

**MINUTES OF REGULAR MEETING
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 23
JANUARY 14, 2021**

**STATE OF TEXAS §
 §
COUNTY OF HARRIS §**

The Board of Directors of Harris County Municipal Utility District No. 23 of Harris County, Texas, met in regular session, open to the public, beginning at 6:30 P.M. at the regular meeting place inside the District on the 14th day of January, 2021, and the roll was called of the duly constituted officers and members of the Board, to-wit:

Jeffrey Blackwell	President
Jim Haney	Vice President
Christy Shepard	Secretary
Will Ross	Treasurer
Oscar Dominguez	Assistant Secretary/Treasurer

and all of said directors were present, thus constituting a quorum.

Persons also present in the meeting or via Zoom included:

Essa Ibrahim, Officer Romaine of the Sheriff’s Department;
Wally Byers of Courtyard Glen;
Jeanelle Walker of Courtyard Glen;
Fred Nguyen, a resident on Bondale outside the District;
Alan Black, Director of Operations, Harris County Flood Control District (remotely);
Kandy Pfeffer of ETI Bookkeeping and Pat Hall of Equi-Tax, Inc (remotely).;
John Sherrington, P.E. of Sherrington-Humble, LLC (remotely);
Doug Jeffrey of TNG Utility Corp (remotely); and
Michael A. Cole of Michael A. Cole, P.C.

HARRIS COUNTY FLOOD CONTROL DISTRICT

Mr. Black apologized for the responses of Flood Control to questions raised by Directors of District 23 which were aimed more at the project on the South side of White Oak Bayou. He reiterated that present and planned work on the Bayou would not affect the District’s sewage treatment plant. He said that there were ongoing buy outs and the reason for this had been flooding, much of which had occurred in 2016 and that they all had been voluntary, even as it was pointed out that there had been no flooding in the District. The attorney explained that Judge Hidalgo had proclaimed that by the Bayou and the detention pond that work on the latter had improved drainage and that in fact there had been no flooding in the District beginning in 2017 and that it did not appear that there was any likelihood of this occurring in the future and so there appeared no longer any basis for having a buyout program north of the Bayou. Mr. Black curtly responded that it is impossible

to eliminate the risk of flooding. Mr. Haney explained that it was not helpful to lose tax base with buyouts, especially where there was no longer flooding being experienced. Mr. Black seemed to suggest that the only real project involving Flood Control at present was that on the South side of the Bayou. Director Haney pointed out that a number of residents South of the bayou are concerned about what is happening. Mr. Black responded that there would be some community meetings about this later in the spring when engineering work would begin and recommendations would be made with an opportunity for community input. He stated that \$7.75 million had been allocated for this work, but that an allocation of \$55 million was expected. He also said that a 0% loan application is expected to be approved by the Texas Water Development Board and that more answers to the questions raised should be known in the next couple of months.

Mr. Black said he wanted addresses so that he could let Directors know when more answers would be available and dates for projects could be given. In response to Director queries he responded that there was no impact planned for the pedestrian bridge but that the approaches to it will need to change. As for law enforcement patrols along the trails, Flood Control was not planning on any though Precinct 4 will be doing maintenance and that further inquiries should be addressed to Precinct No. 4. In response to a specific query of Director Haney concerning the two long sidewalks leading to the bridge, he said that if they were damaged it was Precinct 4 that needs to be notified and that it would restore them or modify them to function as intended. As to closure signs he said that those signs are intended for public safety and should be put up for that purpose. He said that he would give feedback to his team about the need for adequate closure signage on the trail. Director Blackwell thanked Mr. Black for attending and presenting before the Board.

DISTRICT RESIDENT COMMENTS

Although there were residents present the only presenter was Mr. Fred Nguyen of 8431 Bondale who wanted to know about getting service. It was explained that he was not in the District, that the City had threatened the District if it served new development by saying it would impose capital recovery charges, even though the District had lost a lot of its customers to flooding in the past, and that it was not positioned to serve him. It was noted that a tract with development near him was being served by District 220, though such service was not from District 23 which was serving 220 north of it. All concerned agreed that if service was available near his property from other sources and that development was substantial a deeper look was needed. It also appeared that the JOGA development was much more substantial than it was thought to be years ago when it was annexed to the District. The District determined to do more analysis with the Engineer and Tax Assessor-Collector. The Board wanted answers on who it is that is serving some of the warehouse development near the Bondale Street and to create a plan for how to proceed.

SECURITY REPORT

The report began with discussions about abandoned vehicles and it was pointed out that the County had more lenient standards for what constitutes abandonment, namely not moved in 72 hours from its place on a street. It was said that if it was parked within 18 inches of the curb and otherwise legally parked it could be towed only if the owner was not responding. A wide ranging discussion occurred regarding burglaries of cars and abandonment of cars. A consensus emerged that the times

for the existing deputy patrols should change rather than to add additional deputies. Officer Romine suggested purchasing license plate readers so that cars entering or leaving the District could be identified, with 2 for Courtyard Glenn and one at Woodland Trails entrance. It was noted that this would give the District a “place to start”. **Director Ross then suggested that the deputy late program be done for another month. He made a motion to this effect along with having the times changed as deemed advisable by those in charge of the program. The motion was seconded by Director Blackwell and carried unanimously.** It was noted that the cost of the cameras was \$2,000 a year per camera.

MINUTES

Director Dominguez moved the approval of the December meeting, which motion was seconded by Director Blackwell and carried unanimously.

CONSENT AGENDA

BOOKKEEPER, INVESTMENT OFFICER AND TAX-ASSESSOR COLLECTOR REPORT

In presenting her report, Ms. Pfeffer observed that she will still need W-9s from the officers doing the added security detail. Directors reviewed the reports, and Pat Hall noted that the “District was in good shape” with a little over \$600,000 already collected on the 2020 levy.

ENGINEER REPORT

Mr. Sherrington presented his report. He said that the sewage treatment plant was substantially complete and that the contractor had been given a punch list of items to be done before receiving his final payment. A change order number 2 was approved in the amount of a negative \$44,938, which reduction was a function of eliminating some wet hauls but with the addition of fixtures and other changes which overall reduced the total costs. He noted that estimate No. 23 on the 23rd was for over \$23,000. He suggested that there will be some surplus funds remaining at the conclusion of construction and he would have a more exact number by the next meeting. He said that parts were being ordered for the fine screen and that he wanted it to be operational before the walk through with the District 220 representatives. With regard to the tanks at Water Plant No. 1 he said the interiors of both are acceptable but the exteriors would benefit from some work. He said he would have some recommendations on what and when such work is needed and that he wants to make Daniel privy to these matters, especially given that he is not present this evening. He said this could all be considered at the end of the fiscal year when decisions on the capital improvements program could be considered. It was noted that work is being done on the outfalls on White Oak Bayou across from the sewage treatment plant. He further explained that Harris County Flood Control District moved the District’s plant outfall pipe which was a screw up for which they would bear the expense of replacing properly, since it is actually a part of the District’s waste discharge permit.

It was noted that there were 46 or 47 homes south of the Bayou. Director Dominguez estimated that between 325 and 331 homes had been removed from both sides of the Bayou.

Director Blackwell addressed the maintenance cycles of this and was told that the District can use surplus funds for repairs to the vent hood, as well as, vegetation maintenance on fences around District facilities.

UTILITY OPERATOR

The utility operator report was submitted. The report was reviewed. Directors instructed the operator to get a bid for clearing of thick brush from around the sewage treatment plant fencing and along Haney Lane, as necessary to move the vegetation back from the edges of Haney Lane. It was suggested that this is needed to be done before the spring growing season.

The operator reported a water accountability ratio of 96.2%; that there had been 331 homes removed as Director Dominguez had said; that there had been no excursions at the plant from the waste discharge permit; that water plant number 2 was still offline; and that there were still substantial arrears outstanding but that he expected them to be substantially less by the time service terminations are done.

Mr. Jeffrey offered to create a “how to” flyer for how residents can check their usage and keep their water bills lower to both save money and to avoid big bills due to water leaks. Directors welcomed this. He also explained Mr. White with TNG had had two surgeries on his lungs and would be going back for another in 2 months which involved scraping his lungs and at the moment had him in an induced coma. However, he explained that the good news is that he should be fine at the end of all of this and be able to return to good health. Board members acknowledged the good news and asked that their good wishes be conveyed to him. Director Blackwell queried how the outfall pipe in the drainage channel can be repaired. [Not discussed or adequately explained but it appears there are two outfall pipes emptying into the channel below the bridge on Warren Road which are in need of repair.]

ATTORNEY REPORT

The Attorney provided his written report to the Board. He explained that the SEP Agreement and Agreed Final Judgment with the TCEQ had been forward to the State; and that the Investment Policy needs to be adopted without change since there were no different banks added to the investment list nor changes warranted by financial conditions. **A motion was made for accepting the foregoing recommendations by Director Shepard and seconded by Director Blackwell and carried unanimously.** The Attorney also requested that Pat Hall provide a statement of the value on the tax rolls of the JOGA property.

BUILDING COORDINATOR REPORT

The written report was provided to Directors. Director Haney noted that the chain to the office Gate had been greased and primed with WD-40 so should be working better.

CONSENT AGENDA

Approval of the consent agenda was had along with service terminations, customers having

previously been given notice of an opportunity to appear before the Board to show cause why their water service should not be terminated due to non payment, **on the motions of Directors Shepard and Blackwell and the unanimous vote of the Board.**

There being no other business to come before the Board the meeting was adjourned.

(SEAL)

Secretary, Board of Directors

**COMMITMENTS FOR ACTION
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 23
MEETING OF JANUARY 14, 2021**

BOOKKEEPER

Nada

ATTORNEY

Prepare minutes.

ENGINEER

Follow-up on completion of punch list to contractor and execution of change order; pursue parts and installation of same for fine screen; follow-up on proposal for exterior work on water plant(s); update Daniel on STP changes; [address outfall pipe repairs]; and investigate what entity is serving warehouses and other facilities on or near Bondale

BUILDING COORDINATOR

Nada

OPERATOR

Hook-up Solanos; trim trees on fence line; and take down Water Plant No. 1. Turn off water at 8319 Battle Oak; get estimate for fencing on Haney Road and for repair of certain fences; check on Country View hydrant replacement including bad valve; install dishes on manholes; and attempt to get name of driver who damaged hydrant and confer with officers re same for police report; and check on payment of \$100 by CCR. Assess and collect tap fee from Volunteer Fire Department. Get bid on clearing out brush as described in minutes and review this paragraph and update progress for attorney so can eliminate what has been done.

TAX ASSESSOR COLLECTOR

Provide a statement of value of the Joga property and improvements.