

Orig. min.

HARRIS COUNTY WATER CONTROL  
AND IMPROVEMENT DISTRICT NO. 132

23 November 2009

STATE OF TEXAS §  
COUNTY OF HARRIS §

The Board of Directors of Harris County Water Control and Improvement District No. 132 met in special session at the designated meeting place of the Board, the Harris County W.C.I.D. No. 132 Water Plant, 4107 Evening Trail, Spring, Texas 77388, on the 23<sup>rd</sup> day of November 2009, at 5:30 p.m. The roll was called of the duly constituted officers and members of the Board, to-wit:

Thomas Mancini	President
T. Gary Toll	Vice President
William R. Papp	Secretary
Mary Bonetati	Assistant Secretary
Cindy Daniel	Director

All members of the Board were present, thus constituting a quorum.

Also present were Cindy Lane, resident; Michael Willis of Coats, Rose, Yale, Ryman & Lee, P.C., the District's Attorneys ("Attorney;") Mark Adam of AEI Engineering, Inc., the District's Engineer ("Engineer"); Mike Ammel and Ben Connelley of Environmental Development Partners ("EDP"), the District's Operator ("Operator"); Sara Ahlschlager of Wheeler & Associates, Inc., the District's Tax Assessor/Collector "Tax Assessor/Collector"); Cindy Schmidt, the District's Bookkeeper ("Bookkeeper"); and Sherry Allard, the District's Recording Secretary ("Recording Secretary").

President Mancini called the meeting to order at 5:30 p.m., and the following business was transacted. He recognized Dir. Papp, who moved to change the order of the agenda. Dir. Toll seconded, and the Board affirmed.

**BOOKKEEPER'S REPORT**

**Approval of report, payment of bills from the Operating Account, Depository Pledge Agreement and Investment report**

The President asked Ms. Schmidt for the October 2009 Bookkeeper's report, a copy of which is attached hereto and considered a part hereof for all purposes. The Bookkeeper informed the Board that she had written two (2) additional checks since preparation of her report. Submitted for approval with the other checks, the Bookkeeper noted, was the Pay Estimate No. 1 for the chloramines conversion project, which is being treated as a 50/50 split with neighboring district Cypresswood Utility District ("CUD"). This item will be included with the quarterly fund report, she stated. Ms. Schmidt stated that the second additional check was written for Ms. Fraser's expenses related to the garden. After discussion, upon motion duly made, seconded and

unanimously carried, the Board voted to approve the Bookkeeper's report and payment of the bills associated therewith.

### **Approve budget for fiscal year ending December 31, 2010**

Ms. Schmidt then disseminated to and reviewed with the Board the draft budget for fiscal year ending December 31, 2010. She informed the Board that \$120,000 had been budgeted for the planned sanitary sewer repair. The District's portion of the total chloramines disinfection project was budgeted at \$210,000, and this month \$28,000 was paid to that project, the Bookkeeper stated. She asked the Board to review the budget more thoroughly and make any recommendations during the month and forward them to her. Approval will take place at the December meeting.

### **PUBLIC COMMENT**

The President next recognized resident Ms. Lane, who had appeared before the Board at a previous meeting to discuss drainage problems at her home. Research done by the Engineer could not find proof of any swale or ditch in the original drainage map or records of the District, it was noted. Engineer Adam stated that her property's plat showed no special drainage stipulation or covenant related to this issue. The Engineer was asked to review the plans of the Vineyard Church, to see if there might be any information that could explain a change in drainage in the vicinity. He was also asked to check the plans for lots 13 and 14 on Loring Lane to determine if changes were made to those plats. After departure of the resident, the Board, by motion made and seconded by Dirs. Papp and Toll, respectively, voted to approve expending up to \$2,500 in engineering fees to review the drainage problems on Loring Lane.

Dir. Papp's motion to return to the order of the day, seconded by Dir. Toll, carried.

### **ENGAGE AUDITOR FOR FISCAL YEAR ENDING DECEMBER 31, 2009**

The President recognized the Attorney, who stated that the Auditor was engaged last year for a two-year term.

### **REPORT ON STATUS OF DBLIVE PROGAM AND AUTHORIZE ACTION RELATED THERETO**

The President asked that this matter be deferred, as there was nothing to consider at this time.

### **REVIEW AND APPROVE MINUTES OF MEETINGS OF MAY 6, 2009, JUNE 3, 2009, JULY 1, 2009, and OCTOBER 19, 2009 and NOVEMBER 3, 2009**

Approval of minutes from prior Board meetings was then considered. Dir. Papp moved to approve the minutes of the October 19, 2009 meeting, as prepared, and the November 4, 2009 minutes as corrected. Dir. Toll seconded, and the Board affirmed. He noted that the November 12, 2009 special meeting had been canceled at the CCEMS facility, but that some people did not get the information in time. To those that showed up for the meeting, the Board apologized for the confusion.

## **REVIEW AND APPROVE TAX ASSESSOR/COLLECTOR'S REPORT, INCLUDING:**

### **Approval of Report and Payment of Bills from Tax Account:**

President Mancini then recognized Ms. Ahlschlager for the Tax Assessor/Collector's report for the month of October 2009, a copy of which is attached hereto and considered a part hereof. It was noted that such report was electronically mailed to Directors prior to the meeting. She presented checks totaling \$1,980.07 from the tax account for consideration by Directors.

### **Report on Status Of Tax Collections, Authorize Termination Of Water Service To Delinquent Tax Accounts, Authorize Tax Assessor/Collector To Move Uncollectible Delinquent Personal Property Accounts To Uncollectible Tax Roll, And Authorize Filing Of Suit To Foreclose Tax Lien On Delinquent Accounts:**

Ms. Ahlschlager then reviewed with the Board the Delinquent Tax Report, a copy of which is attached to the Tax Assessor/Collector report and considered a part thereof. Tax collections for 2009 totaled 3.12% to date, Ms. Ahlschlager stated, compared to the 2008 tax collections of zero (0) at this time last year. After discussion, upon motion duly made and seconded by Dirs. Papp and Toll, respectively, the Board voted unanimously to disconnect service to the resident at 4230 Annawood Circle for nonpayment of bill(s). Mr. Glanville states that he sold the National Transmission Co. property in 2006, but the owner whose name Mr. Glanville gave the Tax Assessor/Collector states that is incorrect. Dir. Papp stated that he would check into the matter. Ms. Ahlschlager was asked to contact Perdue, Brandon, et al regarding the Board's pursuit of delinquent taxes.

After discussion, upon motion duly made, seconded, and unanimously carried, the Board approved the Tax Assessor/Collector's report and payment of the bills itemized therein.

## **CONSIDER AND ACT UPON OPERATOR'S REPORT**

Mr. Ammel was then called upon by the President for discussion of the Operator's report, a copy of which is attached to, and considered a part of, these minutes. After reviewing the significant repairs with the Board, the Operator discussed the pricing for duct work to improve the load bank test on the lift station generator. He had sought additional proposals when the first came in much higher than he had estimated, it was noted. Again the proposals were quite high, he stated. Perhaps minor changes, such as replacing the louvers to improve airflow, and installing a fan for ventilation could be undertaken instead of costly repairs, the Operator suggested. Performing another load bank test will be done in January, Mr. Ammel stated. The Operator then stated that he had mailed to District customers the flyer addressing chloramine conversion and would send another flyer out in January 2010.

### **Authorization of Repairs to Water Supply System and Wastewater Collection System**

The Operator is asking for authorization to install two (2) additional 8" valves and an additional 6" valve on Cypress Spring at a cost of approximately \$6,500 each [total cost \$19,500.] As discussed previously, a repair to a portion of the Cypress Spring line requires disconnecting service to a great number of homes, as the valves are so far apart. Insertion valves will be utilized where appropriate, Mr. Ammel stated. After consideration, upon motion duly made by Dir. Papp and

seconded by Dir. Toll, the Board unanimously approved installation of the additional valves on Cypress Spring at a total estimated cost of \$19,500.

**Authorization for Operator to Terminate Water and Sewer Service to Certain Delinquent Accounts For Non-Payment of Water and Sewer Bills**

Mr. Ammel then presented the Board with the list of 61 accounts to be terminated for nonpayment. It was noted that no customer appeared at the meeting to discuss the nature of his/her delinquency with the Board. Dir. Papp motioned approval of the terminations presented by the Operator. Dir. Toll seconded, and the Board voted unanimously in favor of the motion.

Dir. Toll brought to the Board's attention that the resident at 4058 Evening Trail had some plants replaced by the Operator after work had been performed in her yard. She watered the plants frequently, following the Operator's directions, she stated, and now asks for consideration on her water bill. Dir. Papp moved to credit the resident for her June and July water bill excesses above her normal water bill. Dir. Daniel seconded, and the Board affirmed.

**Authorize Operator to Write off Uncollectible Delinquent Water Accounts**

There was nothing to consider in this regard.

**CONSIDER AND ACT ON ENGINEER'S REPORT**

**Review repair and maintenance projects within the District**

Mr. Adam was next recognized by the President for discussion of the District's engineering matters. His report, copy of which is attached hereto and considered a part hereof for all purposes, was disseminated to, and reviewed with the Board. The Engineer stated that repairs are being made by the County to the large outfall at Kuykendahl Road Bridge, though no further action has been taken regarding the other outfalls to Cypress Creek.

**Authorize Engineer to prepare plans and specifications for District facilities**

The Engineer informed the Board that, while the TCEQ has approved the construction of the chloramine conversion project, they assert that they have no records showing that the District Water Plant or interconnects have ever been reviewed or approved. This is not surprising, the Engineer stated, and he stated that he would forward certain certified documents to the TCEQ that he feels will satisfy their records request. The District received Texas Water Commission approval to build the plant, he reminded the Board.

The Engineer then discussed the feasibility of relocating the existing generator to a site nearer the top of the access road. Electrical conduit to move the generator would be cost prohibitive, the Engineer stated, referring to his estimate of \$314,700.

The Board asked the Engineer to review a water collection system drafted by Dir. Toll to harvest water from the ground storage tank.

Regarding the proposed trail improvements, AEI has added notes from the Consent to Encroachment as appropriate to the site plan, the Engineer informed the Board.

**Requests for water and sewer service**

There were no new requests for service.

**Consider and approve pay estimates and change orders relating to contracts for the repair of the water supply system and sanitary sewer collection system**

The Engineer discussed Change Order No. 1 for the chloramine conversion project, the addition of a spool piece to replace a corroded pipe section on the well discharge header at the water plant. The part is \$1,510 but increases the contract price by \$6,785, it was noted. AEI recommends payment of the Change Order. The District's portion of this project is about 20%, the Engineer stated. The Board asked to table this matter, with no action being taken thereupon.

**CONSIDER AND ACT ON ATTORNEY'S REPORT**

**Discuss Emergency Preparedness Plan**

The President called upon the Attorney to review with the Board the requirement by Senate Bill 361 to have an Emergency Preparedness Plan ("the Plan") filed with the TCEQ by March 1, 2010. Mr. Willis stated that the TCEQ would release its rules regarding such Plan, as well as a model plan, on December 1, 2009. The Engineer and Attorney will discuss this further at a future meeting.

**Reconstitute Officers of the Board**

The Attorney informed the Board that, while the Board had appointed Ms. Daniel as a Director, it had not specified a particular office for Ms. Daniel to hold. Dir. Papp moved to appoint Dir. Daniel as Assistant Secretary. Dir. Toll seconded the motion, which received unanimous support from the Board.

The Board asked the Attorney to pursue the District's membership in the American Water Works Association ("AWWA"), noting that the annual fee is \$135.

**CONSIDER AND ACT ON REPORT FROM PAYNE COMMUNICATIONS**

**Discuss status of website and customer communication and take action related thereto**

The matter was deferred at this time.

**Discuss landscape garden, customer communication and take necessary action in connection therewith**

Dir. Toll discussed his visit to the Montgomery County Extension Service, where he got the idea of how to design the water gathering system.

**Report on status of butterfly vine project and compost project**

The matter was deferred to a future meeting.

**SUCH OTHER MATTERS AS MAY PROPERLY COME BEFORE THE BOARD OF DIRECTORS, INCLUDING:**

**Review correspondence addressed to the Board**

There was no correspondence for review.

**Review correspondence sent by the District**

There was no correspondence sent by the District this month.

**Joint Powers Authority ("PJPA")**

There was no report given at this time.

**Report on meeting of North Harris County Regional Water Authority**

This matter was tabled.

THE PRESIDENT ASKED FOR A MOTION TO ADJOURN, as there was no other business to conduct at this time. Dir. Papp's motion, seconded by Dir. Daniel, to adjourn the meeting at 8:22 p.m., carried by common consent.

PASSED AND APPROVED

December 21, 2009  
Date

Bill Papp  
Bill Papp  
Secretary of the Board of Directors