

MINUTES OF MEETING OF BOARD OF DIRECTORS  
April 21, 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 21, 2021, at 11:30 a.m. via teleconference 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  
AK Babers, Assistant Secretary  
Byron Keith Watson, Sr., Investment Officer

All members of the Board were present. Also attending all or parts of the meeting were Mr. Matthew Kelley of MK Engineering (“MK”), engineer for the District; Mr. Laney Brown of Si Environmental, LLC (“Si”), operator of the District’s facilities; Mr. Reginald Wilson and Ms. Meghan Koett of Norton Rose Fulbright US LLP (“NRF”), attorneys for the District; Ms. Victoria Lasteo, resident of the District; Ms. Toni Dorsey resident of Brunswick Meadows, subdivision within the District; and Mr. George Gibson, litigation attorney 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 Washington opened the meeting with a prayer.

**2. Public Comments.** Ms. Lasteo spoke on her displeasure with the lack of patrol within the District. She stated she made a call to the constables regarding crime activity at a certain location, and the constables did not show. Director Washington stated that Captain Grant has been made aware of the issue.

**3. Review Operator's Report and authorize necessary repairs.** Mr. Brown presented and reviewed a proposal regarding a return activated sludge pump repair, a copy of which is attached hereto as *Exhibit B*. Mr. Brown stated he recommends replacement with the 7.5Hp KSB pump.

Upon motion by Director Washington, seconded by Director Watson, after full discussion and having had the question put to the Board, the Board voted unanimously to move forward with the KSB Pump replacement.

**4. Review Engineer's Report and take any necessary actions.** Mr. Kelley presented and reviewed the engineer's report, a copy of which is attached hereto as *Exhibit C*.

Mr. Kelley reported on Morningside Place storm sewer improvements. He stated a community meeting will be scheduled to address beginning of construction process and any concerns regarding the project. He said there is no specific date set as of yet.

Mr. Kelley reviewed rehabilitation options for the Morningside Place section one pond. He stated he is still waiting to receive revised estimates for Envirogrid.

Mr. Kelley stated he revised the Old Dominion Freight Line feasibility study to include the statement that the Board requires everyone within the District to receive both water and sanitary sewer. He stated he is currently awaiting their response.

Mr. Kelley reviewed service requests, see *Exhibit C*. Mr. Kelley stated he received revised plans for Gatti's Pizza and is in the process of reviewing.

Mr. Kelley reported on the NPH Phase II Detention Pond one year warranty review, see *Exhibit C*.

Mr. Kelley provided updates on the District Meeting Building, see *Exhibit C*.

Mr. Kelley reviewed the conclusions from the Water Plant Evaluations. Discussion ensued regarding the findings. Mr. Kelley stated nothing at this time needs to be addressed immediately. Mr. Kelley reviewed the various costs of the repair projects.

Upon motion by Director Smith, seconded by Director Washington, after full discussion and having had the question put to the Board, the Board voted unanimously to accept the engineer's report.

**5. Review Supplemental Bookkeeper's Report and take any necessary action.** The Board reviewed a copy of the supplemental bookkeeper's report, a copy of which is attached hereto as *Exhibit D*.

Upon motion by Director Washington, seconded by Director Smith, after full discussion and having had the question put to the Board, the Board voted unanimously to approve the supplemental bookkeeper's report.

**6. Discuss General Manger Report and take any necessary action.**

President Smalls reported on various matters regarding the District Building, see *Exhibit E*.

President Smalls stated the job descriptions will be posted to the website and inserted in to next month's bills.

President Smalls reported that the design of the business cards have been changed and will be received soon.

President Smalls reported that the Fire Marshal occupancy certificate was received and the building can hold a capacity of 411 people.

President Smalls expressed the need for a dumpster service. She reviewed a proposal from Republic Services for a four yard dumpster that will be picked up once a week for \$93.00. Extensive discussion ensued. Upon motion by Director Washington, seconded by Director Watson, after full discussion and having had the question put to the Board, the Board voted 3-0, with President Smalls abstaining and Director Babers opposing, to approve proceed with Republic Services regarding dumpster services.

**7. Committee Progress Reports.** Director Watson reminded the Board to complete cybersecurity training. Discussion ensued.

**8. Review Consultant Contracts and take any necessary action.** There were no contracts to review at this time. This agenda item was tabled.

**9. Executive session pursuant to Section 551.071, Texas Gov't Code, to confer with attorney re matters where the duty of the attorney to the Board requires confidentiality and re potential litigation.** 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 enter into Executive Session at 1:19 p.m. pursuant to Section 551.071 Texas Gov't Code, to confer with their attorney on a matter in which the duty of the attorney to the governmental body under the Rules of Professional Conduct requires confidentiality and regarding potential litigation. At this time all persons left the meeting, except the Board members, Mr. Wilson, Ms. Koett, and Mr. Gibson.

**10. Convene in public session.** 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 enter into public session at 1:38 p.m. Ms. Koett checked to see if any members of the public wanted to enter the meeting but no one was there.

**11. Report on potential litigation and any necessary action.** Upon motion by Director Washington, seconded by Director Smith, after full discussion and the question being put to the Board, the Board voted unanimously to move forward with legal proceedings.

**12. Adjournment/Future Agenda Items.** It was discussed that May meeting dates will be May 5<sup>th</sup> and May 19<sup>th</sup> at 11:30 a.m.

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.

*Shawn Fralle*

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President, Board of Directors

ATTEST:

*Kathie Shashimaster*

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Secretary, Board of Directors

