

MINUTES
MISSION BEND MUNICIPAL UTILITY DISTRICT NO. 2

October 19, 2021

The Board of Directors (the "Board") of Mission Bend Municipal Utility District No. 2 (the "District") met in regular session, open to the public, at the offices of Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2400, Houston, Texas 77027, outside the boundaries of the District, with supplemental access by teleconference available to the public, on the 19th day of October, 2021, and the roll was called of the members of the Board being present:

Judy Villagomez	President
Mary Bertrand	Vice President
Susan Land Johnson	Assistant Vice President
Marlene Weppler	Secretary
Brenda S. Whitehead	Assistant Secretary

and all of the above were present, except Director Whitehead, thus constituting a quorum.

Also attending in person were Deputy Charles Hill of the Harris County Sheriff's Office ("HCSO"); Jacob Floyd of Langford Engineering, Inc. ("LEI"); Susan Cita of TBG Partners ("TBG"); Vicki Busboom of VLB Bookkeeping Services; Lina Loaiza of Bob Leared Interests; Linda Hubble of Public Finance Group, LLC; Carlous Smith of Si Environmental, LLC ("Si"); Angie Hartwell of Touchstone District Services ("Touchstone"); Leroy Eaglin, resident of the District; and Christina Miller and Aidé Meza of Allen Boone Humphries Robinson LLP ("ABHR").

Due to the COVID-19 virus epidemic emergency and the high threat level warnings issued by various governments and agencies, the District established a telephone option for members of the public to listen to the meeting and to address the Board. There were no meeting participants on the telephone.

PUBLIC COMMENTS

Director Villagomez offered any members of the public attending the meeting in person or by telephone the opportunity to make public comment. Mr. Eaglin addressed the Board regarding a commercial vehicle he has observed parked overnight on Mesa Vista Drive in Altamira for approximately three weeks. Mr. Eaglin inquired about the options for towing the commercial vehicle and Director Bertrand stated that additional signatures on the petition for signs to be posted by Harris County (the "County") need to be obtained. There being no additional members of the public requesting to make public comment, Director Villagomez moved to the next agenda item.

MINUTES

The Board considered approving the minutes of the September 21, 2021 (regular), October 4, 2021 (special), October 5, 2021 (Greenbelt), and October 11, 2021 (Chelford) meetings. Following review and discussion, Director Bertrand moved to approve the September 21 regular, October 4 special, October 5 Greenbelt, and October 11 Chelford meeting minutes, as presented. Director Weppler seconded the motion, which passed unanimously, with all directors voting "yea."

SECURITY SERVICES MATTERS

REPORT FROM HCSO

The Board acknowledged receipt of the September security services report from the HCSO, a copy of which is attached. Deputy Hill reported on the continued efforts to monitor and tow commercial vehicles that are parked overnight in the District. Discussion ensued regarding the continued parking violations on public rights-of-way. Deputy Hill stated that the towing enforcement program has been able to tow recurring offenders in certain areas. He updated the Board on certain signs that have been taken down by the County Commissioner's office and noted he did not know the reason the signs were taken down.

Deputy Hill updated the Board on graffiti abatement efforts throughout the District. Director Weppler inquired about the process of identification of certain areas where graffiti is located. Deputy Hill stated that the Board can report graffiti to the HCSO's Nuisance Abatement team for removal. Following discussion, there was no action on this matter.

UPDATE ON APPROVAL OF SIGNS PROHIBITING COMMERCIAL VEHICLES FROM PARKING OVERNIGHT

There was no further discussion on this agenda item.

FINANCIAL AND BOOKKEEPING MATTERS

Ms. Busboom presented and reviewed the bookkeeping report, including the investment report, the budget comparison, and the list of checks for the Board's approval. A copy of the bookkeeping report, including the investment report and budget comparison, is attached. Director Villagomez inquired about details of the bookkeeper's report and Ms. Busboom clarified changes to the draft report throughout the previous month.

Ms. Busboom noted that there was a blank check no. 12092 for generator rental services to NTS Rentals, LLC ("NTS") for the month of October 2021. She restated that

a line item has been added to the September 30, 2022 budget for generator rental expenses for the upcoming fiscal year. Director Villagomez inquired about generator rental expenses through the end of the year and Ms. Busboom clarified details of the budget item.

Following review and discussion, Director Bertrand moved to approve the bookkeeping report, the checks presented for payment and the investment report. Director Johnson seconded the motion, which passed unanimously, with all directors voting "yea."

TAX ASSESSMENT AND COLLECTIONS MATTERS

Ms. Loaiza presented and reviewed the monthly tax report, a copy of which is attached, reflecting that 99.3% of the District's 2020 taxes were collected as of the end of September. She stated that 0.00% of the District's 2021 taxes were collected as of the date of the meeting due to the 2021 tax hearing taking place today. Following review and discussion, Director Weppler moved to approve the tax report and payment of the checks drawn on the District's tax account. Director Bertrand seconded the motion, which passed unanimously, with all directors voting "yea."

CONDUCT PUBLIC HEARING REGARDING DISTRICT'S TAX RATE, ADOPT ORDER LEVYING TAXES, AND AUTHORIZE EXECUTION OF AMENDMENT TO INFORMATION FORM

The Board considered setting a tax rate for 2021. Ms. Loaiza stated that notice was published of the public hearing to be held at today's meeting regarding adoption of the District's proposed 2021 total tax rate of \$0.6015. Director Villagomez opened the public hearing. There being no comments from the public, Director Villagomez closed the public hearing.

Ms. Miller presented an Order Levying Taxes (the "Order") reflecting the proposed 2021 tax rate. She then presented an Amendment to Information Form (the "Form") reflecting the tax rate and stated that the Form will be filed with the Texas Commission on Environmental Quality ("TCEQ") and recorded in the official public records of the County.

Following review and discussion, Director Bertrand moved to: (1) adopt the Order reflecting a total 2021 tax rate of \$0.6015 per \$100 of assessed valuation, comprised of \$0.1590 to pay debt service on outstanding bonds and \$0.4425 for operations and maintenance; (2) authorize execution of the Form; and (3) direct that the Order and the Form be filed appropriately and retained in the District's official records. Director Weppler seconded the motion, which passed unanimously, with all directors voting "yea."

CHELFORD CITY REGIONAL WASTEWATER TREATMENT PLANT ("CHELFORD")
MATTERS

There was no discussion on Chelford matters.

OPERATION OF DISTRICT FACILITIES

Mr. Smith presented and reviewed the operations report from Si, a copy of which is attached, including routine and preventative maintenance and repairs in the District. Mr. Smith reported that water accountability was 95.01% in the previous month. Mr. Smith reported on the current connections in the District, water production and distribution repairs, sanitary sewer maintenance, lift station maintenance, and water well maintenance and repairs during the previous month.

Mr. Smith reported on the televising of a sanitary sewer main line at 7850 Howell Sugarland Road. He stated that a CenterPoint Energy utility pole was previously installed through the sanitary sewer main line, causing recurring backups at the Alief Family YMCA facility. Mr. Smith stated that Si has requested that CenterPoint Energy relocate the utility pole in order to remedy the ongoing backup issues at this location.

HEARING REGARDING TERMINATION OF WATER AND SEWER SERVICE

Mr. Smith presented and reviewed a list of delinquent customers to the Directors and reported the residents on the termination list were delinquent in payment of their water and sewer bills and were given written notification, in accordance with the District's Rate Order, prior to the meeting of the opportunity to appear before the Board of Directors to explain, contest, or correct their bills and to show why utility services should not be terminated for reason of non-payment. Mr. Smith reviewed the timeline of the delinquencies, including the date of notice letters, door hangers, and scheduled terminations.

NOTICE OF CONFIDENTIALITY AND RIGHT TO REQUEST DISCLOSURE, IN
ACCORDANCE WITH HOUSE BILL 872

Ms. Miller reviewed a memorandum with the Board regarding legislative changes to Section 182.052, Utilities Code, relating to confidentiality of certain personal and billing information of utility customers, a copy of which is attached. She said such information must be kept confidential, with certain exceptions, unless the customer requests disclosure. Ms. Miller discussed the requirement for the District to provide notice of the customer's right to request disclosure, along with a request form, by including the notice and form with the utility bills sent to customers. Mr. Smith confirmed that Si received the required notice and form language from ABHR for inclusion on the utility bills.

PROPOSAL FOR REPAIR OR REPLACEMENT OF WELL MOTOR AT WATER PLANT NO. 2

Mr. Smith updated the Board on a water well motor issue at the District's water well no. 2 at water plant no. 2. Mr. Smith presented and reviewed a proposal from Alsay Water, Inc. ("Alsay") with options to repair or replace the water well motor at water plant no. 2. He reported that option no. 1 in the amount of \$26,205.00, to repair the motor is recommended by Si because the motor has not been repaired in the past. He also reported that option no. 2 in the amount of \$41,965.00, to replace the motor is not recommended at this time due to the cost efficiency of option no. 1. The Board discussed the differences in warranty between the repair and replacement options. Mr. Smith confirmed that the warranty for both options was identical. Director Villagomez inquired about the age of the well motor. Mr. Floyd and Mr. Smith confirmed that the well motor was installed approximately seven years ago. Director Villagomez expressed interest in touring the District's facilities ahead of the winter season. Mr. Smith confirmed that a tour of the facilities can be arranged.

Director Villagomez requested that Si survey the District's fire hydrants to identify hydrants that are in need of repainting.

Following review and discussion, Director Bertrand moved to: (1) approve the operations report, as presented; (2) authorize termination of delinquent accounts in accordance with the District's Rate Order and direct that the delinquent customer list be filed appropriately and retained in the District's official records; (3) authorize Si to include the notice of the customer's right to request disclosure and form with the utility bills, as discussed; (4) approve option no. 1 listed in the proposal from Alsay, based on the operator's recommendation, in the amount of \$26,205.00, to repair the water well motor no. 2 at water plant no. 2 and authorize Si to coordinate the repair work, as discussed; and (5) authorize Si to survey the District's fire hydrants to identify hydrants that are in need of repainting. Director Johnson seconded the motion, which passed unanimously, with all directors voting "yea."

WEST HARRIS COUNTY REGIONAL WATER AUTHORITY ("WHCRWA") MATTERS

There was no discussion on WHCRWA matters.

ENGINEERING MATTERS

Mr. Floyd presented and reviewed the engineering report, a copy of which is attached.

UPDATE ON STAND-BY GENERATOR

Mr. Floyd stated there were no updates to the stand-by generator lease agreement with NTS.

AUTHORIZE DESIGN OF PERMANENT GENERATORS

Mr. Floyd updated the Board on the status of design of the permanent generators for the District. He stated that design is underway and that plans will be submitted for agency review upon completion of the plans and specifications.

UPDATE ON TOTAL PETROLEUM HYDROCARBON ("TPH") LEVELS AT DAIRY QUEEN

Mr. Floyd reported on TPH levels at the Dairy Queen restaurant on Bellaire Boulevard, as previously discussed. He stated that Envirodyne Laboratories, Inc. ("Envirodyne") has provided an additional TPH test report, a copy of which is attached to the engineer's report. Mr. Floyd said the report indicates that Dairy Queen is no longer in violation of the District's Amended Rate Order and the Second Amended Order Establishing Rules and Regulations Concerning Residential and Nonresidential Wastes (collectively, the "Amended Orders"). Mr. Floyd added that LEI and Envirodyne will continue to monitor Dairy Queen's TPH levels to ensure the levels remain in compliance with the District's Amended Orders.

Mr. Floyd reported that the McDonald's restaurant at 6901 State Highway 6 is currently remodeling their store. Mr. Floyd stated that revised plans have been submitted for review and LEI will provide any additional comments at the next regular Board meeting.

Mr. Floyd reported on a proposed sanitary sewer cleaning and televising project. He presented and reviewed a phased sanitary sewer rehabilitation project map prepared by LEI and Si, a copy of which is attached to the engineer's report. Mr. Floyd reviewed the recommended phases, annual timelines, and the cost of approximately \$360,000.00, for the project over the next four years. The Board inquired about details of the proposed project. He discussed details of the cleaning and televising work and requested that the Board consider authorizing Si to prepare a proposal for sanitary sewer cleaning and televising for the Board's review and consideration at the next regular Board meeting, as discussed.

Following review and discussion, Director Johnson moved to: (1) approve the engineer's report, as presented; and (2) authorize Si to prepare a proposal for the sanitary sewer cleaning and televising project, as discussed. Director Weppler seconded the motion, which passed unanimously, with all directors voting "yea."

APPROVE EMERGENCY RESPONSE PLAN AND FILING OF CERTIFICATION OF SAME WITH THE ENVIRONMENTAL PROTECTION AGENCY ("EPA")

Ms. Miller reported on certain certification obligations that the District must meet under the America's Water Infrastructure Act of 2018 (the "Act"). She stated that, pursuant to the Act, the District must certify to the EPA that its community water system has completed an Emergency Response Plan (the "Plan"). Mr. Floyd discussed the District's Plan and stated it will be filed prior to the EPA's deadline of December 31, 2021. Following discussion, the Board concurred unanimously to defer action on this item.

BOND APPLICATION NO. 10, INCLUDING ADOPT RESOLUTION AUTHORIZING APPLICATION TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR APPROVAL OF PROJECT AND BONDS

Ms. Miller updated the Board on preparation of bond application no. 10. The Board considered adopting a Resolution Authorizing Application to the TCEQ for Approval of Project and Bonds. The Board considered adopting a Resolution Requesting Appraisal of Property and Certificate of Estimated Appraised Value from the Harris County Appraisal District ("HCAD") as of October 1, 2021. Following review and discussion, and based on the engineer's recommendation, Director Bertrand moved to: (1) adopt the Resolution Authorizing Application to the TCEQ for Approval of Project and Bonds and direct that it be filed appropriately and retained in the District's official records; and (2) adopt the Resolution Requesting Appraisal of Property and Certificate of Estimated Appraised Value from HCAD as of October 1, 2021 and direct that it be filed appropriately and retained in the District's official records. Director Wepler seconded the motion, which passed unanimously, with all directors voting "yea."

PARK AND RECREATIONAL FACILITY MATTERS

Ms. Cita presented a report regarding the District's parks and recreational facilities, a copy of which is attached.

MAGNOLIA PARK MAINTENANCE

Ms. Cita reported on pressure washing at Altamira. She stated there are no new invoices for approval this month.

Ms. Cita reported on Altamira subdivision entrance enhancements. She stated that cleanup efforts at the Via Del Norte entrance have been completed and that TBG will survey the existing easements and provide plats needed for future easements prior to any additional landscape improvements. Ms. Cita stated TBG will coordinate with LEI on the required easements.

Ms. Cita reported on the Mission Bell Drive and Estrada Drive subdivision entrances. She stated that the removal of dead materials and replanting of damaged areas due to the 2021 freeze event have been completed by Custom Scapes. Ms. Cita presented and recommended for approval invoice no. 2456 in the amount of \$4,560.00, as previously authorized by the Board, a copy of which is attached to the parks and recreational facilities report.

Ms. Cita updated the Board on lighting maintenance and repairs by Express Electrical Services ("Express Electrical"). She stated that Express Electrical performed a site visit and system review on September 27, 2021. Ms. Cita stated that no major system outages were reported and recommended approval of invoice no. 38604 in the amount of \$332.50, for the site visit, a copy of which is attached to the parks and recreational facilities report. Ms. Cita stated that Express Electrical noted the northwest stadium light was out due to wire damage in three junction boxes in the northwest section of the park. She recommended the Board approve diagnostic stadium light troubleshooting by Express Electrical for an estimated cost of approximately \$350.00 to \$2,000.00, depending on the severity of the outage issue.

Ms. Cita updated the Board on the Magnolia Park Planting Replacement project. She stated that removal of dead material and replanting of damaged areas has been completed by Custom Scapes. Ms. Cita stated that a site review of the plant installation will be conducted by TBG on October 28, 2021. She presented and recommended for approval invoice no. 2457 in the amount of \$13,230.00, as previously authorized by the Board, a copy of which is attached to the parks and recreational facilities report.

Ms. Cita reported on the general landscape maintenance invoices for Magnolia Park from Custom Scapes that have been authorized for payment by the Board. She presented and reviewed invoice no. 2451 for monthly District landscape maintenance in the amount of \$7,023.75, invoice no. 2454 for monthly maintenance and mowing of Reserve E in Terra Del Sol, Section 7 in the amount of \$600.00, invoice no. 2455 for facility mowing in the amount of \$434.00, and invoice no. 2458 for the irrigation repairs of four water leaks and head damages on a Bellaire Boulevard median in the amount of \$675.00, copies of which are attached to the parks and recreational facilities report.

Ms. Cita stated that no additional maintenance estimates or invoices have been submitted for Magnolia Park.

PEDESTRIAN BRIDGE PROJECT (THE "BRIDGE")

Mr. Floyd reported on the Bridge replacement project. He stated that the previously approved additional testing of the piers and abutments has been

completed and test analysis is underway. Mr. Floyd stated that following discussion with the structural engineer, he does not foresee any issues with the piers and abutments and expects the minimum pound per square inch requirements to be met. He reported favorable results are expected and recommended that the Board authorize D.L. Meacham, L.P. ("D.L. Meacham") to proceed with the project following finalization of the test analysis, and subject to receipt of favorable results from the additional testing. Mr. Floyd announced that the estimated Bridge installation date will likely take place during the first week of November.

Director Weppler inquired about the timeline of completion of the Bridge replacement project and stated she has not observed the construction crew working on the Bridge. Mr. Floyd confirmed that D.L. Meacham's construction crew has not been working on the Bridge due to the previous tests' unsatisfactory results. He stated that D.L. Meacham will be given the authorization to proceed following the finalization of the favorable test results. The Board discussed the progress of the Bridge project.

Following review and discussion, and based upon the engineer's recommendation, Director Johnson moved to authorize D.L. Meacham to proceed with the Bridge replacement project, including installation of the Bridge, following finalization of the test analysis, and subject to receipt of favorable results from the additional testing as determined by the District's engineer, as discussed. Director Weppler seconded the motion, which passed unanimously, with all directors voting "yea."

MISSION BEND GREENBELT TRAIL IMPROVEMENTS PROJECT (THE "TRAIL")

Ms. Cita reported on the Trail project. Ms. Cita stated that ongoing work includes the installation of the bridge plaza, concrete trail curb south of the plaza, and coordination with the landscape subcontractor to begin irrigation and wildflower bed preparations. She stated that D.L. Meacham has submitted a contract time extension request letter for 60 days from September 21, 2021, which estimates substantial completion will be achieved by November 21, 2021. A copy of the extension request letter is attached to the parks and recreational facilities report. Ms. Cita recommended approval of the contract time extension request letter for 60 days, as presented, and reported on a brick backorder issue. She then presented and recommended for approval Pay Application No. 7 from D.L. Meacham in the amount of \$21,267.40.

Ms. Cita reported that Fencecrete America, Inc. ("Fencecrete") has made three attempts at refinishing and repainting the metal fencing along the Trail to remedy the flaking of paint. She stated that Fencecrete was onsite on October 13,

2021, to repaint, but the weather was excessively humid and did not permit the paint to be applied. Ms. Cita stated that Fencecrete has rescheduled to have the repainting work completed by October 21, 2021, pending favorable weather conditions.

LITTLE VILLA WETLAND PARK IMPROVEMENTS

Ms. Cita reported on the commercial screening landscape and irrigation project at Little Villa Wetland Park. She stated that design documents are on hold, pending Board approval.

Ms. Cita updated the Board on the irrigation system maintenance review and irrigation controller issues. She stated that irrigation controller functions were reviewed on October 18, 2021 with Custom Scapes.

Ms. Cita reported on the electric meter and power issues affecting the District's power source for cameras at Little Villa Wetland Park. Ms. Cita reported that the electric meters and security cameras are running following a site visit from CenterPoint Energy.

Ms. Cita reported on the general landscape maintenance invoice for Little Villa Wetland Park from Custom Scapes that has been authorized for payment by the Board. She presented and reviewed invoice no. 2452 for monthly maintenance at Little Villa Wetland Park in the amount of \$3,320.00.

Ms. Cita stated that no additional maintenance estimates or invoices have been submitted for Little Villa Wetland Park.

Director Villagomez reviewed estimate no. 1421 in the amount of \$13,925.00, for redesigning and replanting 14 median tips along Bellaire Boulevard in the District by Custom Scapes, a copy of which is attached to the parks and recreational facilities report.

Following review and discussion, and based upon the landscape architect's recommendation, Director Bertrand moved to: (1) approve the parks and recreational facilities report, as presented; (2) approve invoice no. 2456 in the amount of \$4,560.00, submitted by Custom Scapes, as presented; (3) approve invoice no. 38604 in the amount of \$332.50, submitted by Express Electrical, as presented; (4) approve diagnostic stadium light troubleshooting in an amount not to exceed \$2,000.00, by Express Electrical for the northwest stadium light at Magnolia Park; (5) approve invoice no. 2457 in the amount of \$13,230.00, submitted by Custom Scapes, as presented; (6) approve the general landscape, maintenance, and repair invoices for Magnolia Park by Custom Scapes that were authorized for payment by the Board, as presented; (7) approve a contract time extension request letter for the Trail project, submitted by D.L. Meacham; (8) approve Pay Application No. 7 in the amount of \$21,267.40, from D.L. Meacham for

the Trail project; (9) approve the general landscape, maintenance, and repair invoice for Little Villa Wetland Park by Custom Scapes that was authorized for payment by the Board, as presented; and (10) approve estimate no. 1421 in the amount of \$13,925.00, submitted by Custom Scapes, as presented. Director Wepler seconded the motion, which passed unanimously, with all directors voting "yea."

DISTRICT TECHNOLOGY MATTERS

UPDATE ON THE DISTRICT'S WEBSITE

Ms. Hartwell presented and reviewed a website communications report for the previous month, a copy of which is attached. She stated that the website is live, and reports will be submitted to the Board on a monthly basis. Ms. Hartwell requested that the Board form a Communications Committee for future coordination of website updates.

The Board discussed uploading photographs of Magnolia Park and Little Villa Wetland Park to the District's website on an ongoing basis and authorizing Touchstone to create separate tabs to showcase the parks on the website.

WEBSITE ROLLOUT PLAN INCLUDING ADVERTISEMENT OF WEBSITE

Director Bertrand discussed options for advertising the District's completed website to residents. The Board considered placing yard signs throughout the District and discussed the language to be placed on the signs. Ms. Hartwell stated she will research possible advertising options and language for the signs. Mr. Smith presented and reviewed Si's advertisement options to be included in the District's water service bills, a copy of which is attached. The Board considered authorizing the production of yard signs, water bill flyers, door hangers, and any other advertisement materials for the District's website in an amount not to exceed \$1,000.00. The Board discussed coordination of the placement of yard signs throughout the District. Director Johnson and Mr. Eaglin stated they can assist in placing yard signs once the signs have been created. Director Bertrand stated she has planned strategic locations for the signs.

The Board discussed emergency messaging services and requested that an action item be placed on the next regular meeting's agenda to terminate the emergency messaging services contract with OffCinco and to review a proposal from Touchstone for such services.

Following review and discussion, Director Bertrand moved to: (1) designate Ms. Hartwell, Director Villagomez, and herself as members of the Board's Communications Committee; (2) authorize Touchstone to create separate tabs to showcase the parks on the District's website; (3) authorize the production of yard signs, water bill flyers, door

hangers, and any other advertisement materials for the District's website in an amount not to exceed \$1,000.00; and (4) place an action item on the next regular meeting's agenda to terminate the emergency messaging services contract with OffCinco and to review a proposal from Touchstone for such services. Director Weppler seconded the motion, which passed unanimously, with all directors voting "yea."

BOARD PERFORMANCE REVIEW OF CONSULTANT CONTRACTS

Director Villagomez stated the Board performance review of consultant contracts will take place at the January 18, 2022, regular meeting.

MEETING SCHEDULE AND PLANNING MATTERS

The Board discussed the next regular Board meetings on November 16, 2021, and December 14, 2021, at ABHR with supplemental access via teleconference for consultants and members of the public.

CONVENE IN EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEXAS GOVERNMENT CODE, TO CONDUCT A PRIVATE CONSULTATION WITH ATTORNEY TO DISCUSS PENDING OR CONTEMPLATED LITIGATION, OR A SETTLEMENT OFFER

The Board did not convene in Executive Session.

There being no further matters to come before the Board, the meeting was adjourned.


Secretary, Board of Directors



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