

# HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 99

## MINUTES OF MEETING OF BOARD OF DIRECTORS

JUNE 15, 2021

The Board of Directors (the "Board" or "Directors") of Harris County Water Control and Improvement District No. 99 (the "District") met in regular session, at 7:00 p.m at 19423 Lockridge Drive, Spring, Texas 77373, on Tuesday, June 15, 2021, 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
George Galindo	Secretary
Thomas Riddle	Assistant Secretary/Treasurer/Investment Officer
Charles Leroy Richardson	Director/Operations Maintenance Officer

All members of the Board were present, thus constituting a quorum. Also attending all or portions of the meeting by teleconference were: Karen Long of Equi-Tax, Inc., bookkeeper for the District ("Equi-Tax"); Debbie Bessire of Equi-Tax, Inc., tax assessor-collector for the District ("Equi-Tax"); Andrew P. Johnson attorney, Marisa L. Roberts, legal assistant, for the District ("Johnson Petrov" and/or "Attorney"); Mike Plunkett of Eagle Water Management, Inc., operator for the District ("Operator" and/or "Eagle Water"); Sergio Van Dusen, P.E. and Tyler Reeves of Vogt Engineering, L.P., engineers for the District ("Engineer" and/or "Vogt"); Lt. Flores and Deputy Z. Ryan of the Harris County Constable's Office ("HCCO"); and several residents of the District (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.

1. Minutes. The Board reviewed the minutes of the regular meeting held on May 18, 2021, a copy of which was previously distributed to the Board.

Upon motion by Director Fritsche, seconded by Director Galindo, after full discussion and with all Directors present voting aye, the Board approved the minutes of the regular meeting held on May 18, 2021.

2. Constable's Report. Deputy Ryan reviewed the May Constable's Report with the Board and responded to questions from the Board.

Upon motion by Director Fritsche, seconded by Director Richardson, after full discussion and with all Directors present voting aye, the Board approved the Constable's Report.

3. Bookkeeper's Report/Investment Report/Energy Usage Report. Ms. Long presented to and reviewed with the Board the Bookkeeper's Report, Investment Report, and Energy Usage Report for the previous month, copies of which are attached hereto collectively as Exhibit "A."

a. Ms. Long reported that TexPool is paying 0.0102% interest and the net asset value is 1.00013%.

b. Ms. Long presented and reviewed the Texas Unclaimed Property Report, a copy of which is attached to the Bookkeeper's Report. Ms. Long explained that the report is to be filed annually with the State by July 1<sup>st</sup> for accounts that are one (1) or more years old will be escheated to the State.

4. Tax Assessor-Collector's Report. Ms. Bessire presented the Tax Assessor-Collector's Report, a copy of which is attached hereto as Exhibit "B."

Ms. Bessire stated she had nothing new to report. Ms. Bessire stated she anticipates the certified values to be in sometime in July or August.

Upon motion by Director Fritsche seconded by Director Galindo, after full discussion and with all Directors present voting aye, the Board: 1) approved the Bookkeeper's Report, Investment Report, and Energy Usage Report; 2) authorized the payment of checks numbered 12670 through 12689 from the Operating Account; 3) filing of the Texas Unclaimed Property Report; and 4) the Tax Assessor-Collector Report.

4. Operator's Report. Mr. Plunkett presented the Operations Report, a copy of which is attached hereto as Exhibit "C."

Mr. Plunkett reported the total monthly pumpage for May was 4,611,000 gallons; and the average daily flow at the sewer plant during the previous month was 129,000 G.P.D, which is 57.0% of current capacity. There were no excursions for the month of May. He also reported the pumped to billed ratio was 98.20% at the water plant.

Mr. Plunkett next presented the Monthly Light Fixture Review, a copy of which is attached to the Operator's Report.

Mr. Plunkett presented and reviewed the disconnection list reflecting sixteen (16) accounts listed. Mr. Plunkett requested that the Board authorize termination of any remaining accounts for non-payment.

Mr. Plunkett then reviewed the services provided by First Billing Services and reported that it would take approximately 60-90 days to transition the accounts. He then requested the Board's authorization and provided the TEC Form 1295 for First Billing Services.

Upon motion by Director Fritsche, seconded by Director Galindo, after full discussion and with all Directors present voting aye, the Board, after confirming with the Operator that notice had been delivered by the Operator to each person on the list notifying them that they could appear before the Board to discuss termination of services and that services could be terminated at any time after this meeting, and determining that no one appeared at the meeting for such purpose 1) approved the termination list and authorized the Operator to terminate service as required by the Rate Order to all customers who remain unpaid; and 2) approved the First Service Billing Agreement and acceptance of the TEC Form 1295.

5. Engineer's Report. The Engineer's Report was presented and reviewed by Mr. Van Dusen, a copy of which is attached as Exhibit "D".

Mr. Van Dusen reviewed the Engineer's Report with the Board. He responded to questions from the Board.

Waterline Extension Along Cypresswood. Mr. Van Dusen updated the Board regarding the progress made by Macer Xpress LLC ("Macer"). He also presented a change order in the amount of \$11,105.00, as Macer had to change the water line route, which required additional boring, traffic control and an alternate tapping location, as well as material costs for changing from a 6" to an 8" pipe as indicated on the plans. Mr. Van Dusen also reviewed and presented a third pay application and recommended the Board approve the third pay application, a copy of which is attached to the Engineer's Report.

New Wastewater Treatment Plant. Mr. Van Dusen stated that the contract plans were resubmitted and are pending Harris County approval.

HCFCD Casper Drive Road Repair. The Board reviewed and discussed the options and costs of getting the road up to County standards. Director Fritsche stated that Timber Lane is no longer interested in a buy-out of the Road Maintenance Agreement. The Board determined the best plan of action is to have HCFCD restore the road to its prior condition, with no additional costs to the District at this time.

Upon motion by Director Fritsche, seconded by Director Richardson, after full discussion and with all Directors present unanimously voting aye, the Board will have HCFCD restore the road to its prior condition, with no additional costs to the District at this time.

Sanitary Sewer Crossing Lemm Gully. Mr. Van Dusen reported HCFCD approved the plans for Lemm Gully Slope Stabilization project. Vogt will post the bid publicly and start receiving bids for construction.

Lynwood Estates Subdivision Drainage Assessment and Michael Baker Report on Cypress Creek: Mr. Van Dusen reported that Harris County contacted Vogt Engineering because the deepening of the roadside ditch at Lynwood Drive will require the District to relocate the District's water and sewer facilities. Discussion ensued.

Upon motion by Director Fritsche, seconded by Director Richardson, after full discussion and with all Directors present unanimously voting aye, the Board approved entering into an Interlocal Agreement with Harris County to relocate the District's water and sewer facilities.

Spring ISD ("SISD") Annexation. Vogt Engineering has completed the City of Houston's annexation form and will submit it once the updated boundary map is completed.

Review of Cypresswood Detention Pond (Dresher Pond) Design: Vogt Engineering has requested an update from Jones & Carter.

Sewer Line from Dresher to Lockridge: Vogt Engineering has determined that the sanitary line should be rehabilitated from Dresher Drive to Twain Street. This project is being prepared for public bidding.

Fill-in Property within Casper Lane Estates: No updates at this time.

Sanitary Control Easement. Vogt Engineering is working on applying for an exception to the sanitary control easement through the TCEQ Technical Review and Oversight Team.

New Water Treatment Plant (New WTP). Vogt Engineering attended a conference call with DreamLab Developers to discuss an alternate tract location for the proposed water plant. (See Engineer's Report for details).

Upon motion by Director Fritsche, seconded by Director Richardson, after full discussion and with all Directors present unanimously voting aye, the Board accepted the Engineer's Report.

6. Old Business.

a. Spring Independent School District ("SISD") Annexation Update. Mr. Johnson reported that Johnson Petrov has received the signed Petition and Consent, and the next step in the annexation process is to file the petitions and application with the City of Houston, which is being worked on by Vogt Engineers.

b. Fidelis Realty Partners Development Update. No additional updates at this time.

c. Use of District Building. Director Galindo stated that the Audit Committee prepared written recommendations for the Board's review and consideration that would allow the District's building to be utilized as an alternative meeting space for qualifying neighborhood organizations, a copy of which is attached hereto as Exhibit "E". Discussion ensued.

Upon motion by Director Riddle, seconded by Director Fritsche, after full discussion and with all Directors present unanimously voting aye, the Board accepted the Audit Committee's recommendations to allow the District's building to be utilized, including adding chain and locks bumper high to minimize damage to any unprotected facility equipment/components by the public. Director Richardson stated he would obtain price quotes on the cost of the posts and installation.

The Board then discussed the possibility of using one of the SISD schools for future Board of Director meetings, which would provide more space and parking.

Upon motion by Director Fritsche, seconded by Director Galindo, after full discussion and with all Directors present unanimously voting aye, the Board authorized the Audit Committee to inquire about the use of an SISD school for future Board of Director meetings.

d. Casper Drive Repair. Director Fritsche previously distributed a memorandum to the Board dated June 2, 2021, a copy of which is attached hereto as Exhibit "F". This item was discussed under the Engineer's Report.

e. Audit Committee Update. Director Fritsche stated that the Audit Committee will continue its work.

f. Order Amending Rate Order. The rate order was amended to update the rates for out of district customer's Park Connections, a copy of which was previously distributed to the Board and to which a copy is attached hereto as Exhibit "G".

Upon motion by Director Galindo, seconded by Director Richardson, after full discussion and with all Directors present unanimously voting aye, the Board approved the amendment to the rate order to include out of district customer's Park Connections.

7. New Business.

a. NHE Request for WCID 99 to mow the median strip on E. Cypresswood. Mr. Dan Adams, President of the North Hill Estate Civic Club approached the Board regarding mowing the median strip on E. Cypresswood. Discussion ensued.

Upon motion by Director Fritsche, seconded by Director Riddle, after full discussion and with all Directors present unanimously voting aye, the Board agreed to pay the cost of mowing the median strip on E. Cypresswood up to \$200.00 per week effective June 21, 2021. Director Richardson stated he would coordinate the lawn services with the District's current lawn service provider.

b. Sound Wall. The Board next discussed the possibility of installing an irrigation water line to be used to remove graffiti as well as for a vegetation line, which would prevent graffiti in the future. Mr. Plunkett stated he would obtain pricing for the water line and meter. The Board agreed to work with the Civic Club regarding graffiti removal from sound wall. Mr. Johnson stated that Johnson Petrov would prepare an agreement between the Civic Club and the District.

Upon motion by Director Fritsche, seconded by Director Riddle, after full discussion and with all Directors present unanimously voting aye, the Board agreed to support graffiti removal on the sound wall, including installation of a water/irrigation system.

Upon motion by Director Fritsche, seconded by Director Riddle, after full discussion and with all Directors present unanimously voting aye, the Board approved Director Richardson to contact an irrigation specialist and obtain a cost quote for the installation of the tap.

c. Drought Contingency Plan (the "Plan"). Director Riddle prepared recommendations for the Plan, a copy of which is attached hereto as Exhibit "H," but stated that since the Plan revisions are not required until 2024, he suggested the Board defer those changes until then.

Upon motion by Director Fritsche, seconded by Director Richardson, after full discussion and with all Directors present unanimously voting aye, the Board approved Director Riddle's recommendations and the Plan revisions will be added to the annual agenda for 2024.

d. Ethics Policy (the "Policy"). Director Galindo stated that the Audit Committee met and prepared recommendation to the Ethics Policy, specifically to clarify per diem fees, a copy of which is attached hereto as Exhibit "I". The Board reviewed the recommendations.

Upon motion by Director Riddle, seconded by Director Richardson, after full discussion and with all Directors present unanimously voting aye, the Board accepted the Audit Committee recommendations to the Ethics Policy and requested Johnson Petrov incorporate these changes into the Ethics Policy.

8. Next, the President directed the Board's attention to Public Comment. There was no public comment at this time.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD,**  
the meeting was adjourned.

**PASSED AND APPROVED** on the 20th day of July, 2021.

  
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Secretary  
Board of Directors

**EXHIBITS:**

- A - Bookkeeper's Report, Investment Report, Energy Report
- B - Tax Assessor Collector Report
- C - Operations Report
- D - Engineer's Report
- E - Memo regarding Use of District Building
- F - Memo regarding Casper Drive
- G - Rate Order Amendment
- H - Drought Contingency Plan Recommendations
- I - Ethics Policy Recommendations

**Minutes recorded by Marisa L. Roberts  
Johnson Petrov LLP  
Regular Session June 15, 2021**

**[DISTRICT SEAL]**

