

**MINUTES OF MEETING  
OF THE  
BOARD OF DIRECTORS**

THE STATE OF TEXAS §

COUNTY OF HARRIS §

HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 89 §

The Board of Directors of Harris County Water Control & Improvement District No. 89 met in regular session, open to the public, at its meeting place outside the boundaries of the District on December 17, 2019, whereupon, the roll of the members of the Board of Directors was called, to-wit:

Sharyn Smalls	President
Michael Smith	Vice President
Annie Jenkins	Secretary
Arthur Washington	Assistant Secretary
Byron K. Watson, Sr.	Investment Officer

All members of the Board were present except Director Jenkins; Director Smith arrived late.

Also present were Chris Richardson, attorney, Stephanie Nagel, Legal Assistant of Strawn & Richardson, P.C.; Carlous Smith of SiEnviro; Ed Shackelford of AEI Engineering; Matthew Kelley of MK Engineering & Consulting; developer Ernesto Quintanilla.

WHEREUPON, the meeting was called to order by the President, and evidence was presented that public notice of the meeting had been given in compliance with the law.

- 1. OPENING PRAYER.** Director Watson led those assembled in prayer.
- 2. PUBLIC COMMENTS.** Ernesto Quintanilla addressed the Board regarding the ongoing construction at the strip center and the placement of a Popeye's restaurant. Ed Shackelford stated the inspection of the strip center went fine. Mr. Quintanilla asked if he could do anything; Mr. Shackelford stated the construction had begun without plan approval, and the Board must approve the capacity commitment letter before construction proceeds. Mr. Quintanilla

asked if there is any anticipation of when the restaurant can open; Mr. Shackelford said no, and to check with him in January.

**3. SECURITY REPORT/ RENEWAL OF LAW ENFORCEMENT AGREEMENT WITH HARRIS COUNTY CONSTABLE.** President Smalls discussed the renewal of the Law Enforcement Agreement with the Harris County Constable, for 5 deputies patrolling the District for a total cost of \$362,765.

Following a discussion, it was moved by Director Washington and seconded by Director Smith that the renewal of the Law Enforcement Agreement with the Harris County Constable's Office be approved, which motion carried, 3-0-1, with Director Watson abstaining. A copy of said Agreement is attached as Exhibit "A".

**4. DETENTION FACILITIES REPORT.** There was no written report from Environmental Allies. Director Watson discussed the debris left out near the pond in Morningside Place and stated it appeared to be closer to the lot behind the Valero service station. Laney Brown noted not all of the electrical boxes near the pond are complete; he stated 2 or 3 are complete.

**5. DISTRICT FACILITY SECURITY.** Byron Thurmond informed the Board that Comcast had replaced security cameras at one of the District's locations.

**6. OPERATOR'S REPORT.** Laney Brown presented no written report. Director Watson stated there should be a "no trespassing" sign on Presidents South to make people aware, at the entrance to the pond area.

**7. AEI ENGINEER'S REPORT.** Ed Shackelford presented the engineer's report for AEI, attached hereto as Exhibit "B". Mr. Shackelford discussed the Capital Projects Plan. He discussed the NPH Southpoint Phase I Project and the updated capacity commitment request. He stated not all of the buildings have a capacity commitment, and AET had been in touch with their engineers. He presented a draft capacity commitment letter for the entire 37.5 acres, to supercede

all previous letters; he stated he would add the corner store to item #13 in the letter. The Board instructed Mr. Shackelford to hold the letter for the next meeting.

Mr. Shackelford discussed the development of the Popeye's Restaurant and presented a similar capacity commitment letter in draft form. The Board instructed Mr. Shackelford to hold the letter for the next meeting; it was noted that plan review and approval are required. Director Smith asked to have the owner attend the Board's meeting. Mr. Shackelford noted any commitment for any additional buildout must be requested from the District's Board of Directors.

Mr. Shackelford discussed NPH Phase II Lift Station and the STP Office and Waterline projects. He discussed the proposed out of District development on Cullen and stated the engineer for the project will attend the Board's meeting in January. He noted the proposed development is in the limits of the City of Houston.

Mr. Shackelford discussed the District Building and presented the contracts with Frost Construction Company for approval by the Board of Directors, which was granted. He stated he would be looking to hold a pre-construction meeting in January. He noted the Performance Bond for the project will be held by The Guarantee Company of America, USA; he noted the company is rated and licensed to do business in Texas. Director Smith asked if the company's background had been checked; Mr. Shackelford stated the background check was clean.

Following discussion, it was moved by Director Watson and seconded by Director Washington to approve the Engineer's Report, along with items discussed, which motion passed unanimously, 4-0.

**8. MK ENGINEER'S REPORT.** Matthew Kelly presented the engineer's report for MK, attached hereto as Exhibit "C". He discussed the Storm Sewer Improvements project in Morningside Place, and stated he had met with HCFCD on December 3<sup>rd</sup>. He stated the District would likely enter into an Interlocal Agreement with HCFCD, which he would supply to the

District's attorney once received. He discussed the Morningside Place Section 1 Pond Rehabilitation options.

Mr. Kelly discussed the request to the TCEQ for release of escrowed funds in connection with the 8.5 acre section of the Brunswick Lakes Detention Pond, and stated the TCEQ's approval had been received.

Mr. Kelley stated that the TCEQ recommends the exterior of potable water storage tanks be evaluated annually and the interiors evaluated every five years, and if requested, MK Engineering would perform the evaluations. The Board took no action at this time.

Following discussion, it was moved by Director Washington and seconded by Director Smith to approve the Engineer's Report from MK Engineering, along with items discussed, which motion passed 4-0.

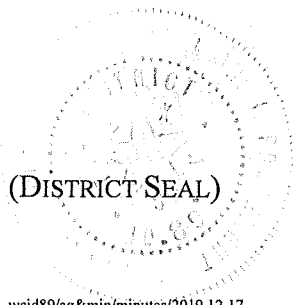
**9. SUPPLEMENTAL BOOKKEEPING REPORT.** The Board considered the supplemental bookkeeping report, attached hereto as Exhibit "D", and the checks for approval.

A motion was made by Director Watson, and seconded by Director Smith, to approve the Supplemental Bookkeeping report, along with the items discussed, which motion carried unanimously, 4-0. Director Watson made a comment about President Smalls status of not receiving any longer per diem due to her continuous service far in excess of the \$7,200 mandated annual ceiling. Director Watson compared her status to jury duty compensation ceiling, and he suggested her service should not go uncompensated; in spite of Texas Congress turning a blind eye to a need for change.

**10. MINUTES.** The Board considered the minutes of the meeting of December 3, 2019. Following a discussion, it was moved by Director Washington and seconded by Director Watson that the minutes of the meeting be approved, which motion carried unanimously, 4-0.

11. **ADJOURNMENT/ FUTURE AGENDA ITEMS.** There being no further business to come before the Board, it was moved and seconded that the meeting be adjourned, which motion carried unanimously.

PASSED, ADOPTED and APPROVED this 7<sup>th</sup> day of January, 2020.



Annie Jenkins  
Secretary

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