

**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 January 21, 2020, 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; Directors Jenkins and Smith arrived late.

Also present were Chris Richardson, attorney, Stephanie Nagel, Legal Assistant of Strawn & Richardson, P.C.; Laney Brown of SiEnviro; Ed Shackelford of AEI Engineering; Matthew Kelley of MK Engineering & Consulting; Charlie Liesberger of Alsay (well contractor); Sgt. Meek of the Constable's Office; residents Ola and Roy LeMelle; Carolyn O'Brien of Dynamic Engineering.

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.** Ola LeMelle asked for an update on the status of the detention pond erosion issues in Morningside Place. Matthew Kelley updated on the issue and stated HCFCO will be partnering with the District to address the issues which may include lowering the level of the pond.

Charlie Liesberger of Alsay addressed the Board regarding the company's recent well rehabilitation work. He stated he and Mr. Shackelford had met onsite. He stated there was some discoloration of the water when the well restarted, but it went away. He stated he believed the iron bacteria was an existing problem in the well; he stated the bacteria are in the ground underneath, and were not put there by the work done on the well. President Smalls stated the problem was unusual and the iron particles had not been there the whole time. She stated the Board needs to know what the solution will be. Mr. Shackelford stated the information sent to the TCEQ shows different phosphates, which indicates that the iron bacteria has been present before. He stated the odor can be caused by the oil used for the new well parts. Mr. Liesberger stated Alsay did not cause the bacteria problem, and offered a \$2000 discount on the super-chlorination work to address the issue. He stated the well not running can allow the bacteria to grow. He stated he drank the water from the well himself; Mr. Shackelford stated that he drank the water, as well. President Smalls asked if Alsay would take \$4000 off the invoice for the super-chlorination; Mr. Liesberger stated he would ask his superiors.

Carolyn O'Brien of Dynamic Engineering described a potential development of apartments at the southeast corner of Cullen and Dagg; she noted the tract is outside the boundaries of the District. She stated they are contemplating multifamily use, and retail space. She stated she is looking for water and sewer service, either from the District or from the City of Houston. President Smalls asked for examples of where she and her clients have built in the area, and Ms. O'Brien stated she would provide a list. One of the representatives stated they would like to add a Starbucks, a laundromat and would likely build and look to sell the property in 5 years. The Board took no action.

**3. SECURITY REPORT.** Sgt. Meek reviewed the yearly comparison for incidents, which was a new report generated for the District. He noted that most types of offenses

had declined since 2017. Director Watson noted the trend reflected an increase from 2017-2018 before a decline in 2019.

4. **DETENTION FACILITIES REPORT.** There was no written report from Environmental Allies.

5. **DISTRICT FACILITY SECURITY.** There was no report from BGT.

6. **OPERATOR'S REPORT.** Laney Brown presented no written report. President Smalls noted there is the Texas Water 2020 Conference in Ft. Worth on March 31<sup>st</sup>, which the Board would like for Mr. Brown to attend.

7. **AEI ENGINEER'S REPORT.** Ed Shackelford presented the engineer's report for AEI, attached hereto as Exhibit "A". Mr. Shackelford discussed the Capital Projects Plan. He discussed the NPH Southpoint Phase I Project and the updated capacity commitment request. He presented a draft capacity commitment letter for the entire 37.5 acres. He recommended the Board grant President Smalls the authority to sign the letter, and the Board agreed. The Board instructed Mr. Shackelford to hold the letter for the plan approvals.

Mr. Shackelford discussed the development of the Popeye's Restaurant and the capacity commitment letter, which had been authorized but held, by decision of the Board, for assessment of fines according to the District's Rate Order. Mr. Shackelford stated he had looked into the fines and fees. He stated his review indicated a maximum of \$18,700 in fines, which the Board approved. Mr. Shackelford stated AEI would draft a letter informing the Popeye's developers of the fines, and would submit to the attorney for review. Vice President Smith reiterated that the County Health Department should be informed, as well. Mr. Shackelford discussed the ARIA proposed development and stated he is waiting on a deposit from the developer. Mr. Shackelford discussed NPH Phase II Lift Station and the STP Office and Waterline projects.

Mr. Shackelford discussed the District Building and stated the project is now underway by Frost Construction. The Board discussed the monument sign proposal from LED Partners, for

\$25,680, with a 50% deposit due. Director Washington asked for references and an alternate bid; the Board took no action on the proposal. The Board discussed the electrical infrastructure needed above the plans, for BGT Secure, estimated at \$8500; Mr. Shackelford recommended approval of a Change Order in an amount not to exceed the \$8500, and the Board agreed.

Following discussion, it was moved by Director Washington and seconded by Director Smith to approve the Engineer's Report, along with items discussed, which motion passed unanimously, 5-0.

**8. MK ENGINEER'S REPORT.** Matthew Kelly presented the engineer's report for MK, attached hereto as Exhibit "B". He discussed the Storm Sewer Improvements project in Morningside Place, and stated he had the plans for Morningside Place Sec. 2, and still needed the plans for Sec. 1. 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. Kelley stated that the TCEQ recommends the exterior of potable water storage tanks be evaluated annually and MK Engineering will perform the evaluations, as directed by the Board. He stated he would coordinate the evaluations with the District's Operator.

Following discussion, it was moved by Director Smith and seconded by Director Washington to approve the Engineer's Report from MK Engineering, along with items discussed, which motion passed 5-0.

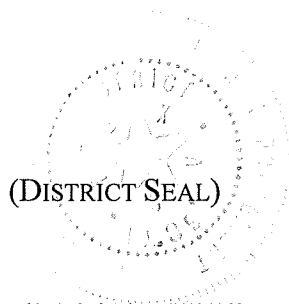
**9. SUPPLEMENTAL BOOKKEEPING REPORT.** The Board considered the supplemental bookkeeping report, attached hereto as Exhibit "C", and the checks for approval. A motion was made by Director Smith, and seconded by Director Washington, to approve the Supplemental Bookkeeping report, along with the items discussed, which motion carried unanimously, 5-0.

10. **MINUTES.** The Board considered the minutes of the meeting of January 7, 2020. Following a discussion, it was moved by Director Smith and seconded by Director Washington that the minutes of the meeting be approved, which motion carried unanimously, 5-0.

11. **ADJOURNMENT/ FUTURE AGENDA ITEMS.** The Board entered into executive session to discuss matters with its attorney. The executive session began at 7:15 p.m. and the Board returned to open session at 7:45 p.m.

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 4<sup>th</sup> day of February, 2020.



wcid89/ag&min/minutes/2020.01.20

Arnie Jenkins  
Secretary