

MINUTES OF MEETING OF BOARD OF DIRECTORS
April 7, 2021

THE STATE OF TEXAS
COUNTY OF HARRIS
HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 89

The Board of Directors (the “Board”) of Harris County Water Control & Improvement District No. 89 (the “District”) convened in regular session on April 7, 2021, at 11:30 a.m. via teleconference and video conference pursuant to Section 551.125, Texas Gov’t Code as modified by the temporary suspension of certain provisions thereof pursuant to guidelines issued by the Texas Attorney General and approved by the Governor for use during the COVID-19 statewide disaster. A roll call was taken of the persons present:

Sharyn Smalls, President
Paige Smith, Vice President
Arthur Washington, Secretary
A.K. Babers, Assistant Secretary
Byron Keith Watson, Sr., Investment Officer

All members of the Board were present, thus constituting a quorum. Ms. Isabel Mata of Wheeler & Associates (“Wheeler”), tax assessor and collector for the District; Mr. Arturo Cornejo of Municipal Accounts & Consulting, L.P. (“MAC”), bookkeeper for the District; Mr. Laney Brown of Si Environmental, LLC (“Si”), operator of the District’s facilities; Mr. Matthew Kelley of MK Engineering (“MK”), engineer for the District; Mr. Ryan Haynes of Environmental Allies; Mr. Byron Thurmond of BGT; and Ms. Christie Leighton of Best Trash; Mrs. LeMelle, resident of the Morningside subdivision within the District; Captain Grant, with Harris County Constable, Precinct No. 7; and Mr. Reginald Wilson and Ms. Meghan Koett of Norton Rose Fulbright US LLP (“NRF”), attorneys for the District.

Pursuant to Section 551.054, Texas Gov’t Code, as modified by the temporary suspension of certain provisions thereof, notice of the meeting was posted on the District’s website within the time limits prescribed by law. A certificate of such posting is attached hereto as Exhibit A. The agenda packet was posted on the website as items became available in compliance with the guidelines issued by the Texas Attorney General.

Call to Order. Mr. Wilson called the meeting to order. He noted that the meeting was being held by teleconference in accordance with federal, state and county directives to slow the spread of COVID-19 by avoiding meetings that bring people together. He said the notice of the meeting included a toll-free dial-in number for members of the public to call so they can hear the meeting and address the Board. He noted that the meeting was being recorded and a recording would be available upon public request. Mr. Wilson then set out guidelines for the conduct of the meeting. He asked each speaker to identify themselves before speaking. He then turned the meeting over to the President.

- 1. Opening Prayer.** Director Watson opened the meeting with a prayer.
- 2. Public Comments.** Ms. LeMelle inquired about the materials being used for the detention pond. President Smalls stated that the materials have not been chosen at this time. Mr. Kelley provided information regarding Envirogrid. Discussion ensued.

3. Review Bookkeeper's Report and authorize payment of bills. Mr. Cornejo presented to and reviewed with the Board the Bookkeeper's Report, the Investment Report, and the Operating Budget, copies of which are attached hereto as *Exhibit B*.

Mr. Cornejo reported that there is an uncashed refund checks being sent to the State as unclaimed property.

Mr. Cornejo presented checks 16262-16306 for Board approval.

Mr. Cornejo reported that the next debt service payment will be a principal and interest payment due October 1, 2021.

Upon motion by Director Smith, seconded by Director Watson, after full discussion and the question being put to the Board, the Board voted unanimously to accept the Bookkeeper's Report, to authorize payment of the checks in the report and for the purposes listed therein, and to approve the Investment Report.

4. Detention Facilities Report. Mr. Haynes presented to and reviewed with the Board the Detention Facilities Report, a copy of which is attached hereto as *Exhibit C*. Mr. Haynes reported on the March maintenance at Brunswick Meadows, Brunswick Lakes, Morningside Place, Brunswick Lakes Channel, Morningside View, and the STP pond.

Upon motion by Director Watson, seconded by Director Smith, after full discussion and the question being put to the Board, the Board voted unanimously to accept the Detention Facilities report.

5. Additional Security Report. President Smalls introduced Captain Grant. Captain Grant reviewed security statistics for the District.

Captain Grant stated he is continue to conduct research regarding the shooting that took place within the District. He stated the case was dropped due to lack of cooperation with law enforcement.

Director Babers inquired about the layout of security reports. Captain Grant stated he will tailor the report more to the District's need. President Smalls stated she will provide guidance as to what the District would like to see on the monthly reports. Discussion ensued.

6. Trash Services Report. Ms. Leighton presented and reviewed a letter regarding the annual CPI Increase, a copy of which is attached hereto as *Exhibit D*.

President Smalls inquired about dumpster hauling services. Ms. Leighton stated that Best Trash is strictly a residential company and does not have dumpsters. She stated she will reach out to other companies regarding pricing and present at the next meeting.

Director Babers inquired about pricing for trash bins. Ms. Leighton stated she will email pricing to the Directors later in the day.

Upon motion by Director Babers, seconded by Director Watson, after full discussion and the question being put to the Board, the Board voted unanimously to approve the annual CPI Increase.

7. Security at District Facilities. Mr. Thurmond reported that the cameras have been restored that overlook the bays at the sewer treatment plant. He stated all facilities are currently running with no issues.

8. Review report by Tax Assessor and Collector's Report and authorize payment of certain bills. Ms. Mata presented to and reviewed with the Board the Tax Assessor and Collector's Report, a copy of which is attached hereto as *Exhibit E*.

Ms. Mata reported that 98.14% of the District's taxes have been collected as of April 7, 2021.

Upon motion by Director Watson, seconded by Director Babers, after full discussion and the question being put to the Board, the Board voted unanimously to accept the Tax Assessor and Collector's Report, to authorize payment of check nos. 3964 through 3984 and two wire transfers from the Tax Account in the amounts, to the persons, and for the purposes described in the Tax Assessor and Collector's Report.

9. Review and approve Operations Report and authorize repairs. Mr. Brown presented to and reviewed with the Board the Operations Report for the month of March 2021, a copy of which is attached hereto as *Exhibit F*.

Mr. Brown inquired about delinquent accounts. Mr. Wilson stated that Judge Hidalgo requested Districts not terminate or assess fees through April. The Board agreed to proceed with the request from Judge Hidalgo. Discussion ensued.

Mr. Brown request the Board review and approve the Consumer Confidence Report at the May meeting.

Upon motion by Director Babers, seconded by Director Smith, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Operations Report and to defer terminations and late fees through April.

10. Review Engineer's Report. Mr. Kelley presented to and reviewed with the Board the Engineer's Report, a copy of which is attached hereto as *Exhibit G*.

Mr. Kelley reported on the Morningside Place storm sewer improvements with Harris County Flood Control District, the Morning side Place Section One pond rehabilitation options, and the emergency outfall to Cullen Boulevard.

Mr. Kelley reported he is working on getting updated costs for Envirogrid.

Mr. Kelley reported on the Old Dominion Feasibility Study. He said he recommends annexing the tract but the city could deny annexation due to it being within city limits. President Smalls stated to keep the policy where it is required to use sanitary sewer. Mr. Kelley stated he will revise the feasibility study to state the District will require the tract to receive water and wastewater.

Mr. Kelley reported on service requests, see *Exhibit G*. He stated that Gatti's Pizza is no longer proposing utilizing one grease trap. Mr. Kelley stated he is currently waiting on revised plans.

Mr. Kelley reported on various items related to the District Meeting Building, see *Exhibit G*.

Mr. Kelley recommends payment of pay estimate no 2. in the amount of \$16,035 for Stormwater mitigation.

Director Washington inquired about construction at a certain property within the District. Mr. Kelley reported that is construction for Starbucks.

Upon motion by Director Washington, seconded by Director Babers, after full discussion and the question being put to the Board, the Board voted unanimously to approve the Engineer's Report.

11. Approve Minutes. Consideration was given to the approval of the minutes of the meetings of March 3, 2021 and March 17, 2021. Upon motion by Director Smith, seconded by Director Washington, after full discussion and the question being put to the Board, the Board voted 4-0 to approve the minutes of March 3, 2021 and March 17, 2021 as presented. Director Babers abstained.

12. Review Consultant Contracts and take any necessary action. This agenda item was tabled for this meeting.

13. Adjournment/Future Agenda Items. There were no additional items to discuss.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD,
THE MEETING WAS ADJOURNED.

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The foregoing minutes were passed and approved by the Board of Directors on May 5, 2021.

Shayne Swalle

President, Board of Directors

ATTEST:

Beth Sheehy

Secretary, Board of Directors

