

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/751255597>**. 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 751-255-597**. **All members of the public may participate in the meeting via videoconference or telephone conference call.**

The meeting will be held on **Wednesday, November 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 October 11, 2023;
3. Bookkeeper's Report, including financial and monthly investment reports, and authorizing the payment of invoices presented;
4. Review draft Operating Budget for fiscal year ending December 31, 2024;
5. Status of compliance by the District with Texas Government Code, Chapter 2265, relative to energy reporting and review of Cost and Usage Report; consider proposed Energy Management Agreement with Acclaim Energy, Ltd. and authorize any action in connection therewith including acceptance of Texas Ethics Commission Form 1295 related thereto, if appropriate;
6. 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;
7. Delinquent Tax Collections Attorney's Report, including authorizing foreclosure proceedings, installment agreements, and the filing of proofs of claim as necessary;
8. 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) Status of sanitary sewer and manhole repairs recommended in connection with Sanitary Sewer Cleaning, Televising and Smoke Testing, Phase II; and
 - (ii) Status of repair or replacement of non-potable pump at the Wastewater Treatment Plant;

- 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; and
 - f) Discussion regarding status of implementation of Drought Contingency Plan;
9. Discussion regarding existing and potential tax-exempt multi-family developments within the District; review calculation of Non-Taxable Entity tap fee for the Harlow Spring Cypress Apartments located at 2539 Spring Cypress Road; authorize any actions necessary in connection therewith;
10. Review and approval of Amended and Restated Construction and Maintenance Agreement between the District and Hannover Forest Homeowners Association;
11. 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;
 - (ii) Proposed extension of water line and relocation of existing water line along Holzwarth Road (Stream Tract);
 - (iii) Proposed construction of public gravity sanitary sewer line to serve tract located at 2020 FM 2920 (Top Soap); and
 - (iv) Repair of main outfall pipe at the Hannover Village Regional Detention Pond (Meadowhill Regional Municipal Utility District);
 - 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;
 - 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 between Starbucks Coffee Company and Bull-G Construction, LLC for Off-Site Water and Sanitary Sewer Extensions to Serve Existing Starbucks Located at 1731 Spring Cypress Road;
 - (iii) Contract with Wright Solutions for replacement of certain District drainage outfall pipes; and
 - (iv) Contract between SC2 and Harris County Water Control and Improvement District No. 110 for construction of Emergency Interconnect; and
 - d) Acceptance of site and/or easement conveyances for facilities constructed or to be constructed for the District, acceptance of facilities for operation and maintenance purposes, and/or approval of consent to encroachment

agreement, including:

- (i) Status of acquisition of Water Line Easement required from New Life Christian Reformed Church; and
 - (ii) Approval of Consent to Encroachment and Indemnity Agreement between the District and Turphin Ventures, LLC;
- e) Review of District's updated water and wastewater capacity allocation chart;
 - f) Discussion regarding Spring Pines Detention Pond, including status of plans for construction of walking trail and landscaping improvements in accordance with approved plans;
 - g) Discussion regarding future capital improvement projects;
 - h) Report on status of communications with Texas Department of Transportation and certain landowners regarding need to replace drainage outfall pipes tied into Drainage Channel located between F.M. 2920 and Spring Cypress Road;
 - i) Discussion regarding miscellaneous engineering items, including status of plan reviews for proposed developments within the District; authorize any actions necessary in connection therewith; and
 - j) Status of Application to the TCEQ for renewal of the waste discharge permit for the District's Wastewater Treatment Plant;

12. Status of proposed annexations, including:

- a) Annexation of approximate 0.61-acre tract (Lots 26, 27, and 28) located at 20615 Sleepy Hollow Lane (iABAI School);
- b) Annexation of 27.7-acre tract located at the southwest corner of Spring Stuebner Road and Holzwarth Road (DPEG Panjwani, LLC and/or related entities);
- c) Annexation of 2.0-acre tract located at 2525 FM 2920 (Prose Foster Venture, LP); and
- d) Annexation of approximate 16.2-acre tract located west of Holzwarth Road and north of the District (Stream Realty Partners); status of drainage analysis prepared by Halff Associates in connection therewith;

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;

13. Annexation of 0.5069 acres located at 1731 Spring Cypress Road (Starbucks) into the District, including:

- a) Receive Petition for Addition of Certain Land to the District;
- b) Adoption of Order Adding Land and Redefining the Boundaries of the District; and
- c) Approval and execution of Sixth Amended and Restated District Information Form with Map Attached in connection with the annexation of 0.5069 acres of land into the District;

14. 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 Foster Road Collaborative, LLC for water and sanitary sewer capacity to serve proposed development of an eye care facility at 21309 Foster Road;
 - e) 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;
 - f) 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;
 - g) 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;
 - h) Status of revised Utility Commitment to MR Newton Spring Ltd. for water and sanitary sewer capacity to serve proposed wholesale nursery development on approximate 5.72 acre tract located at 21119 I-45 North Freeway;
 - i) Status of Utility Commitment to Rigby Owen, Jr. for water capacity to serve a 1.677 acre tract located at 21115 I-45 North Freeway; and
 - j) Status of Utility Commitment to Justin Thurmon for water and sanitary sewer capacity to serve proposed redevelopment of commercial property located at 20923 Holzwarth Drive;
15. Developers' Reports, including:
- a) Status of development of Spring Pines Shopping Center by SPSC Development Partners, and of 13.96 acres in Spring Pines project by DD Holzwarth 13.96, LLC;
- authorize any action necessary and appropriate in connection therewith;
16. Authorize Attorney to file Eminent Domain Report with Texas Comptroller of Public Accounts prior to February 1, 2024, pursuant to § 2206.154, Texas Government Code;
17. 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;
 - b) Approval of Water Supply and Sanitary Sewer 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;
 - c) Status of Amended and Restated Agreement for Shared Detention Facilities with Meadowhill Regional Municipal Utility District relative to Hannover Village Regional Detention Pond; authorize any actions necessary in connection therewith; and
 - d) Discussion regarding Board meeting schedule for remainder of November and December 2023; authorize any action necessary in connection therewith;

18. 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
19. 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.