviewed and recommended approval of the following: (1) Addendum No. 2 to the contract with IDS for Kinder Morgan Segment 2 to include design of the flow meter in the Kinder Morgan corridor in the amount of \$27,550.00; (2) Addendum No. 1 to the contract with Kimley-Horn for Contract 65 to add tree protection in the amount of \$5,000.00; and (3) Addendum No. 7 to the Master Service Agreement with Kuo & Associates, Inc. ("Kuo") to increase the maximum payable amount to \$700,000.00. Following review and discussion, Director Struzick moved to approve the



above-described addenda. Director Wheeler seconded the motion, which passed unanimously.

Ms. Silva then reviewed and recommended approval of the following work authorizations: (1) Work Authorization No. 7 to Arch Aerial to add \$50,000.00 to the maximum amount payable; (2) Work Authorization No. 21 to Kuo to prepare CPE drawings for a grant to others application related to the Northeast Meter Station in the amount of \$3,565.00; and (3) Work Authorization No. 2 to Mbroh Engineering, Inc. in the not to exceed amount of \$40,000.00 for CIP design support and construction phase services. Following review and discussion, Director Gorden moved to approve the above-described work authorizations. Director Wheeler seconded the motion, which passed unanimously.

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

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.

Ms. Silva reported that the assessment and recommendations on environmental needs related to the second group of CIP priority projects was received.

#### 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.

#### CONSTRUCTION UPDATES

Mr. Anthony presented the attached SWSP Monthly Construction Status Report dated August 3, 2023.



## RESOLUTION ESTABLISHING ADDITIONAL MEETING PLACE

Mr. Bapat reviewed a Resolution Establishing Additional Meeting Places reflecting the establishment of an additional meeting place inside the boundaries of the Authority at the Authority's Pump Station No. 1, 7215 Harms Road, Houston, Texas, 77041 and outside the boundaries of the Authority at the Authority's SWSP construction office, 10235 W. Little York Road, Suite 168, Houston, Texas, 77040. After review and discussion, Director Struzick moved to adopt the Resolution Establishing Additional Meeting Places and direct that the Resolution be filed appropriately and retained in the District's official records. Director Thornhill seconded the motion, which passed unanimously.

## FINANCIAL AND BOOKKEEPING MATTERS, INCLUDING PAYMENT OF BILLS, REVIEW OF INVESTMENTS, AND AUTHORITY FEES AND CHARGES, AND ACCEPT ANNUAL DISCLOSURE STATEMENTS OF THE BOOKKEEPER AND INVESTMENT OFFICER

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 Wheeler moved to approve the bookkeeper's report and the disbursements reflected in the bookkeeper's report. Director Janneck 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.

Mr. Thomas requested that the Board approve a proposal from Edustrial Solutions as a subcontractor to Inframark in the amount of \$21,775.41 to power wash the ground storage tanks. He noted that Inframark will not authorize Edustrial Solutions to commence the power washing until after the Authority rescinds implementation of its Drought Contingency Plan. Following discussion, Director



Wheppler made a motion to approve the proposal from Edustrial Solutions, as a subcontractor of Inframark, in the amount of \$21,775.41. Director Cannon seconded the motion, which passed unanimously.

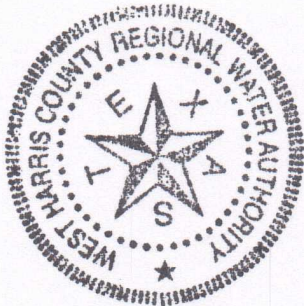
Director Hansen reported that increased groundwater usage in the Authority due to weather conditions could cause the Authority to fall below the alternate water conversion rate of 30% for this permit year. Mr. Bapat stated that conservation measures can be triggered to facilitate compliance with Harris-Galveston Subsidence District conversion requirements. Discussion ensued. Following discussion, Director Struzick made a motion to implement Stage 1 of the Authority's Drought Contingency Plan effective August 10, 2023 by requesting voluntary reductions, and authorize ABHR to send a notice to districts, cities, and well owners within the Authority's Groundwater Reduction Plan reflecting this implementation. Director Janneck seconded the motion, which passed unanimously.

CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTIONS 551.072 AND 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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