

SPRING WEST MUNICIPAL UTILITY DISTRICT

Minutes of Meeting of Board of Directors May 24, 2023

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 24, 2023, 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 Shelnett	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: Sergeant Juvencio Ramos and Deputy Matthew Etheredge of the Harris County Constable's Office, Precinct 4 ("HCCO"); Glenn Woodson of Storm Maintenance & Monitoring ("SM&M"); Justin Ring and Danielle Gonzalez of Odyssey Engineering Group, Inc. ("Odyssey"); Jessica Berrios of Dhanani Private Equity Group ("DPEG"); Bart Downum of Environmental Development Partners, LLC ("EDP") Eric Badertscher of Off Cinco, LLC ("Off Cinco"); and Abraham Rubinsky, Katie Blasio and Melanie Walsh of Schwartz, Page & Harding, L.L.P. ("SPH"). Ms. Berrios, Mr. Downum, Mr. Rubinsky, Ms. Blasio and Ms. Walsh participated in the meeting via teleconference and/or video conference.

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.

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

Deputy Etheredge presented a security report provided by the HCCO for the month of April 2023, a copy of which is attached hereto as **EXHIBIT A**, and discussed the current status of criminal activities in the District and surrounding areas. Deputy Etheredge next reported that he will be relocating to another law enforcement jurisdiction in the near future and will no longer be assigned to the District. Sgt. Ramos stated that the HCCO will work quickly to assign a new deputy to the District. He then advised the Board that the HCCO intends to alter the District's current patrol schedule and requested that the Board indicate its preference relative to same. After discussion, Director Norris moved that the Board designate Directors Stephens and Shelnett to work with the HCCO to address the proposed scheduling change. Director Patridge

seconded the motion, which unanimously carried.

Sgt. Ramos then presented to and reviewed with the Board correspondence dated May 22, 2023 from the HCCO providing notice of a five-percent (5%) increase for Law Enforcement Services to be effective as of October 1, 2023. A copy of said correspondence is included with **EXHIBIT A**.

Deputy Etheredge and Sgt. Ramos exited the meeting at this time.

APPROVAL OF MINUTES

The Board considered approval of the minutes of the Board of Directors meeting held on April 12, 2023. Upon review, Director Shelnett moved that the minutes of said meeting be approved as presented. Director Stephens seconded said motion, which unanimously carried. The Board deferred consideration of the minutes of the Board of Directors meeting held on April 26, 2023.

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 2023, copies of which are attached hereto as **EXHIBIT B**, were circulated to the Board for its review prior to today's meeting. He noted, however, that an Inspection Report was not included with the photographs provided for the Spring Plaza Section 2 Detention Pond. 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 23, 2023, a copy of which is attached hereto as **EXHIBIT C**. In that regard, Mr. Woodson reviewed the D&D Reports and responded to various questions from the Board. Mr. Woodson reported that SM&M has begun clearing the drainage channel along the northern boundary of the Spring Plaza Regional Detention Pond, as previously authorized by the Board. After discussion, it was noted that no action was required by the Board in connection with the D&D Report 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 (the "Amended and Restated Agreement") between the District and Hannover Forest Homeowners Association (the "Hannover Forest HOA") in connection with maintenance by the District of the Hannover Forest, Section Two Detention Pond.

ENGINEER'S REPORT

Mr. Ring presented and reviewed in detail with the Board a written Engineer's Report dated May 24, 2023, a copy of which is attached hereto as **EXHIBIT D**, relative to the status of

various engineering and construction projects within the District, and discussed the matters contained therein. Mr. Ring then responded to various inquiries from the Board.

The Board next considered the District's water and wastewater capacity allocation chart (the "Capacity Chart"). With regard thereto, Mr. Rubinsky noted that the Capacity Chart needs to be revised to reflect the new Utility Commitment to Rigby Owen, Jr. for two (2) equivalent single-family connections ("esfcs") of water capacity to serve an approximate 1.677 acre tract located at 21115 North Freeway (the "Owen Tract"), as previously approved by the Board. He then requested that the status notes in the Capacity Chart regarding the Undine matter be removed from the Dora and Mario Otto and the Starbucks annexation entries, noting that the Undine matter has been resolved.

In connection with Odyssey's recently completed inspection of the drainage outfall pipes, culverts and backslope interceptors located throughout the District, Mr. Ring presented to and reviewed with the Board a proposal prepared by Wright Solutions ("Wright") for the proposed replacement of four (4) storm sewer outfall pipes in the estimated total amount of \$91,169, a copy of which is attached to the Engineer's Report, and stated that Odyssey will solicit additional bids for the project. After reminding the Board that two (2) of the storm sewer outfall pipes that require replacement are private pipes which flow into District drainage and detention facilities, Mr. Ring advised the Board that Odyssey will work with SPH to prepare correspondence directed to the owner(s) of said pipes providing notice that said private pipes need to be replaced and that the District will replace said pipes and will back charge the respective owners for the cost of said work if they fail to remedy the situation in a timely manner themselves.

With regard to ongoing discussions between the District and Meadowhill Regional Municipal Utility District ("Meadowhill") regarding various matters related to the Hannover Village Regional Detention Pond (the "Hannover Regional Pond"), Mr. Ring advised that Odyssey is working with Meadowhill's engineer to determine the costs to be included in the proposed agreement between the two districts relative to future maintenance of the Hannover Regional Pond. After discussion, it was noted that no action was required by the Board in connection with the Engineer's Report at this time.

STATUS OF PROPOSED ANNEXATIONS

The Board next considered the status of the proposed annexation and development of an approximate 27.7 acres located at the southwest corner of Spring Stuebner Road and Holzwarth Road (the "DPEG Tract") into the boundaries of the District by DPEG Panjwani, LLC and/or related entities ("DPEG Development Entities"). With regard thereto, Mr. Rubinsky reported that an additional deposit of \$25,000 is being requested from DPEG to cover the estimated engineering and legal fees to be incurred by the District in connection with annexation of the four separate parcels owned by the DPEG Development Entities. Mr. Ring then reminded the Board that the DPEG Development Entities wish to engage Bowman Engineering ("Bowman") to prepare the plans for construction of the off-site water line and force main required to serve the DPEG Tract. After discussion, it was moved by Director Patridge, seconded by Director Stephens and unanimously carried, that the Board concur in the engagement of Bowman Engineering ("Bowman") by the DPEG Development Entities and authorize SPH to work with the DPEG Development Entities to design said facilities, subject to Odyssey's review and final approval.

STATUS OF FEASIBILITY REPORT RELATIVE TO PROPOSED ANNEXATION AND DEVELOPMENT OF THE STREAM TRACT

The Board considered the status of preparation of a feasibility report relative to the proposed annexation and development of an approximate 16.2 acre tract located west of Holzwarth Road and north of the District (the "Stream Tract") by Stream Realty Partners ("Stream"). In that regard, Mr. Ring reported that a draft Annexation Feasibility Report was sent to SPH for review on May 22, 2023. He stated that once he and Mr. Rubinsky have discussed certain details pertaining to the proposed annexation and development of the Stream Tract, he will send the draft report to Stream and will present it to the Board for detailed review.

APPROVAL OF UTILITY DEVELOPMENT AGREEMENT ("UDA") AND WAIVER AGREEMENT BETWEEN THE DISTRICT AND MCRT INVESTMENTS, LLC ("MCRT")

The Board deferred consideration of a UDA and a Waiver Agreement between the District and MCRT in connection with the proposed annexation and development of the MCRT Tract.

ISSUANCE OF UTILITY COMMITMENTS

The Board deferred consideration of requests for Utility Commitments, noting that no new requests have been received.

DEVELOPERS' REPORTS

The Board deferred consideration of the Developers' Reports, noting that no developer representatives were in attendance at today's meeting whose matter had not already been addressed by the Board.

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 House Bill 3820 which proposes to exclude the Authority from the boundaries of the Harris Galveston Subsidence District.

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.

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 Shelnut seconded said motion, which unanimously carried.


Secretary, Board of Directors



EXHIBITS

May 24, 2023

- Exhibit A: HCCO Security Report and Rate Increase Notice
- Exhibit B: Storm Water Quality Inspection Reports
- Exhibit C: Detention and Drainage Facilities Maintenance Report
- Exhibit D: Engineer's Report