

MINUTES  
MISSION BEND MUNICIPAL UTILITY DISTRICT NO. 2

October 4, 2021

The Board of Directors (the "Board") of Mission Bend Municipal Utility District No. 2 (the "District") met in special 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 4<sup>th</sup> 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 Wepler	Secretary
Brenda S. Whitehead	Assistant Secretary

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

Also attending in person were Jacob Floyd of Langford Engineering, Inc. ("LEI"); Susan Cita of TBG Partners; 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 and stated he has been communicating the work being done by the District to his fellow residents of Altamira. The Board welcomed Mr. Eaglin to the meeting. There being no additional members of the public requesting to make public comment, Director Villagomez moved to the next agenda item.

PARK AND RECREATIONAL FACILITY MATTERS, INCLUDING PROPOSALS, AGREEMENTS, PAY ESTIMATES, CHANGE ORDERS, AND FINAL ACCEPTANCE, IF APPROPRIATE, FOR THE PEDESTRIAN BRIDGE PROJECT (THE "BRIDGE")

Mr. Floyd presented and reviewed an engineering report detailing the status of the Bridge, a copy of which is attached. He reported that the test results conducted from the 56-day brakes for the piers are attached to his report, along with the 28-day

brakes for the abutment. He stated that at this time the first two piers on the western side of the Bridge do not meet the specified strength requirements, per the plan specifications.

Mr. Floyd stated that LEI believes that through additional testing, which shows ground penetrating radar into the abutment, LEI will be able to assess the reinforcement. He stated that there are some questions in regard to some of the reinforcement placement and that LEI will want to ensure that everything will work properly. Mr. Floyd presented and reviewed photographs attached to the engineer's report that show the reinforcement, but he stated that LEI wants to ensure that the reinforcement has been measured and put in place to perform successfully.

Mr. Floyd stated that he has spoken with Aviles Engineering Corporation ("Aviles") in regard to the recommended additional testing and reported that Aviles has confirmed that they can perform the additional testing in the amount of \$3,000.00, to be completed on Friday, October 8, 2021. Mr. Floyd stated that the additional testing will be at no extra charge to the District, because D.L. Meacham, LP ("D.L. Meacham") has agreed to cover the cost of the additional testing. Mr. Floyd reviewed with the Board a letter from D.L. Meacham discussing the additional testing matter, a copy of which is attached to the engineer's report. He requested that the Board consider authorizing Aviles to conduct additional testing on the Bridge, pending receipt of the final proposal.

Ms. Miller reminded the Board of their previous motion directing LEI to oversee the remaining construction of the Bridge project by D.L. Meacham in accordance with the previously approved plans and specifications. She also stated that the Board had asked to receive the results of the pending concrete analyses to determine how to move forward and restated their expectation that D.L. Meacham is to be ready to redrill the piers if the concrete testing continues to result in unfavorable pounds per square inch ("PSI") measures. Ms. Miller stated that LEI has now recommended additional testing.

Director Weppeler inquired about the testing that is taking place at the 7-day, 28-day, and 56-day marks. She inquired about the minimum PSI requirements for concrete being used on highway bridges versus PSI requirements for pedestrian bridges. Mr. Floyd clarified that there are certain specifications that LEI and D.L. Meacham are working from which dictate that concrete samples are to be taken and tested at the 7-day, 28-day, and 56-day marks and, per the plans, there is a specified compressive strength that the concrete needs to attain for it to be acceptable. He stated that, per the plans, 4,000 PSI is required by the Harris County Flood Control District ("HCFCD") for any bridge that crosses their right-of-way. He stated that the Texas Department of Transportation ("TxDOT") requires 3,600 PSI for compressive strength of concrete for any bridge that crosses their right-of-way. Mr. Floyd stated he was not sure why that is and can only speculate that the requirement is higher for HCFCD bridges than for TxDOT bridges because they may be placed above floodwaters. Director Johnson

stated she had also researched the different specifications and believed it was odd as well.

Ms. Miller inquired about D.L. Meacham's plan to move forward if the additional testing does not yield favorable results. Mr. Floyd stated that D.L. Meacham has indicated that they will fix the concrete, if necessary. The Board considered authorizing ABHR to prepare a letter agreement with D.L. Meacham stating the terms for moving forward with the Bridge project, pending the outcome of the additional concrete strength testing.

Director Bertrand inquired about the company that will be conducting the additional testing. Director Villagomez clarified that Aviles, the consultant previously used by the District, will conduct the additional testing, through D.L. Meacham and at D.L. Meacham's expense. Mr. Floyd also clarified that he will be in attendance for the additional testing. Director Bertrand inquired about the goals of the additional testing, including best-case scenario and worst-case scenario options. Mr. Floyd stated that, with the additional testing, LEI will be able to determine the exact location of the reinforcement, the length of the reinforcement, and the lapse of reinforcement. He stated that LEI will then calculate if the Bridge will be able to conform with designed loads that are on the bridge, both live loads and the dead load of the Bridge. Mr. Floyd stated that the goal is to ensure that the Bridge can perform under those loads as the bridge was designed.

Mr. Floyd stated that there are reductions that can be put in place for the Bridge, per international building codes, where a bridge will not hold cars. He stated that these reductions are approximately 20% off the live load. Mr. Floyd also stated that the decking on the bridge itself can be lighter in weight. He stated that with the lighter decking, LEI can calculate if the Bridge can perform under the specification requirements. He reported that the lighter design weight calculations will be completed by the District's next regular Board meeting.

Mr. Floyd stated that the Bridge, as it stands right now, was not built per the plans and specifications. He stated that there is a lot of work to be done to ensure that the Bridge performs correctly. Director Villagomez inquired about why the Bridge was not built per the plans and specifications. Mr. Floyd clarified that the reason is because the concrete did not meet the PSI strength requirements and because of the reinforcement, which is proposed to be tested once again along with the concrete strength. Director Villagomez inquired about the placement of the rebar and Mr. Floyd clarified the issue with the rebar.

Director Wepler inquired about the lighter concrete versus the heavy concrete on the decking of the Bridge. Mr. Floyd stated that there was no issue with the lighter concrete, and that it is simply an option being presented to the Board. He stated that D.L. Meacham has agreed to cover the cost of the lighter concrete, which is more

expensive than the heavy concrete. Director Wepler inquired about the longevity of the lighter concrete. Mr. Floyd stated he will be reviewing the longevity of the lighter concrete, as requested.

The Board discussed authorizing moving forward with the engineer's recommendation for additional testing. The Board also considered authorizing ABHR to draft a letter agreement stating that D.L. Meacham will be covering the cost for the additional testing by Aviles and providing an additional warranty for the work performed upon completion of the Bridge, and that if the test results come back unsatisfactory, D.L. Meacham agrees to rebuild, but in that instance an additional warranty would not be provided. The Board then considered designating a member of the Board to approve and execute the letter agreement prior to the next regular Board meeting.

Director Wepler inquired about the Board's liability for the Bridge, following completion of the project. She stated that Districts have been sued before, but that that District has insurance to protect Directors and Officer. She stated that the District's insurance defense would argue governmental immunity in most instances.

Director Bertrand inquired about steps for moving forward with the recommended additional testing. Mr. Floyd stated that once authorized by the Board, the tests will be conducted on Friday, October 8, 2021, and the results will also be ready on Friday, October 8, 2021. He stated that the results will then be analyzed the following week and a report will be ready by the Board's next regular Board meeting on Tuesday, October 19, 2021. Director Bertrand stated she did not want LEI to give D.L. Meacham the authority to move forward until the Board has reconvened to discuss the test analyses results.

Director Johnson inquired about the placement of the rebar and Mr. Floyd clarified the issue with the rebar. Mr. Floyd restated that, with the additional testing, LEI will be able to determine the exact location of the reinforcement, the length of the reinforcement, and the lapse of reinforcement for the Bridge. He stated that by Friday, October 8, 2021, LEI will know the edge of the reinforcement and whether a further structural analysis will need to be performed.

Following review and discussion, and based upon the engineer's recommendation, Director Bertrand moved to: (1) authorize D.L. Meacham to move forward with the engineer's recommendation for additional testing by Aviles, as discussed; (2) authorize ABHR to draft a letter agreement as discussed; and (3) designate Director Villagomez to review and approve the letter agreement for execution prior to the next regular Board meeting. Director Johnson seconded the motion, which passed unanimously, with all directors voting "yea." Director Villagomez requested that the Board members not interrupt while others are speaking.

## PROPOSALS FOR REPAIR AND MAINTENANCE OF WATER WELL NO. 2

Mr. Floyd reported on the maintenance of water well no. 2. He updated the Board on a well motor issue at the District's water well no. 2 at water plant no. 2. He stated that a malfunctioning motor has been pulled by Si Environmental, LLC ("Si"). Mr. Floyd stated that a rental motor is now in place so that the District can continue to provide water to its residents. He stated that Si has solicited proposals for removing the water well motor, placing the rental motor, and determining any needed repairs to the motor. Mr. Floyd stated that the well is functioning with the rental motor at this time.

Director Villagomez reported that Si provided her with two quotes. She stated that the first quote was in the amount of approximately \$25,000.00, to repair the motor and the second quote was in the amount of approximately \$41,000.00, to replace the motor. Mr. Floyd stated he had not reviewed the two proposals and could not provide a recommendation at this time. Director Villagomez stated her belief that the current rental price is approximately \$5,000.00, or \$4,500.00, per month.

Following discussion, and based upon the engineer's recommendation, the Board concurred unanimously to defer action on this matter until the next regular Board meeting.

## DISCUSS AND APPROVE WEBSITE ROLLOUT PLAN, INCLUDING ADVERTISEMENT OF WEBSITE

Director Bertrand discussed advertisement of the District's recently completed website to residents. She stated that the rollout plan should be presented by Touchstone District Services. She stated that she will coordinate with Mr. Carlous Smith of Si to place language advertising the website on the District's water service bills. Director Bertrand also stated she will coordinate the placement of yard signs throughout the neighborhood.

Ms. Miller stated that Director Bertrand may be reimbursed for creating and disseminating website flyers, inserts in the District's water service bills, and yard signs. The Board considered authorizing a not to exceed amount so Director Bertrand may be reimbursed for ordering and coordinating website advertisement materials. Director Bertrand stated she does not have a not to exceed number at this time and that the item can be deferred until the next regular Board meeting.

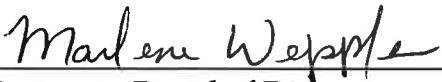
Following discussion, the Board concurred unanimously to defer action on this matter until the next regular Board meeting.

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.

The Board discussed the next regular Board meeting on October 19, 2021 at 6:00 p.m. with supplemental access via teleconference for consultants and members of the public, and the December 2021 regular Board meeting. Following discussion, the Board concurred unanimously to change the December meeting date to Tuesday, December 14, 2021 at 6:00 p.m.

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

  
Secretary, Board of Directors



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