

HARRIS COUNTY WATER CONTROL  
AND IMPROVEMENT DISTRICT NO. 132

MINUTES OF MEETING OF  
March 15, 2010

STATE OF TEXAS §  
COUNTY OF HARRIS §

The Board of Directors of Harris County Water Control and Improvement District No. 132 met in special session at the designated meeting place of the Board, the Harris County W.C.I.D. No. 132 Water Plant, 4107 Evening Trail, Spring, Texas 77388, on the 15<sup>th</sup> day of March 2010, at 5:30 p.m. The roll was called of the duly constituted officers and members of the Board, to-wit:

Thomas Mancini	President
T. Gary Toll	Vice President
William R. Papp	Secretary
Mary Bonetati	Assistant Secretary
Cindy Daniel	Assistant Secretary

All members of the Board were present, except Dir. Mancini, thus constituting a quorum.

Also present were Carol Fraser with Head, Inc.; Liane Pomfret; Josh Kahn of Sanford Kuhl Hagan Kugle Parker Kahn, LLP, the District's Attorneys ("Attorney"); Mark Adam of AEI Engineering, Inc., the District's Engineer ("Engineer"); Mike Ammel, Andy Phelps, and Ben Connelley of Environmental Development Partners ("EDP"), the District's Operator ("Operator"); Lauren Matson and Sara Ahlschlager of Wheeler & Associates, Inc., the District's Tax Assessor/Collector ("Tax Assessor/Collector"); Cindy Schmidt, the District's Bookkeeper ("Bookkeeper"); and Sherry Allard, the District's Recording Secretary ("Recording Secretary").

Vice President Toll called the meeting to order at 5:45 p.m., and the following business was transacted.

**REPORT ON STATUS OF DBLIVE PROGAM AND AUTHORIZE ACTION RELATED THERETO**

This matter was deferred, as there was nothing new to discuss at this time.

**APPROVE PROPOSAL OF LIANE POMFRET TO ASSIST IN ADMINISTERING SUSTAINABLE SITE AND PROPOSAL FROM BURDETT LANDSCAPING**

The Vice President recognized Ms. Pomfret, who was asked to determine fees for the various jobs she would be performing for the Board. It was agreed that Ms. Fraser would remain the contact person for the Sustainable Site Program ("SSP"), until such time as Ms. Pomfret is better acquainted with the requirements of the SSP. After discussion, the Board asked that the approval of Ms. Pomfret's contract be placed on the Water Conservation, Demonstration and Research Center ("Center") special meeting for April.

The Vice President next asked the Board to consider the contract presented by Burdett Landscaping. Dir. Toll motioned approval of the Burdett Landscaping contract. Dir. Papp seconded, and the Board voted unanimously in favor of the motion.

**REVIEW AND APPROVE MINUTES OF MEETINGS OF MAY 6, 2009, JUNE 3, 2009, JULY 1, 2009, FEBRUARY 15, 2010, AND MARCH 3, 2010**

Approval of past minutes was given next consideration by the Board. After review and motion made by Dir. Papp, seconded by Dir. Daniel, the Board voted unanimously to table the minutes of the May 6, 2009, June 3, 2009, and July 1, 2009 meetings. Upon motion duly made and seconded by Dirs. Papp and Daniel, respectively, the Board voted unanimously to approve the minutes of the February 15, 2010 and March 3, 2010 meetings as prepared.

**REVIEW AND APPROVE TAX ASSESSOR/COLLECTOR'S REPORT, INCLUDING:**

**Approval of Report and Payment of Bills from Tax Account:**

Vice President Toll then recognized Ms. Ahlschlager, who introduced her associate Ms. Matson to the Board. Ms. Ahlschlager reviewed with the Board the Tax Assessor/Collector's report for February 2010, a copy of which is attached to these minutes as a part hereof for all purposes. She presented to the Board the monthly checks from the tax account for consideration and approval.

**Report on Status Of Tax Collections, Authorize Termination Of Water Service To Delinquent Tax Accounts, Authorize Tax Assessor/Collector To Move Uncollectible Delinquent Personal Property Accounts To Uncollectible Tax Roll, And Authorize Filing Of Suit To Foreclose Tax Lien On Delinquent Accounts:**

The Tax Assessor/Collector reported that tax collections for 2009 are 88.75% collected, which favorably compares with last year's tax collections for the same time period of 87.97%.

She stated that tax account delinquencies for 2009 would not be legally pursued until the first of July, when the additional 20% penalty attaches to delinquent accounts. At that time, she stated, the Delinquent Tax Attorney Perdue, Brandon, Fielder, Collins & Mott, L.L.P. ("Perdue") will begin collection attempts. Dir. Papp moved to approve the Tax Assessor/Collector's report, including payment of the bills from the tax account associated therewith, as presented. Dir. Daniel seconded the motion, which received unanimous support from the Board.

**BOOKKEEPER'S REPORT**

**Approval of report, payment of bills from the Operating Account, Depository Pledge Agreement and Investment report**

Ms. Schmidt was called upon by the Vice President for consideration of the District's financial status. A copy of the Bookkeeper's report, attached hereto as a part hereof, was made available to the Board prior to the meeting, it was noted. Ms. Schmidt presented checks for consideration and approval by the Board. The Bookkeeper informed the Board that she had written two (2) checks after preparation of her report, the first to HG CIA for the A&M Turf Project in the

amount of \$1,250, and the second to AWWA for membership and periodicals for \$393. The Bookkeeper informed the Board that the District had received 50% of the second Cypresswood Utility District ("CUD") settlement for painting of the ground storage tank. The District has not received anything from the first settlement, she noted, and the amount should be billed at 40%. Mr. Ammel was asked to obtain the contractor's name in order to determine the original percentage paid by the District for such painting project. She also issued a check to CUD for Pay Estimate No. 5 from Nunn Constructors, Ltd. ("Nunn") in the amount of ~~\$62,754.75~~ for the chloramine disinfection system project.

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Ms. Schmidt informed the Board that the District's books are at the Auditor's for review at this time. Records indicate that CUD owes the District for joint maintenance from 2009. The Bookkeeper then reviewed with the Board the current Investment report. Dir. Papp motioned approval of the Bookkeeper's report, including the Investment report and checks presented in connection therewith. Dir. Daniel seconded the motion, which garnered unanimous support from the Board.

### **CONSIDER AND ACT UPON OPERATOR'S REPORT**

The Vice President recognized Mr. Ammel, whose Operator's report, dated March 11, 2010, copy of which is attached hereto and considered a part hereof, had been disseminated to the Board prior to the meeting. The Operator reported that, in order to comply with the Texas Commission on Environmental Quality ("TCEQ's") interim approval for the well, extra sampling and scheduling of monitoring by the TCEQ's Drinking Water Quality Team has been undertaken.

#### **Authorization of Repairs to Water Supply System and Wastewater Collection System**

The Operator then compared the Engineer's map to construction drawings and field tests regarding valve location(s). He asked for authorization to excavate certain valves at a cost of \$3,000.

#### **Authorization for Operator to Terminate Water and Sewer Service to Certain Delinquent Accounts For Non-Payment of Water and Sewer Bills**

Mr. Ammel then presented the Board with the list of 76 accounts to be terminated for nonpayment of bill(s). It was noted that no customer appeared at the meeting to discuss the nature of his/her delinquency with the Board. Dir. Papp motioned approval of the Operator's report, including the authorization for valve excavation and service terminations included therein. Dir. Daniel seconded the motion, which garnered unanimous support from the Board.

#### **Authorize Operator to Write off Uncollectible Delinquent Water Accounts**

Discussion of this item was deferred. Mr. Phelps exited the meeting at this time.

### **CONSIDER AND ACT ON ENGINEER'S REPORT**

#### **Consider and approve pay estimates and change orders relating to contracts for the repair of the water supply system and sanitary sewer collection system**

The Vice President then asked Mr. Adam for an engineering progress report. His report, a copy of which is attached to, and considered a part of, these minutes, was made available to the Board before the meeting. Mr. Adam stated that a 10% retainage has been withheld from Nunn relative to the chloramine disinfection system project, per the requirements of the contract. The request by Nunn for a 5-day extension will be addressed after AEI's Field Inspector has reviewed the project, Mr. Adam informed the Board. CUD's engineer A&S concurs with Nunn's progress report and recommends payment of Pay Estimate No. 5, he added. The Engineer stated that he has not been informed as to whether the project has been accepted as complete by A&S.

#### **Review repair and maintenance projects within the District**

Discussion of this item was tabled, as there was nothing new to consider at this time.

#### **Authorize Engineer to prepare plans and specifications for District facilities**

The Engineer stated that one of his representatives met with Dir. Toll twice during the month to develop a conceptual plan and preliminary cost estimates for collecting overflow from the ground storage tank. The design the Engineer recommended includes the use of the existing storm sewer as a collection system, modified to include a catchment basin that would also serve as a storm water quality feature. This would negate the need for an above-ground storage tank and piping, he added. Ms. Fraser stated that such system would allow for a summer wetlands on site. It would be a good idea to show homeowners how to deal with standing water aesthetically, she added. Mr. Adam asserted that there could be no standing water in the Water Plant area.

#### **Requests for water and sewer service**

The Engineer informed the Board that the District was in receipt of a request for service by Mr. Richard Ghanem, P.E. of EFC, Inc., seeking to build a storage facility on the west side of Kuykendahl on Cypresswood Drive. The Board stated that it would not consider an out of District service agreement. The tract must be platted or have a waiver from platting, they insisted. Dir. Papp motioned to deny the request for application of service to the cited tract. Dir. Daniel seconded, after which the Board voted its unanimous consent.

#### **CONSIDER AND ACT ON ATTORNEY'S REPORT**

##### **Report and Take Action on Drainage Issue including acquisition of easements and construction of swale**

The Vice President recognized Mr. Adam, who informed the Board that only Mr. Rayburn did not attend the March 4, 2010 meeting held with the District's Attorney, affected residents, and Tom Matkin with AEI. Mr. Rayburn did, however, agree to allow the Engineer to come on his land for surveying related to the mater. Mr. Kahn stated that license agreements are being prepared and apparently only Mr. Rayburn is not on board to execute such agreement at this time.

#### **Policy Related to Use of Non-Invasive Plants**

The Attorney stated that the policy for non-invasive plants was sent to all Directors by electronic mail.

**Adopt Order Declaring Unopposed Candidates Elected**

The Attorney informed the Board that, as no other candidates than the incumbents filed to be directors, the law allows for the declaration of the unopposed candidates as elected and the cancellation of the May 8, 2010 election. Dir. Bonetati motioned to adopt the Order Declaring Unopposed Candidates Elected. Dir. Toll seconded, after which the Board voted its unanimous consent.

**CONSIDER AND ACT ON REPORT FROM PAYNE COMMUNICATIONS**

**Discuss status of website and customer communication and take action related thereto**

The Vice President recognized Dir. Papp, who reported that he had spoken with Ms. Payne, and she had informed him that she would obtain or prepare business cards for the Board, utilizing the butterfly logo, hopefully by the next Center meeting.

**Discuss landscape garden, customer communication and take necessary action in connection therewith**

The Vice President recognized Dir. Papp, who discussed American Disability Act ("ADA") requirements for the meeting place. He stated that a 36" or 42" door would be required at the front. The room may have to be retro-fitted to meet standards, he added. The Engineer recommended contacting an architect, who would be familiar with all ADA requirements. The Board also expressed its desire to be Leeds certified on renovations in the meeting place, if possible.

Dir. Papp stated that the flagpole sites need to be marked before digging begins. He asked Mr. Connelley to mark off the appropriate areas for the flagpoles' installation.

**Discuss newsletter and take necessary action related thereto**

Dir. Papp reported that Ms. Payne is also preparing the March newsletter. In the newsletter, she will incorporate the letter from resident Mr. Garret, participant in the DbLive program, he added.

**Report on status of butterfly vine project and compost project**

There was no update regarding this item.

**SUCH OTHER MATTERS AS MAY PROPERLY COME BEFORE THE BOARD OF DIRECTORS, INCLUDING:**

**Review correspondence addressed to the Board**

There was no correspondence this month, it was noted.

**Review correspondence sent by the District**

There was no correspondence sent this month by the District.

**Joint Powers Authority ("PJPA")**

This item was not discussed at this time.

**Report on meeting of North Harris County Regional Water Authority**

The Board deferred discussion of this matter.

ABSENT ANY FURTHER BUSINESS TO CONDUCT AT THIS TIME, the Vice President asked for a motion to adjourn. Dir. Papp's motion, seconded by Dir. Bonetati, to adjourn the meeting at 7:20 p.m., carried by common consent.

PASSED AND APPROVED

April 19, 2010  
Date

Bill Papp  
Bill Papp  
Secretary of the Board of Directors