

MINUTES  
MAYDE CREEK MUNICIPAL UTILITY DISTRICT

April 27, 2020

The Board of Directors (the "Board") of Mayde Creek Municipal Utility District (the "District") met in regular session by teleconference, with access by telephone available to the public, pursuant to Texas Government Code Section 551.125 and Governor Greg Abbott's emergency disaster declaration dated March 13, 2020, on the 27th day of April, 2020, and the roll was called of the members of the Board being present by telephone:

Willie Jo Reynolds	President
Jorge Diaz	Vice President
Betty Mancia Alvarenga	Secretary
Cyrus Dumas	Director
Jessica Graham	Director

and all of the above were present, thus constituting a quorum.

Also attending the teleconference were Kristen Scott of Bob Leared Interests; Teague Harris of IDS Engineering Group ("IDS"); Bart Downum of Environmental Development Partners, LLC ("EDP"); Claudia Redden of Claudia Redden & Associates; Michael Murr of Murr Incorporated; Tonie Pettit, building manager; Bob Manning of Boston Fern; Deputy Morris Thomas of the Harris County Sheriff's office; Steve Startzell of WCA Waste Corporation ("WCA"); Jacque Freeman and Nick Nicoletti, representatives of the Westfield Homeowners Association ("HOA"); and Angie Lutz, Nellie Connally, and Arlene Catalan of Allen Boone Humphries Robinson, LLP ("ABHR").

Ms. Lutz reviewed certain recommended protocols for conducting the District's meeting via teleconference. She announced that the meeting was being recorded and that consultant reports presented at the meeting were posted online and available to the public in the form of an "agenda packet" prior to the start of the meeting at [www.districtdirectory.org/agendapackets/maydecreekmud](http://www.districtdirectory.org/agendapackets/maydecreekmud).

OPERATIONS AND SERVICE REQUIREMENTS RELATING TO COVID-19  
EPIDEMIC AND RATIFICATION OF ANY EMERGENCY ACTIONS, IF NECESSARY

There were no items to ratify.

RESOLUTION DESIGNATING DIRECTOR AS TREASURER DURING COVID 19  
DECLARED DISASTER AND AUTHORIZING DISBURSEMENTS

Ms. Lutz presented and reviewed a Resolution Designating Director as Treasurer During COVID 19 Declared Disaster and Authorizing Disbursements reflecting the designation of a certain Board member as the Treasurer to sign approved, authorized

checks from the District's tax account in accordance with Section 49.151 of the Texas Water Code. Following review and discussion, Director Dumas moved to adopt the Resolution Designating Director as Treasurer During COVID 19 Declared Disaster and Authorizing Disbursements reflecting the designation of Director Graham as Treasurer for the purposes stated therein. Director Diaz seconded the motion, which passed unanimously.

### PUBLIC COMMENTS

Director Reynolds offered any members of the public attending the meeting by telephone the opportunity to make public comment.

Mr. Nicoletti addressed the Board regarding the Flock Safety cameras in the HOA's neighborhood. He stated 20 cameras have been installed at 10 of the neighborhood's entrances. He said that Ricewood Municipal Utility District has agreed to provide financial assistance. Mr. Nicoletti requested that the District split the cost with the HOA for eight cameras installed at four of the neighborhood's entrances in the District. Discussion ensued regarding the possibility the six additional cameras. Mr. Nicoletti stated he would report back on Silvermill Homeowner's Association decision to assist the HOA on the addition of the six cameras. The Board took no action on the matter, but requested an agenda item be added to further discuss at the following meeting.

### SECURITY REPORT

Deputy Thomas noted that the HOA's Flock Safety cameras have recently helped with a hit and run and would help increase security.

Deputy Thomas reported on security matters. After discussion, Director Alvarenga moved to accept the security report. Director Diaz seconded the motion, which passed by unanimous vote.

### MINUTES

The Board considered approving the minutes of the March 23, 2020, meeting. After review and discussion, Director Diaz moved to approve the minutes of the March 23, 2020, meeting. Director Alvarenga seconded the motion, which passed unanimously.

### GARBAGE SERVICES

There was no report on this matter.

### GARBAGE CONTRACT

Ms. Lutz reported that the District's 5-year agreement with WCA is set to end on July 31, 2020. Mr. Startzell presented and reviewed a 5-year proposal from WCA for

garbage collection and recycling services. Discussion ensued regarding the District going out for new garbage collection and recycling service proposals with a shorter term. Following review and discussion, the Board deferred action on this agenda item.

SECURITY AGREEMENTS, INCLUDING ADVANTAGE SECURITY INTEGRATION SERVICE AGREEMENT FOR CAMERAS AND ALARM SYSTEM

There was no report on this matter.

REPORT ON LANDSCAPE MAINTENANCE

Mr. Manning reported on landscape maintenance in the District. After discussion, Director Diaz moved to accept the landscape maintenance report. Director Alvarenga seconded the motion, which passed by unanimous vote.

PARK AND TRAIL REPORT, INCLUDING PARK AND BUILDING MAINTENANCE; EXERCISE EQUIPMENT; AND SPORTS EQUIPMENT

Mr. Murr presented and reviewed the Park Maintenance Report, a copy of which is attached.

Mr. Murr reported the District's parks were closed for Easter weekend as mandated by the City of Houston.

Mr. Murr gave an update on the District's building repairs due to the damage sustained by a broken hot water tank. He said all of the building's water damage repairs were completed. Mr. Murr stated he is now working with the District's insurance company to reimburse the District for the repairs. He reviewed a Water Damage budget, a copy of which is attached to the Park Maintenance report. Mr. Murr reported that the District has currently been reimbursed a total of \$49,640.93, of the \$67,127.00 spent. He said there were a few items, such as the hot water heater and tank, that would not be covered by the District's insurance. He added that he is also working with the District's insurance to have his time and the mold inspection covered. Discussion ensued.

Mr. Murr gave an update on the requested proposal from Talley Construction Company, LTD ("Talley") to relight the District's building. He stated Talley provided him a proposal to update 116, can lights and 14, 2'X4' flush mount fixtures at a cost of \$36,138.05, which includes labor and materials. Discussion ensued regarding the warranty of the lights.

After review and discussion, Director Alvarenga moved to (1) approve the Park and Trail Report; and (2) approve of the lighting proposal from Talley at a cost of \$36,138.05. Director Diaz seconded the motion, which passed by unanimous vote.

## BUILDING REPAIRS AND MAINTENANCE, INCLUDING RATIFYING PREVIOUS WORK ORDER

There was no report on this matter.

## TAX ASSESSMENT AND COLLECTION

Ms. Scott reviewed the tax assessor/collector's report, including a list of bills submitted for payment and list of delinquent taxpayers, a copy of which is attached. After review and discussion, Director Diaz moved to approve the tax assessor collector's report and authorize payment of the bills submitted. Director Alvarenga seconded the motion, which passed unanimously.

## DELINQUENT TAX MATTERS

There was no report on this matter.

## REGIONAL WASTEWATER TREATMENT PLANT ("WWTP") FINANCIAL AND BOOKKEEPING MATTERS, AND PAYMENT OF THE BILLS AND REVIEW OF INVESTMENTS

The Board reviewed the regional WWTP bookkeeper's report, a copy of which is attached regional WWTP bookkeeper's report, and the bills submitted for payment.

Ms. Redden requested the Board's authorization to close the District's original BBVA account and Texpool account so that Municipal Accounts & Consulting, L.P. can use the new BBVA account for the Regional WWTP account.

After review and discussion, Director Dumas moved to (1) accept the regional WWTP bookkeeper's report and the bills submitted for payment; and (2) authorize Ms. Redden to close the District's original BBVA and Texpool accounts. Director Graham seconded the motion, which passed by unanimous vote.

## FINANCIAL AND BOOKKEEPING

Ms. Redden presented and reviewed the bookkeeper's report, a copy of which is attached, and the bills submitted for payment. After review and discussion, Director Alvarenga moved to accept the bookkeeper's report, and the bills submitted for payment. Director Graham seconded the motion, which passed by unanimous vote.

Ms. Redden reported that one of the District's CDs has matured. She inquired if the Board would like to renew it. Discussion ensued. After review and discussion, Director Diaz moved to renew the District's CD. Director Alvarenga seconded the motion, which passed by unanimous vote.

## OPERATION OF DISTRICT FACILITIES

Mr. Downum presented and reviewed the Operator's Report, a copy of which is attached, including system repairs and maintenance. He reported on pending and completed repairs and improvements to the District's water and sanitary sewer systems.

Mr. Downum reported the WWTP's east clarifier requires a valve repair. He stated that the estimated cost of the repair is \$20,000. Mr. Downum said that EDP was able to get the valve open, which would allow to replace the valve when the basin is off line at a later time, reducing the cost. Discussion ensued.

Mr. Downum stated that he will be presenting a proposal at the following meeting for the repair of Blower No. 4 at the WWTP. He said that the estimated cost of the repair is \$5,000.

Mr. Downum presented the 2019 Consumer Confidence Report ("CCR"), a copy of which is attached to the operator's report. He said the CCR will be sent to District customers prior to the July 1 deadline and will be submitted to the TCEQ.

Mr. Downum reviewed the critical load spreadsheet. He said the critical load information on the District's facilities is required to be reviewed at least annually and submitted to the Public Utility Commission, the District's electricity provider and other governmental entities, whether or not there are any changes.

Mr. Downum presented an appeal for the customer at 3214 Sunny Meadows Lane, a copy of which is attached to the operator's report, requesting a billing adjustment from the District. Discussion ensued.

After review and discussion, Director Dumas moved to (1) approve the operator's report; (2) approve the CCR, authorize the operator to send the CCR to the District's customers, and file the certificate of mailing with the TCEQ; (3) authorize ABHR to file the critical load spreadsheet and direct that the spreadsheet be filed appropriately and retained in the District's official records; and (4) deny the appeal from the customer at 3214 Sunny Meadows Lane, because the water passed through the meter. Director Alvarenga seconded the motion, which passed by unanimous vote.

## HEARING ON TERMINATION OF WATER AND SEWER SERVICE TO DELINQUENT CUSTOMERS AND AUTHORIZE TERMINATION OF SERVICE

The Board reviewed the list of delinquent accounts. Mr. Downum informed the Board that the residents on the termination list were delinquent in payment of their utility bills and had been given written notification prior to the meeting of the opportunity to appear before the Board to explain, contest, or correct the utility service bill and show reason why utility services should not be terminated for reason of nonpayment. The Board conducted a hearing regarding water and sewer service termination. After review and discussion, Director Dumas moved to suspend termination of water and sewer service to delinquent customers and waive late fees and

penalties until further notice, and direct that the delinquent customer list be filed appropriately and retained in the District's official records. Director Alvarenga seconded the motion, which passed by unanimous vote.

#### CONDUCT ANNUAL REVIEW AND RECEIVE REPORT FROM OPERATOR ON IDENTITY THEFT PREVENTION PROGRAM AND ADOPT IDENTITY THEFT PREVENTION PROGRAM AMENDMENT

The Board conducted the annual review of the Identity Theft Prevention Program (the "Program"). After review and discussion, Director Dumas moved to accept the report on the Program from EDP and to make no changes, and direct that the report be filed appropriately and retained in the District's official records. Director Graham seconded the motion, which passed unanimously.

#### ENGINEERING MATTERS

Mr. Harris reviewed the engineering report, a copy of which is attached.

#### WASTEWATER TREATMENT PLANT ("WWTP") LIFT STATION CONVERSION TO SUBMERSIBLE PUMPS

Mr. Harris updated the Board regarding the regional WWTP onsite lift station rehabilitation and conversion to submersible pumps project and reviewed and recommended approval of Pay Estimate No. 1 in the amount of \$71,707.50, payable to Sustanite Support Services.

#### REGIONAL WASTEWATER TREATMENT PLANT REHABILITATION

Mr. Harris reviewed and recommended approval of Change Order No. 2, to the contract with JTR Constructors, Inc. for Regional WWTP rehabilitation to increase the contract in the amount of \$19,997.00. The Board determined that Change Order No. 2, is beneficial to the District.

Mr. Harris updated the Board regarding construction of the Regional WWTP rehabilitation project including the new sulfur dioxide building and reviewed and recommended approval of Pay Estimate No. 3, in the amount of \$68,815.35, payable to JTR Constructors.

Mr. Harris gave an update on the Regional WWTP Advisory committee meeting on April 6, 2020.

#### SITE DEVELOPMENT REQUESTS AND UTILITY COMMITMENT LETTERS

Mr. Harris gave an update on the construction of the sanitary sewer extension for the Louisiana Chicken restaurant at the Petroleum Wholesale Gas Station on 3716 Greenhouse Road. He said IDS has reviewed the site development plans and established the plans are incomplete.

## DEEDS AND EASEMENTS

There were no deeds or easements presented to the Board.

## ASSET MANAGEMENT PLAN

There was no discussion on this matter.

Mr. Harris requested that the Board authorize two Directors to approve change orders not to exceed \$25,000. He stated that this would help keep projects moving forward. Discussion ensued regarding the authorization of Directors Dumas and Graham to approve change orders and the replacement of Director Diaz with Director Graham as the alternate District representative for the Regional WWTP Advisory Committee.

After review and discussion, Director Diaz moved to: (1) approve Pay Estimate No. 1, in the amount of \$71,707.50; (2) approve Change Order No. 2, in the amount of \$19,997.00 as an increase to the contract with JTR Constructors, Inc., based upon the Board's finding that the Change Order is beneficial to the District and the engineer's recommendation; (3) approve Pay Estimate No. 3, in the amount of \$68,815.35; (4) authorize Directors Dumas and Graham to approve change orders not to exceed \$25,000; (5) designate Director Graham as the alternate District representative for the Regional WWTP Advisory Committee; and (6) approve the engineer's report. Director Graham seconded the motion, which passed by unanimous vote.

## ORDER ADOPTING SECTION 49.2731 ELECTRONIC BIDDING RULES

The Board considered adopting an Order Adopting Section 49.2731 Electronic Bidding Rules to permit the receipt of bids under Section 49.273 of the Texas Water Code through electronic transmission.

## ORDER ADOPTING ELECTRONIC SIGNATURE RULES FOR CONSTRUCTION CONTRACTS

Ms. Lutz stated that the Texas Uniform Electronic Transactions Act permits the use of electronic signatures on documents, including government contracts and reviewed a draft Order Adopting Electronic Signature Rules for Construction Contracts. Following discussion regarding recent COVID-19 developments and the necessity of continuation of essential services during emergencies, the Board concurred that adopting such an order would in the best interest of the District.

Following review and discussion, Director Diaz moved to adopt an Order Adopting Section 49.2731 Electronic Bidding Rules; and (2) adopt an Order Adopting Electronic Signature Rules for Construction Contracts awarded by the Board. Director Alvarenga seconded the motion, which passed by unanimous vote.

## BUILDING MANAGER'S REPORT AND BUILDING MATTERS

Ms. Pettit distributed the Building Manager's Report, a copy of which is attached.

Ms. Pettit said she has continued working with clients on rescheduling or canceling events without any penalties due to COVID-19. She stated that so far six clients cancelled their bookings and another four had rescheduled. Discussion ensued regarding the District's building event bookings. Ms. Pettit said she has stopped giving tours of the building.

Discussion ensued regarding doing a bacterial cleaning prior to opening the building.

After discussion, Director Graham moved to accept the Building Manager's Report. Director Alvarenga seconded the motion, which passed by unanimous vote.

## WEST HARRIS COUNTY REGIONAL WATER AUTHORITY ("WHCRWA")

There was no report on this agenda item.

## REPORTS FROM DIRECTORS

Director Reynolds stated that she had been looking into the different cyber security training options. Discussion ensued.

## AGENDA ITEMS FOR NEXT BOARD MEETING

Ms. Lutz stated the joint operations meeting with Ricewood, Clay Road, and the District will be held on May 7, 2020 via teleconference.

There was no further discussion on items for the next Board meeting to be held on Tuesday, May 26, 2020.

There being no further business to come before the Board, Director Dumas moved to adjourn the meeting. Director Graham seconded the motion, which passed by unanimous vote.



/s/ Betty Mancia Alvarenga  
Secretary, Board of Directors

ATTACHMENTS TO MINUTES

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