

# **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 99**

## **MINUTES OF MEETING OF BOARD OF DIRECTORS**

**MARCH 2, 2020**

The Board of Directors (the "Board" or "Directors") of Harris County Water Control and Improvement District No. 99 (the "District") met in special session, at 3:00 p.m., at 19423 Lockridge Drive, Spring, Texas 77373, on Monday, March 2, 2020, pursuant to notice of said meeting posted in accordance with Chapter 551 of the Texas Government Code; whereupon the roll was called of the members of the Board, to-wit:

Monte Lee Cooper	President
Billy Ray Fritsche	Vice President
Tim Evans	Assistant Secretary
Ed Jensen	Secretary/Treasurer/Investment Officer
Charles Leroy Richardson	Director/Operations Maintenance Officer

All members of the Board were present, with the exception of Director Jensen, thus constituting a quorum. Also attending all or portions of the meeting were: Mike Plunkett of Eagle Water Management, Inc., operator for the District ("Operator" and/or "Eagle Water"); Sergio Van Dusen, P.E. and Caitlin Bobb, EIT of Vogt Engineering, L.P., engineer for the District ("Engineer"); Zachary A. Petrov, attorney, and Marisa L. Roberts, Legal Assistant of Johnson Petrov LLP, attorney for the District ("Attorney"); and several residents of the District and members of the public (see Sign-In Sheet).

The President, after finding that notice of the meeting was posted as required by law and determining that a quorum of the Board was present, called the meeting to order and declared it open for such business as may regularly come before it.

Mr. Van Dusen first explained to the Board the guidelines for declaring an emergency according to the Army Corps of Engineer. He stated that the District meets such requirements for declaring an emergency regarding the Lemm Gully Sanitary Sewer Crossing. He then presented his report and reviewed photos and stated that as a result of erosion, the piling of the main sanitary sewer trunk line that crosses Lemm Gully is exposed, and that one (1) of the concrete piers that supports the main trunk line has collapsed. Mr. Van Dusen recommended constructing support structures to the Sanitary Sewer Crossing Lemm Gully. A copy of the Engineer's Report is attached hereto as Exhibit "A." Mr. Van Dusen stated that legally the District is required to obtain three (3) bids for the project, and that he had obtained one (1) bid and requested bids from other contractors. However, other contractors stated that they would need a few weeks in order to provide a bid. Mr. Van Dusen stated that he does not believe the District can wait due to the high risk and the approaching rainy season.

Mr. Van Dusen stated that there was substantial risk of the Lemm Gully crossing to collapse should the District experience significant rainfall. Should the crossing collapse, it would create a significant public health issue for the District as well as extreme financial costs to address rerouting sewage, clean up and sewage in Lemm Gully, and cost of handling regulatory violations.

Mr. Petrov explained in further detail that the Texas Water Code allows the District to conduct emergency repairs without meeting the bidding requirements and would allow the

District to move forward with the urgent repairs. He also explained that a letter stating the repair and emergency would need to be submitted to the TCEQ. Mr. Petrov requested that the Board adopt an Order declaring an emergency repair necessary if the Board concurs with Mr. Van Dusen regarding the Lemm Gully crossing.

A. Order Declaring Emergency and Authorizing Immediate Repairs (the "Order"). The Board discussed emergency repair of the sanitary sewer crossing Lemm Gully and upon motion by Director Cooper, seconded by Director Fritsche, after full discussion and with all Directors present voting aye, the Board approved an Order Declaring Emergency and Authorizing Immediate Repairs to Protect the Health and Welfare of Residents of the District, and authorized Johnson Petrov and the District's Engineer to submit the same to the TCEQ, a copy of the Order is attached as Exhibit "B".

B. Emergency Repairs. Mr. Van Dusen reviewed an estimate obtained from Triple J Enterprises, LLC in the amount of \$38,864.00. A copy of which is attached to the Engineer's Report. The Board discussed the estimate for the emergency repairs to the sanitary sewer crossing Lemm Gully and upon motion by Director Fritsche, seconded by Director Richardson, after full discussion and with all Directors present voting aye, the Board approved the emergency repairs to the Lemm Gully crossing in an amount not to exceed \$40,000.00, but requested that the Engineer obtain at least one additional estimate and that the contract be awarded to the lowest qualified bidder who could complete the project within the Engineer's timeframe, not to exceed \$40,000.00.

Public Comment.

Members of the public were given an opportunity to speak and express any concerns.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD,**  
the meeting was adjourned at 3:50 p.m.

**PASSED AND APPROVED** on the 17th day of March, 2020.



Secretary  
Board of Directors

**EXHIBITS:**

- A - Engineer's Report
- B - Order Declaring Emergency

**Minutes recorded by Marisa L. Roberts  
Johnson Petrov LLP  
Special Session March 2, 2020**

