

MINUTES OF MEETING OF BOARD OF SUPERVISORS
JULY 9, 2024

THE STATE OF TEXAS
COUNTY OF HARRIS
MEMORIAL VILLAGES WATER AUTHORITY

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The Board of Supervisors (the "Board") of Memorial Villages Water Authority (the "Authority") met in regular session, open to the public, on July 9, 2024, at the Authority's office at 8955 Gaylord, Houston, Harris County, Texas at 7:00 p.m., whereupon the roll was called of the members of the Board, to wit:

Gary Schenk, President
Will Wilson, Vice President
Randolph Ewing, Secretary
Veronica Roa, Assistant Secretary
Cathy Stubbs, Treasurer
Unal Baysal, Assistant Secretary
Locke Braly, Assistant Secretary

Persons Attending. All members of the Board were present, except Supervisors Wilson and Baysal, thus constituting a quorum. Also attending were Mr. Trey Cantu, General Manager of the Authority; Mr. John Davis and Mr. Norman Gutierrez of Langford Engineering, Inc. ("LEI"), Engineer for the Authority; Ms. Kathleen Ellison, and Mr. Fernando Orellana of Norton Rose Fulbright US LLP ("NRF"), Attorneys for the Authority; and Mr. Heath Armstrong of Jackson Walker, Special Counsel for the Authority.

Call to Order. The President called the meeting to order in accordance with notice posted pursuant to law, a Certificate of Posting of which is attached hereto as Exhibit "A," and the following business was transacted:

1. **Public Comments.** There were no public comments at this time.
2. **Approve minutes of the June 11, 2024, regular meeting and the June 19, 2024 special meeting.** Proposed minutes of the June 11, 2024, meeting and the June 19, 2024 meeting, previously distributed to the Board, were submitted for consideration and approval. Copies of such minutes are attached hereto as Exhibit "B."

Upon motion by Supervisor Braly, seconded by Supervisor Stubbs, after full discussion and the question being put to the Board, the Board voted unanimously to approve the minutes of the June 11, 2024, regular meeting and the June 19, 2024 special meeting, as presented.

3. **Status report on Clarifier Project at Wastewater Treatment Plant and take any necessary action.** Mr. Gutierrez stated that the contractor is waiting for delivery of the clarifier mechanism to arrive in mid-October. Mr. Gutierrez said the estimated completion date of the project is January 2025.

4. Status report on Blower Panel Rehabilitation Project at Wastewater Treatment Plant and take any necessary action. Mr. Gutierrez reported that the contractor is on site but waiting for the control panels. He said the contractor worked with the electrical engineer to get approval of alternates and now delivery of the control panels is expected by the end of the month.

5. Status report on Booster Pump Rehabilitation Project at Piney Point Water Plant and take any necessary action. Mr. Gutierrez reported on the status of the Booster Pump Rehabilitation Project at Piney Point Water. Mr. Gutierrez stated that Change Order No. 2 adjusts existing quantities involving demolition of concrete pavement and installation of additional concrete pavement and includes recoating of the existing aboveground facilities to match the color of the new booster pump system. He said the total cost of Change Order No. 2 is \$39,560. Discussion ensued.

Mr. Gutierrez reported on Monthly Estimate No. 4, LEI Job No. 032-146, Contract No. 1, a copy of which is attached hereto as Exhibit D. Mr. Gutierrez reported the contractor had used 71.03% of the contract time and the work was 84.34% complete. The amount due this month is \$89,372.70. Discussion ensued.

Upon motion by Supervisor Ewing, seconded by Supervisor Roa, after full discussion and the question being put to the Board, the Board voted unanimously to approve Monthly Estimate No. 4 in the amount of \$89,372.70, and Change Order No. 2 in the amount of \$39,560.00.

6. Status report Echo Lane Lift Station Improvement Project and take any necessary action. Mr. Gutierrez reported that this project is under design.

7. Manager's Report including; monthly water samples, Wastewater Treatment Facility's monthly discharge compliance, Tax Recap, Investment Report on the Authority's investments, monthly Identity Theft Compliance Report, and any other matters concerning business of the Authority.

Mr. Cantu presented the Drinking Water Coliform Report, a copy of which is attached hereto as Exhibit E.

Mr. Cantu presented the Discharge Monitoring Report, a copy of which is attached hereto as Exhibit F.

Mr. Cantu presented the Wastewater Treatment Facility Monthly Operating Report, a copy of which is attached hereto as Exhibit G. He stated that there were no violations this month and that all monthly water samples are in compliance.

Mr. Cantu presented the Monthly Tax Office Report, a copy of which is hereto attached as Exhibit H.

Mr. Cantu presented the Funds Balance – Investment Report, a copy of which is attached hereto as Exhibit I. He said the staff is reconciling balances using both the old and new accounting software for the Authority. Discussion ensued.

Mr. Cantu reported that there were fence repairs needed at the Piney Point facility in the amount of \$6,373.84. He said the Authority has cost share agreements with the neighboring eight property owners.

8. Authorize payment of bills. Mr. Cantu presented the payment of bills, a list of which is attached hereto as Exhibit J. Upon motion by Supervisor Stubbs, seconded by Supervisor Roa, after full discussion and the question being put to the Board, the Board voted unanimously to approve payment of the bills.

9. Executive session pursuant to Section 551.071 of the Open Meetings Act for the purpose of a private consultation with the Board's attorney about pending litigation and/or matters in which the attorney's duty to the governmental body requires confidentiality under the Rules of Professional Conduct; of the State Bar of Texas in connection with Petition of City of Bunker Hill Village Appealing Wholesale Sewer Rates Charged by the Authority under Public Utility Commission of Texas Docket No. 56717. Upon motion by Supervisor Stubbs, seconded by Supervisor Braly, after full discussion and the question being put to the Board, the Board voted unanimously at 7:30 p.m. to enter into executive session pursuant to Section 551.071, Texas Gov't Code, for private consultation with its attorneys about pending litigation and/or matters in which the attorney's duty to the governmental body requires confidentiality under the Rules of Professional Conduct of the State Bar of Texas in connection with Petition of City of Bunker Hill Village Appealing Wholesale Sewer Rates Charged by the Authority under Public Utility Commission of Texas Docket No. 56717. The following persons were in attendance: the Supervisors, Mr. Cantu, Mr. Armstrong, Ms. Ellison and Mr. Orellana.

10. Return to open session. Upon motion by Supervisor Ewing, seconded by Supervisor Stubbs, after full discussion and the question being put to the Board, the Board voted unanimously to reconvene in public session at 8:30 p.m. Ms. Ellison confirmed that there were no members of the public wishing to enter the open session.

11. Authorize any desirable actions with respect to settlement discussions with Bunker Hill Village and/or proceeding with hearing against Bunker Hill Village re appropriate sewer rate. Upon motion by Supervisor Ewing, seconded by Supervisor Stubbs, after full discussion and the question being put to the Board, the Board voted unanimously to authorize Mr. Cantu with counsel support to continue settlement negotiations with Bunker Hill regarding waste water rates, with any settlement subject to approval by the Board, and to authorize Mr. Cantu with counsel support to extend or not extend the abatement of the proceeding until July 31, 2024.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, the meeting was adjourned.

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The above and foregoing minutes were passed and approved by the Board of Supervisors on August 13, 2024.

ATTEST:

Secretary, Board of Supervisors

President, Board of Supervisors