

MINUTES  
WEST HARRIS COUNTY REGIONAL WATER AUTHORITY

December 13, 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 13th day of December, 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 Thornhill and Wheeler, 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 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. 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 November 8, 2023, regular Authority Board meeting. Following review and discussion, Director Janneck moved to approve the minutes of the November 8, 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 Struzick reported on the Authority's Show and Tell Workshop, which was held at the end of the last Authority Board meeting, and requested that attendees submit comments on the workshop to any Board member.

## ENGINEERING MATTERS

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

Ms. Silva reported that for November, the Authority was 39.56% converted to surface water and for the 2023 calendar year, the Authority was 33.53% 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

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, 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.

Ms. Silva recommended approval of: (1) Pay Estimate No. 10 in the amount of \$2,767,187.69 to Reytec for the Central Pump Station; (2) Pay Estimate No. 17 in the amount of \$14,263,102.59 to Harper Brothers Construction, LLC for SWSP Segments B1 and B2; (3) Pay Estimate No. 18 in the amount of \$5,869,177.37 to Jay Dee Contractors, Inc. for SWSP Segment B3; (4) Pay Estimate No. 35 in the amount of \$1,265,327.66 to S.J. Louis Construction of Texas Ltd. for SWSP Segment C1; (5) Pay Estimate No. 35 in the amount of \$379,332.79 to Harper Brothers Construction, LLC for SWSP Segment C2; (6) Pay Estimate No. 24 in the amount of \$13,979.06 to E.P. Brady, Ltd. for SWSP Segment 3-A2; (7) Pay Estimate No. 17 in the amount of \$42,750.00 to Main Lane Industries, Ltd. for SWSP Segment 3-A3; and (8) Pay Estimate No. 7 in the amount of \$604,378.30 to Harper Brothers Construction, LLC for SWSP Segment A1/A2. Following review and discussion, Director Struzick made a motion to approve the above-described pay estimates, as recommended. Director Cannon 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 next Water Supply Contract Advisory Committee meeting is scheduled for March 1, 2024, and a ribbon cutting ceremony for the NEWPP was held on December 11, 2023.

AUTHORIZE ENGINEER TO NOTIFY CITY OF HOUSTON (THE "CITY") OF THE AUTHORITY'S ANTICIPATED DEMAND FOR UPCOMING FISCAL YEAR

The Board considered authorizing DEC to notify the City of the Authority's anticipated demand for the upcoming fiscal year. Following discussion, Director Gorden moved to authorize DEC to notify the City of the Authority's anticipated demand for the City's upcoming fiscal year. Director Janneck seconded the motion, which passed unanimously.



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 opening of bids for the RePump Station has been extended to January 18, 2024, due to a request from contractors.

Ms. Silva then reported that the Authority is coordinating with the North Fort Bend Water Authority on the design plans for the Bellaire Pump Station Meter Station.

Ms. Silva also 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, 2, 3, and 5 is proceeding.

Ms. Silva then reported that design plans for SWSP Kinder Morgan Segment 4 have been resubmitted to Harris County and work is being done on the Texas Department of Transportation permit.

Ms. Silva also reported that Black & Veatch Corporation, the design engineer for SWSP Kinder Morgan Segment 6 is obtaining utility signatures for the design plans and work is being done on the Texas Department of Transportation permit.

Ms. Silva reported that Huitt-Zollars, the design engineer for SWSP Segment 3-A5 is finalizing design work for the project.

Ms. Silva then reported that BGE, the design engineer for SWSP Segment 3-B1, submitted a proposal for a slope stability analysis.

Ms. Silva also reported that EHRA, the design engineer for the SWSP 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 reported that Sander Engineering, the design engineer for Contract 51, is working on the 60% design plans.



Ms. Silva then reported that comments were returned on the 30% design plans for Contract 52.

Ms. Silva also reported that IDS Engineering Group, Inc., the design engineer for Contract 53, is working on 30% design plans.

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

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

Ms. Silva also reported that Carollo Engineers, Inc., the design engineer for Contract 63, is working on obtaining final agency approvals of the design plans.

Ms. Silva reported that comments on the 90% design plans for Contract 64 were returned to LAN, the design engineer for Contract 64.

Ms. Silva then reported that 90% design plans for Contract 65 were submitted on December 6, 2023.

Ms. Silva also reported that Sander Engineering, the design engineer for Contract 25, is working on the 90% design plans.

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

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

Ms. Silva then reported that a kickoff meeting with 5 Engineering for Contract 28 will be scheduled after the New Year's Day holiday.

Ms. Silva also reported that a proposal meeting is with Kuo, the design engineer for Contract 29, was postponed until after the New Year's Day holiday.

Ms. Silva reviewed and recommended approval of the following work authorizations: (1) Work Authorization No. 39 to V&A Consulting Engineers, Inc. in the amount of \$33,526.00; (2) Work Authorization No. 19 to Integra Realty Resources-Houston in the amount of \$25,000.00; (3) Work Authorization No. 20 to Integra Realty Resources-Houston in the amount of \$27,000.00; (4) Work Authorization No. 21 to Integra Realty Resources-Houston in the amount of \$24,000.00; (5) Supplement No. 1 to Work Authorization No. 16 to Integra Realty Resources-Houston to increase the maximum payable amount to \$64,000.00; (6) Supplement No. 1 to Work Authorization



No. 194 to Rapid Research, Inc. to increase the maximum payable amount to \$1,210.00; (7) Supplement No. 1 to Work Authorization No. 203 to Rapid Research, Inc. to increase the maximum payable amount to \$480.00; and (8) Supplement No. 1 to Work Authorization No. 168 to increase the maximum payable amount to \$72,250.00. Following review and discussion, Director Struzick moved to approve the above-described work authorizations and supplements to work authorizations. Director Janneck seconded the motion, which carried by a vote of five 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, 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

Ms. Silva stated that the Encroachment Review Committee has been authorized to approve and authorize execution of appropriate approval documents related to requests to encroach onto the Authority's property interests and the list of the approved documents is reflected on the attached engineer's report.

#### CONSTRUCTION UPDATES

Mr. Anthony presented the attached SWSP Monthly Construction Status Report dated December 6, 2023.

#### AUTHORIZE AUDITOR TO CONDUCT AUDIT FOR FISCAL YEAR END DECEMBER 31, 2023

Mr. Bapat stated that the Authority has engaged McCall Gibson Swedlund Barfoot PLLC ("MGSB") to provide auditing services to the Authority for each fiscal year and reviewed a letter from MGSB requesting authorization to conduct the audit for



the fiscal year ending December 31, 2023, at a cost not to exceed \$78,000. Following discussion, Director Cannon moved to authorize MGSB to conduct the audit for the fiscal year ending December 31, 2023. Director Struzick seconded the motion, which passed unanimously.

Director Weppler joined the meeting.

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 Gorden seconded the motion, which carried by a vote of five for the motion, with Directors Weppler and Postle abstaining.

OPERATING BUDGET AND JOINT FACILITIES OPERATING BUDGET FOR FISCAL YEAR END DECEMBER 31, 2024

The Board reviewed the proposed operating budget and joint facilities operating budget for fiscal year ending December 31, 2024. Following review and discussion, Director Postle moved to approve the operating budget and joint facilities operating budget for fiscal year ending December 31, 2024. Director Cannon seconded the motion, which passed unanimously.

ANNUAL LETTER TO NORTH FORT BEND WATER AUTHORITY ("NFBWA") REGARDING ANNUAL DEBT SERVICE PAYMENTS DUE UNDER THE JOINT FACILITIES AGREEMENT

The Board considered authorizing the bookkeeper to prepare the annual letter to the NFBWA regarding the NFBWA's share of the 2024 debt service payments for the Series 2012 Water Infrastructure Fund Bonds. Following discussion, Director Struzick moved to authorize the bookkeeper to prepare the annual letter to the NFBWA regarding the NFBWA's share of the 2024 debt service payments for the Series 2012 Water Infrastructure Fund Bonds. Director Janneck seconded the motion, which carried by a vote of six 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.

Mr. Thomas reported that Harris County Municipal Utility District No. 127 requested a one-time waiver of late fees in the amount of \$6,211.02, due to a payment being received after the due date.

Mr. Thomas reported that Lakes of Eldridge overpaid their account in the amount of \$14,091.50 and is requesting a refund.

Mr. Thomas requested approval from the Board for payment in the amount of \$108,662.00 for the third-year payment of a three-year agreement for repair and maintenance services for the Pump Station SCADA System. He noted that the services are being provided by Watlow (f/k/a Schneider Electric) as a subcontractor to Inframark.

Mr. Thomas then requested approval from the Board for payment in the amount of \$11,059.55 for annual alarm monitoring and maintenance service at Pump Station No. 1. He noted that the services are being provided by Today's Integration as a subcontractor to Inframark.

Mr. Thomas reported that Inframark will read all of the well meters at calendar year end, to comply with Harris Galveston Subsidence District rules.

Following review and discussion, Director Struzick made a motion to (1) approve a one-time waiver of late fees for Harris County Municipal Utility District No. 127 in the amount of \$6,211.02; (2) authorize the Authority bookkeeper to issue a refund to Lakes of Eldridge in the amount of \$14,091.50 for overpayment on their account; (3) approve the payment in the amount of \$108,662.00 for the third-year payment of a three-year agreement for repair and maintenance services for the Pump Station SCADA System to Watlow, as a subcontractor of Inframark; and (4) approve the payment in the amount of \$11,059.55 for annual alarm monitoring and maintenance service at Pump Station No. 1 to Today's Integration, as a subcontractor to Inframark. Director Cannon seconded the motion, which passed unanimously.



## APPROVE ELECTRICITY REPORT

Mr. Thomas presented a report on the Authority's electricity consumption and energy efficiency measures. He stated that the report evaluates the consumption of electricity, establishes goals to reduce the consumption of electricity, and identifies cost effective energy efficiency measures to reduce the consumption of electricity. Following review and discussion, Director Struzick moved to approve the report on the Authority's electricity consumption and energy efficiency measures and direct that the report be filed appropriately and retained in the Authority's official records. Director Postle seconded the motion, which passed by unanimous vote.

## NOTICE OF 2024 APPOINTMENT PROCESS FOR AUTHORITY DIRECTORS

Mr. Bapat reported that terms for four directors of the Authority Board for Precincts 3, 6, 7, and 8 expire in May, 2024, and he reviewed a notice of the 2024 appointment process for the Authority Directors and 2023 water usage reporting (the "Notice"). Following review and discussion, Director Janneck moved to authorize distribution of the Notice to all municipal utility districts and municipalities within the Authority. Director Cannon seconded the motion, which passed unanimously.

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

The Board convened in executive session at 6:46 p.m. pursuant to Section 551.071, Texas Government Code. Mr. Bapat stated that the presence of Mr. Ahrens, Ms. Silva, Mr. Juhl, 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, Wepler, Postle, Struzick, Janneck, Cannon, and Gorden, Mr. Ahrens, Ms. Silva, Mr. Juhl, Mr. Anthony, Mr. Bapat, Ms. Panozzo, Alia Vinson of ABHR, and Garrett Hicks of Munsch Hardt Kopf & Harr, P. C.

## RECONVENE IN OPEN SESSION AND AUTHORIZE APPROPRIATE ACTION

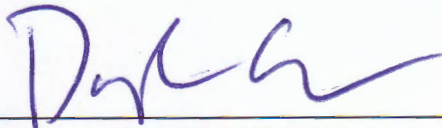
At 8:04 p.m., the Board reconvened in open session. The Board took no action related to the executive session in open session.

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

(SEAL)



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Secretary, Board of Directors



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