

## **SPRING WEST MUNICIPAL UTILITY DISTRICT**

### **Minutes of Meeting of Board of Directors May 25, 2022**

The Board of Directors ("Board") of Spring West Municipal Utility District ("District") met in regular session at La Quinta by Wyndham Houston Spring South located at 21119 North Freeway, Spring, Harris County, Texas, on May 25, 2022, in accordance with the duly posted notice of meeting. The meeting was also held via videoconference and teleconference pursuant to Texas Government Code Sections 551.125 and 551.127, as amended. The roll was called of the duly constituted officers and members of said Board, as follows:

Beverly F. O'Neal, President  
Kim Stephens, Vice President  
W. Eugene Norris, Sr., Secretary  
Scott Shelnutt, Assistant Secretary  
Jerome A. Patridge, Assistant Secretary

and all persons attended the meeting, with Director Patridge participating via videoconference, thus constituting a quorum.

Also in attendance were: Glenn Woodson of Storm Maintenance & Monitoring ("SM&M"); Angela Peters and Danielle Camacho of Odyssey Engineering Group, Inc. ("Odyssey"); Eric Thiry and JC Reno of Environmental Development Partners, LLC ("EDP"); and Abraham Rubinsky, Katie Blasio, and Melanie Walsh of Schwartz, Page & Harding, L.L.P. ("SPH"). Mr. Rubinsky and Mses. Blasio and Walsh participated in the meeting via teleconference and/or videoconference.

#### **PUBLIC COMMENTS**

The Board began by opening the meeting for public comments. There being no comments from the public, the Board continued to the next item of business.

#### **APPROVAL OF MINUTES**

The Board deferred consideration of the minutes of the Board of Directors meeting held on April 27, 2022.

#### **STORM WATER QUALITY INSPECTION REPORTS**

Mr. Rubinsky noted that the Storm Water Quality Inspection Reports ("Inspection Reports") prepared by Storm Water Solutions ("SWS") for the month of April 2022, copies of which are attached hereto as **EXHIBIT A**, were circulated to the Board for its review prior to today's meeting. After discussion, it was noted that no action was required by the Board in connection with the Inspection Reports at this time.

#### **DRAINAGE AND DETENTION FACILITIES MAINTENANCE REPORT**

The Board next considered the Drainage and Detention Facilities Maintenance Reports

from SM&M (the "D&D Reports") dated May 17, 2022, copies of which are attached hereto as **EXHIBIT B**. In that regard, Mr. Woodson reviewed the D&D Report with the Board. A discussion next ensued regarding the condition of the Spring Pines Shopping Center Detention Pond ("SPSC Pond") and the continuing lack of vegetative cover in certain areas of said pond. The Board noted that no action was necessary in connection with the D&D Reports at this time.

### **AMENDED AND RESTATED CONSTRUCTION AND MAINTENANCE AGREEMENT WITH HANNOVER FOREST HOMEOWNERS ASSOCIATION**

The Board deferred consideration of the proposed Amended and Restated Construction and Maintenance Agreement between the District and Hannover Forest Homeowners Association in connection with maintenance by the District of the Hannover Forest, Section Two Detention Pond.

### **ENGINEER'S REPORT**

Ms. Peters presented and reviewed in detail with the Board a written Engineer's Report dated May 25, 2022, a copy of which is attached hereto as **EXHIBIT C**, relative to the status of various engineering and construction projects within the District, and discussed the matters contained therein.

Ms. Peters reported that Odyssey is in the process of preparing the metes and bounds description for the 25-foot combined water line and sanitary sewer line easement required across the northern boundary of the approximate 0.5069 acre tract located at 1731 Spring Cypress Road (the "Starbucks Tract") in connection with the proposed annexation of the Starbucks Tract and the further utility extensions to serve same. She confirmed that Odyssey will ensure that the District's water meter serving the Starbucks Tract will be located within an easement. Upon Mr. Rubinsky's request, Ms. Peters advised that Odyssey will ask the landowner to submit a formal request for a Utility Commitment, which Mr. Rubinsky noted will be drafted to include certain terms and conditions related to the annexation of such property into the District.

With regard to the proposed purchase of an emergency generator for the District's Wastewater Treatment Plant ("WWTP"), Ms. Peters reported that the total estimated construction cost for a new 600 kW diesel generator, including engineering and contingencies, is \$285,000. Mr. Rubinsky then reminded the Board that the District's lease with NRG Energy for the existing emergency generator located at the WWTP expires September 30, 2022 and that the cost to acquire said generator at the end of the lease is \$137,500.

Ms. Peters next provided an update regarding the status of Odyssey's communications with Progressive Insurance relative to the claim relative to the damaged fence at the Lift Station No. 2 (Hannover Springs) site. In response to Ms. Peters' inquiry regarding whether the Board wishes to proceed with repairs or wait for the insurance company to act prior to repairing the fence, the Board concurred with Director Stephens' recommendation that the District proceed with repairs.

It was noted that no action was required by the Board in connection with the Engineer's Report at this time.

**PROPOSED ANNEXATION AND DEVELOPMENT OF APPROXIMATE 27.6 ACRE TRACT LOCATED AT THE SOUTHWEST CORNER OF SPRING STUEBNER AND HOLZWARTH ROADS**

The Board next considered the proposed annexation and development of an approximate 27.6 acre tract located at the southwest corner of Spring Stuebner and Holzwarth Roads. In that regard, Ms. Peters reported that Dhanani Private Equity Group has paid the \$15,000 deposit required to cover any costs the District may incur in connection with the preparation an Annexation Feasibility Report and advised that Odyssey is currently working on the related feasibility study.

**PROPOSED ANNEXATION OF 0.5069 ACRE TRACT LOCATED AT 1731 SPRING CYPRESS ROAD (STARBUCKS)**

The Board deferred further consideration of the proposed annexation and development of the Starbucks Tract, noting that the matter had already been discussed earlier in the meeting.

**PROPOSED ANNEXATION AND DEVELOPMENT OF 12.51 ACRE TRACT LOCATED AT 2500 SPRING STUEBNER ROAD**

The Board deferred consideration of the proposed annexation and development of a 12.51 acre tract located at 2500 Spring Stuebner Road, noting that the \$15,000 deposit required to cover any costs the District may incur in connection with the preparation of the annexation feasibility report relative to said tract has not yet been received.

**PROPOSED ANNEXATION AND DEVELOPMENT OF 19.72 ACRE TRACT LOCATED AT 2324 LOUETTA ROAD**

With regard to the proposed annexation and development of an approximate 19.72 acre tract located at 2324 Louetta Road, Ms. Peters advised that Odyssey submitted a draft annexation feasibility report for consultant review on May 23, 2022.

**PROPOSED ANNEXATION AND DEVELOPMENT OF AN APPROXIMATE 0.61 ACRE TRACT (LOTS 26, 27 AND 28) LOCATED AT 20615 SLEEPY HOLLOW LANE**

With regard to the proposed annexation and development by International Applied Behavior Analysis Institute ("iABAI") of an approximate 0.61 acre tract (Lots 26, 27 and 28) located at 20615 Sleepy Hollow Lane, outside the boundaries of the District, Ms. Peters reported that Odyssey submitted a revised draft Annexation Feasibility Report for consultant review on May 23, 2022. She stated that Odyssey also sent a copy of the draft Report to the developer and has not yet received comments back. Ms. Peters noted, however, that the developer has provided answers to certain outstanding questions, as reflected in the Engineer's Report.

**ISSUANCE OF UTILITY COMMITMENTS**

The Board next considered requests for Utility Commitments. In that regard, Mr. Rubinsky provided an update regarding the ownership of the approximate 5.72 acre tract and advised that SPH is in the process of preparing the Utility Commitment to MR Newton Spring,

Ltd. ("MRNS") for said tract, which the Board approved at its last meeting, subject to receipt of the executed Utility Commitment and related Texas Ethics Commission Form 1295 from MRNS.

### **DEVELOPERS' REPORTS**

The Board deferred consideration of the Developer's Report, noting that no developer representative was present.

### **NORTH HARRIS COUNTY REGIONAL WATER AUTHORITY ("AUTHORITY")**

The Board next considered matters related to the Authority. In that regard, Mr. Rubinsky discussed recent activities of the Authority, including the status of construction of the Northeast Water Purification Plant Expansion project.

### **HARRIS COUNTY CONSTABLE'S OFFICE ("HCCO") MONTHLY ACTIVITY REPORT**

Mr. Rubinsky noted that a security report received from the HCCO for the month of April 2022, a copy of which is attached hereto as **EXHIBIT D**, on the current status of criminal activities in the District and surrounding areas was distributed to the Board prior to today's meeting. He next discussed correspondence received from HCCO regarding the proposed contract renewal, which is to be effective October 1, 2022 through September 30, 2023, and a proposed fee increase of approximately 4.4%. After discussion, no action was taken by the Board relative to said matter.

### **ATTORNEY'S REPORT**

The Board next considered the Attorney's Report. In connection therewith, Mr. Rubinsky advised that he had nothing further to report of a legal nature that was not included under another agenda item

Mr. Thiry next presented to and reviewed with the Board a copy of the draft Consumer Confidence Report ("CCR") prepared by EDP, which has been submitted to SPH for review and approval in accordance with the Texas Commission on Environmental Quality ("TCEQ") template. After discussion on the matter, Director Stephens moved that the CCR be approved by the Board, subject to final review and approval by SPH, and that EDP be authorized to distribute same to the District's customers prior to the July 1, 2022 deadline. Director Shelnett seconded said motion, which carried unanimously.

With regard to the proposed replacement of the leaking welded steel pipe located beneath the drainage channel near 2215 Hannover Way with approximately 300 linear feet of 12-inch high density polyethylene pipe, Mr. Thiry presented to and reviewed with the Board a proposal from Wright Solutions in the estimated total amount of \$65,475. He then responded to various questions from the Board and discussed the Board the possible causes of said leak. After discussion, the Board authorized EDP to proceed with the repairs, as discussed above.

**CLOSED SESSION**

The Board determined that it would not be necessary to meet in Closed Session at this time.

**OTHER MATTERS**

The Board considered items to be placed on future agendas. Except as may be reflected above, there were no additional agenda items requested other than routine, and ongoing matters.

**ADJOURNMENT**

There being no further business to come before the Board, Director Stephens moved that the meeting be adjourned. Director Shelnutt seconded said motion, which unanimously carried.



  
Secretary, Board of Directors

## EXHIBITS

May 25, 2022

- Exhibit A: Storm Water Quality Inspection Reports
- Exhibit B: Detention and Drainage Facilities Maintenance Reports
- Exhibit C: Engineer's Report
- Exhibit D: HCCO Security Report (April 2022)