

## SPRING WEST MUNICIPAL UTILITY DISTRICT

### NOTICE OF PUBLIC MEETING

Notice is hereby given to all interested members of the public that the Board of Directors of the above captioned District will hold a public meeting at **1300 Post Oak Boulevard, Suite 2500, Houston, Harris County, Texas**, said address being an office and meeting place of the District. Said meeting will also be conducted **via videoconference and telephone conference call** pursuant to Texas Government Code, Sections 551.125 and 551.127, as amended, respectively. **To join the meeting by videoconference, please go to <https://meet.goto.com/539532309>**. If joining from a Chrome browser, no additional steps are necessary. For Safari, Edge, and other web browsers, you will need to take additional download steps for mobile- or desktop-based use. **To join the meeting by telephone conference call, the phone number is +1 (646) 749-3122 and the access code is 539-532-309**. **All members of the public may participate in the meeting via videoconference or telephone conference call.**

The meeting will be held on **Wednesday, March 8, 2023, at 8:30 a.m.**

The Board shall consider and discuss the following matters and take any action appropriate with respect to such matters:

1. Comments from the public;
2. Review and approval of the minutes of the Board of Directors meeting held February 8, 2023;
3. Bookkeeper's Report, including financial and monthly investment reports, and authorizing the payment of invoices presented;
4. Status of audit for the District's fiscal year ended December 31, 2022 (due May 15, 2023), and status of continuing disclosure report (due June 30, 2023);
5. Review of Annual Maintenance for Arbitrage Analysis Report originally dated March 6, 2006 prepared by Municipal Risk Management Group, L.L.C;
6. Authorize consultants to research unclaimed property and consider authorizing Bookkeeper to prepare Unclaimed Property Report as of March 1, 2023;
7. Tax Assessor/Collector's Report, including authorizing the payment of invoices presented; status of delinquent taxes and installment payment agreements; authorize moving of accounts to uncollectible roll;
8. Delinquent Tax Collections Attorney's Report, including authorizing foreclosure proceedings, installment agreements, and the filing of proofs of claim as necessary;
9. Operator's Report, including:
  - a) Appeals of District charges;
  - b) Referral of accounts for collection and approve write-off of uncollectible accounts;
  - c) Authorizing the repair and maintenance of District facilities, including:
    - (i) Repair of Storm Water Pump Station located at Spring Plaza Regional Detention Pond; status of insurance claim related to repair of damages to Storm Water Pump Station;

- (ii) Status of replacement of lift pumps at Lift Station No. 2 (Hannover Springs); and
    - (iii) Status of sanitary sewer repairs recommended in connection with Sanitary Sewer Cleaning, Televising and Smoke Testing, Phase II;
  - d) Status of billing and collection of operations and maintenance costs related to Spring Plaza Regional Detention Pond and Storm Water Pump Station and Spring Pines Detention Pond; authorize any action necessary in connection therewith;
  - e) Discussion regarding status of compliance with backflow prevention device requirements, including status of repairs by Environmental Development Partners of same; authorize termination of services, if necessary;
  - f) Review of sanitary sewer manhole survey conducted within the District; authorize any action necessary in connection therewith;
  - g) Status of investigation into low water accountability; authorize any action required in connection therewith; and
  - h) Discussion regarding possible insurance claim in connection with damage caused by an automobile accident at Water Plant No. 2;
10. Ratify approval of Resolution Approving Submittal of Water Smart Application for Inclusion in the Association of Water Board Directors Water Smart Partners Program; authorize any action necessary in connection therewith;
  11. Authorize annual submission to each electric utility that provides transmission and distribution service to the District and each retail electric provider for determination of District facilities that qualify for critical load status relative to compliance with Section 13.1396, Texas Water Code;
  12. Review and approval of Amended and Restated Construction and Maintenance Agreement between the District and Hannover Forest Homeowners Association;
  13. Engineer's Report, including:
    - a) Authorizing the design and/or advertisement for bids for the construction of facilities within the District, and approving of related storm water plans, including:
      - (i) Review and approval of any Storm Water Pollution Prevention Plans or Storm Water Quality Management Plans related to construction within or on behalf of District, and the execution of any documentation in connection therewith; and
      - (ii) Modifications to Lift Station No. 1 (Louetta Woods); and
      - (iii) Proposed extension of water line along Holzwarth Road;
    - b) Authorizing the award of construction contracts or concurrence of award of contracts for the construction of facilities within the District, approval of any related storm water permits, and authorize acceptance of TEC Form 1295, including:
      - (i) Extension of 8-inch water line and 8-inch sanitary sewer line to serve property located at 1731 Spring Cypress Road (Starbucks);
    - c) Status of construction of facilities to serve land within the District, including the approval of any change orders or pay estimates and authorize the acceptance of TEC Form 1295, including:
      - (i) Contract with CSE W-Industries, Inc. for Replacement and

- Installation of Emergency Generator at Water Plant No. 1 ("WP No. 1");
- (ii) Contract with BRZ Coatings, Inc. for Recoating of 500,000 Gallon Ground Storage Tank Rehabilitation at WP No. 1; and
  - (iii) Contract with SC2 for construction of Emergency Interconnect with Harris County Water Control and Improvement District No. 110;
- d) Acceptance of site and/or easement conveyances for facilities constructed or to be constructed for the District, and acceptance of facilities for operation and maintenance purposes;
  - e) Status of communications with Texas Commission on Environmental Quality ("TCEQ") regarding Sanitary Control Easements required for Water Well No. 1; and proposed request to Harris County for same; authorize any action necessary in connection therewith;
  - f) Review of District's updated water and wastewater capacity allocation chart;
  - g) Discussion regarding Spring Pines Detention Pond, including status of plans for construction of walking trail and landscaping improvements in accordance with approved plans;
  - h) Discussion regarding future capital improvement projects; and
  - i) Discussion regarding miscellaneous engineering items, including status of plan reviews for proposed development within the District; authorize any action necessary in connection therewith;
14. Review of annual survey of wage rate scales and consider adoption of Resolution Adopting Prevailing Wage Rate Scale for Construction Projects;
15. Status of intervention filed on behalf of the District in connection with Notice of Application of Undine Texas, LLC ("Undine") to Amend Its Certificate(s) of Convenience and Necessity; status of communications with certain property owners, the Public Utility Commission ("PUC") and Undine relative to same; status of receipt of funds from affected landowners to pay costs associated with mediation and proposed contested case hearing before State Office of Administrative Hearings; authorize any actions necessary in connection therewith;
16. Status of proposed annexations, including:
- a) Annexation of 0.5069 acres located at 1731 Spring Cypress Road (Starbucks);
  - b) Annexation of approximate 0.61 acre tract (Lots 26, 27 and 28) located at 20615 Sleepy Hollow Lane (iABAI School);
  - c) Annexation of 19.7221 acre tract located at 2324 Louetta Road (MCRT Investments, LLC);
  - d) Annexation of 27.7 acre tract located at the southwest corner of Spring Stuebner Road and Holzwarth Road (Dhanani Private Equity Group); and
  - e) Annexation of 2.0 acre tract located at 2525 FM 2920 (Alliance Residential); and
- consider approval of Petitions for Addition of Land to the District, Petitions for Consent to Include Additional Land in District, and other documentation necessary in connection with same; authorize any actions necessary in connection therewith;

17. Status of preparation of annexation feasibility report in connection with proposed annexation and development of an approximate 16.2 acre tract located west of Holzwarth Road; authorize any action necessary in connection therewith;
18. Approval of Utility Development Agreement and Waiver Agreement between the District and MCRT Investments, LLC in connection with the proposed development of Modera Spring Apartments on 19.7221 acres;
19. Issuance of utility commitments, and authorize the acceptance of TEC Forms 1295, including:
  - a) Status of Utility Commitment to MMK&S, Ltd. d/b/a Houston Garden Center for water and sanitary sewer service to serve approximate 4.80 acre property located at 21107 I-45 North Freeway;
  - b) Status of Utility Commitment to 3743-47 UP Spring No. 2 LLC for water and sanitary sewer service to serve 0.5069 acre tract at 1731 Spring Cypress Road (Starbucks);
  - c) Status of Utility Commitment to Iglesia Intimidad Con Dios for water and sanitary sewer service to serve 10.86 acre tract located at 2931 FM 2920;
  - d) Status of Utility Commitment to Alliance Residential Company ("Alliance") for water and sanitary sewer service to serve approximate 10.25 acre property located at 2525 FM 2920;
  - e) Status of Utility Commitment to Off Lease Only for water and sanitary sewer capacity to serve approximate 8.2 acre tract located northwest of the intersection of I-45 and Spring Cypress Road;
  - f) Status of Utility Commitment to Foster Road Collaborative, LLC for water and sanitary sewer capacity to serve proposed development of an eye care facility at 21309 Foster Road;
  - g) Status of Utility Commitment to Mario and Dora Otto for water and sanitary sewer service to serve 0.61 acre tract (Lots 26, 27 and 28) located at 20615 Sleepy Hollow Lane;
  - h) Status of Utility Commitment to MCRT Investments LLC for water and sanitary sewer service to serve 19.7221 acre tract located at 2324 Louetta Road;
  - i) Status of Utility Commitment to Turphin Ventures, LLC for water and sanitary sewer capacity to serve the proposed development of Top Soap Car Wash at 2020 FM 2920;
  - j) Status of Utility Commitment to 7Brew for water and sanitary sewer capacity to serve the proposed development of a drive-thru coffee shop at 2129 FM 2920; and
  - k) Request of MR Newton Spring Ltd. for revised Utility Commitment for water and sewer capacity to serve proposed wholesale nursery development on approximate 5.72 acre tract located at 21119 Interstate 45;
20. Developers' Reports, including:
  - a) Status of development of Spring Pines Shopping Center by SPSC Development Partners, and of (i) 10.26 acres in Spring Pines project by DD Holzwarth 10.26, LLC, and (ii) 13.96 acres in Spring Pines project by DD Holzwarth 13.96, LLC;
 authorize any action necessary and appropriate in connection therewith;

21. Attorney's Report, including:
  - a) Status of communications with R. Construction Company, First Continental Casualty Company, and Costello, Inc. regarding deficiencies in construction of sanitary sewer line; authorize any action necessary in connection therewith; and
  - b) Approval of Water Supply and Sanitary Sewer Contract (the "Contract") with RLC Jenna 18, LLC and RLC Justin 18, LLC in connection with service to Mobil/7-Eleven gas station and convenience store located at 1969 Spring Cypress Road;
22. Convene Closed Session pursuant to Open Meetings Act, Section 551.071, Texas Government Code for consultation with the District's attorney regarding pending or threatened litigation or matters protected by attorney-client privilege, and Section 551.072, Texas Government Code to discuss acquisition of real property interests; reconvene in Open Session and authorize any action resulting from matters discussed in Closed Session; and
23. Matters for possible placement on future agendas.

SCHWARTZ, PAGE & HARDING, L.L.P.



By: Abraham I. Rubinsky  
Abraham I. Rubinsky  
Attorneys for the District

***Persons with disabilities who plan to attend this meeting and would like to request auxiliary aids or services are requested to contact the District's attorney at (713) 623-4531 at least three business days prior to the meeting so that appropriate arrangements can be made.***