

**BARKER-CYPRESS MUNICIPAL UTILITY DISTRICT****Minutes of Meeting of Board of Directors****May 14, 2019**

The Board of Directors ("Board") of Barker-Cypress Municipal Utility District ("District") met at 1300 Post Oak Boulevard, Suite 1400, Houston, Harris County, Texas, on May 14, 2019, in accordance with the duly posted notice of meeting, and the roll was called of the duly constituted officers and members of said Board of Directors, as follows:

M. T. Marks, President  
Chance Vinklarek, Vice President  
Susan Skiles, Secretary  
Darryl Davis, Assistant Secretary  
Bill Grzanka, Assistant Secretary

and all of said persons were present, except Director Marks and Director Davis, thus constituting a quorum. Director Marks entered later in the meeting as noted herein.

Also present was Mirna Bonilla-Odums of Inframark, LLC ("Inframark"); Chad Walker and Diego Burgos of Jones & Carter, Inc. ("J&C"); Sara Ahlschlager-Caudle of Wheeler & Associates, Inc. ("Wheeler"); David Baños of Municipal Accounts & Consulting, L.P. ("MA&C"); and Spencer Creed, Kevin Gieseke and Michelle Guild of Schwartz, Page & Harding, L.L.P. ("SPH").

In the absence of the President, the Vice President declared the meeting open for such business as might regularly come before it.

**APPROVAL OF MINUTES**

The Board considered approval of the minutes of its meeting held on April 9, 2019. Upon discussion, Director Vinklarek moved that the minutes of the April 9, 2019, meeting be approved, as written. Director Skiles seconded said motion, which unanimously carried.

**PUBLIC COMMENTS**

The Board deferred consideration of public comments after noting that no one from the public was present.

**TAX ASSESSOR-COLLECTOR'S REPORT**

Ms. Ahlschlager-Caudle presented and reviewed with the Board the tax assessor-collector's report for the month of April 2019, including the checks presented for payment, a copy of such report being attached hereto as **EXHIBIT A**. After discussion on the matter, Director Grzanka moved that said report be approved and that the checks identified in the report be approved for payment. Director Vinklarek seconded said motion, which unanimously carried. Ms. Ahlschlager-Caudle also presented the Delinquent Collections Listing as of April 30, 2019, a copy of which is attached as part of **EXHIBIT A**.

## **DELINQUENT TAX ATTORNEY'S REPORT**

The Board considered review of a Delinquent Tax Attorney's Report from Perdue, Brandon, Fielder, Collins & Mott, L.L.P. ("Perdue"), attached hereto as **EXHIBIT B**. Mr. Creed reviewed the report with the Board. Upon review, the Board concurred that no action was required.

## **OPERATOR'S REPORT**

Ms. Bonilla-Odums presented and reviewed with the Board the written Operations Report for April 2019, a copy of which is attached hereto as **EXHIBIT C**.

Ms. Bonilla-Odums reported that there is a meter located at the Brookhollow Baptist Church (Church Without Walls) that has broken glass in the viewing area. She stated that it will cost approximately \$5,000 to replace the meter and the glass cover. Ms. Bonilla-Odums reported that the meter is still reading accurately. Upon discussion, the Board concurred not to replace the meter at this time.

Ms. Bonilla-Odums reported that the Queenston Boulevard Office Warehouse owes a balance in the amount of \$1,547.43 for the water line relocation. Upon discussion, the Board concurred that Inframark should send a separate bill for the balance owed.

Ms. Bonilla-Odums reported that the District is still waiting on Harris County to perform the repairs of the storm sewer located on Kieth Harrow Boulevard.

Ms. Bonilla-Odums reported that the two tree clusters to be removed from the Pine Forest Landing detention pond are located diagonally across the pond from each other. She stated that the District is waiting on the Pine Forest Landing Homeowners Association to execute the requested waiver so that the trees may be removed.

Ms. Bonilla-Odums reported that 83 delinquent letters were mailed out to residents in advance of today's meeting. She reported that Inframark recommends two (2) accounts be written off in the total amount of \$40.02. Upon discussion, Director Vinklerek moved that the two (2) accounts in the total amount of \$40.02 be written off, as noted in the report. Director Skiles seconded said motion, which unanimously carried.

## **CONSUMER CONFIDENCE REPORT**

The Board considered the 2018 Consumer Confidence Report ("CCR"). Ms. Bonilla-Odums presented and reviewed with the Board the District's proposed CCR, a copy of which is attached to the Operations Report. Mr. Creed reminded the Board that pursuant to CCR requirements promulgated by the United States Environmental Protection Agency and the Texas Commission on Environmental Quality, the District is required to provide a report containing various information regarding the District's water supply to all customers of the District by July 1, 2019. After discussion on the matter, Director Vinklerek moved that the 2018 CCR be approved, subject to SPH's final review of same, and that the operator be authorized to distribute same to the District's customers prior to July 1, 2019. Director Skiles seconded the motion, which unanimously carried.

Director Marks entered the meeting at this time and chaired the remainder of the meeting.

### **WATER CONSERVATION PLAN**

The Board considered ratification of its prior approval of an amended Water Conservation Plan. Upon discussion, Director Vinklerek moved that approval of an amended Water Conservation Plan be ratified and approved in all respects. Director Skiles seconded said motion, which unanimously carried.

### **FOURTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH INFRAMARK, LLC**

Mr. Creed stated that SPH is still in discussions with Inframark's counsel concerning the language in the Professional Services Agreement that provides for an annual CPI adjustment of rates. He stated that there is a call scheduled for this week with Inframark's attorney to further discuss same.

Ms. Ahlschlager-Caudle exited the meeting at this time.

### **ENGINEER'S REPORT**

Mr. Burgos presented and reviewed with the Board a written Engineering Report dated May 10, 2019, a copy of which is attached hereto as **EXHIBIT D**, relative to the status of various projects within the District.

Mr. Burgos reported that J&C is still working on the sidewalk repair survey. Ms. Bonilla-Odums stated that Inframark will delay the sidewalk repair at 17731 Windsor Grove until the survey is complete.

Mr. Burgos reported that the District's sub-committee met at Firethorne Community Center to view the pedestrian bridge example. He stated that the sub-committee is interested in a painted steel-truss bridge with composite wood flooring. Mr. Burgos reported that Harris County Flood Control District ("HCFCD") has been provided the Hike and Bike Agreement signed by District. He stated that J&C is working with HCFCD to obtain an easement relative to same on the east side of the U102-01-000 drainage channel. Mr Burgos further reported that HCFCD is seeking an easement from the District relative to the maintenance and repair of Langham Creek at Queenston Boulevard.

Mr. Burgos reported that J&C determined that the proposed traffic signal at Queenston Boulevard and French Road will not impact the District's facilities.

Mr. Burgos reported that the Texas Commission on Environmental Quality ("TCEQ") approved the District's alternative capacity to increase the District's future capacity based on an increase on the District's hydropneumatic tank capacity to 4,015, equivalent single-family connections, subject to certain conditions. Mr. Burgos stated that J&C will notify the developer of the Cy-Fair Sports Association of same. Director Vinklerek requested that J&C confirm that the District will be able to comply with the TCEQ's stipulations for approval.

Ms. Bonilla-Odums reported that the fire hydrant located on a Cy-Fair Independent School District tract is covered in vegetation. Upon discussion, the Board concurred to authorize Inframark to mow the area around the fire hydrant as part of its easement maintenance.

Following discussion on the report, Director Grzanka moved that i) the April monthly maintenance invoice from the Lakes of Pine Forest Homeowners Association be paid, ii) the President be authorized to execute a Temporary Right-of-Entry Agreement in favor of HCFCF in connection with the maintenance and repair of Langham Creek at Queenston Boulevard, subject to revisions to the signature block, iii) J&C be authorized to perform the annual Lakes of Pine Forest inspection, iv) J&C be authorized to advertise for bids for Water Plant Nos. 2 and 3 Improvements, and v) that all other action items reflected in such report be authorized, as requested. Director Vinklerek seconded said motion, which unanimously carried.

Mr. Burgos reported that the District was contacted by the owner of the Don Poarch tract requesting that the Board consider authorizing a tie-in to the District's storm sewer system through the Lakes of Pine Forest swale. The Board determined to deny such request.

#### **STATUS OF PUBLIC HEARING FOR RATE ORDER VIOLATIONS**

Mr. Burgos reported that Inframark performed an inspection of the interior water system of the new building at the Iglesia Casa Del Alfarero ("Iglesia Casa"). He stated that an illegal connection was observed and that Iglesia Casa and Inframark concurred that the existing water supply connection to the building expansion will be valved off, and Inframark will place a lock on the valve until proper plans have been submitted and approved by J&C.

#### **AMENDED AND RESTATED PROFESSIONAL SERVICES AGREEMENT WITH JONES & CARTER, INC.**

Mr. Walker reviewed with the Board a draft of the Amended and Restated Professional Services Agreement (the "Amended Agreement") by and between the District and J&C, a copy of which is attached hereto as **EXHIBIT E**. He then presented and reviewed with the Board a Summary of Changes to J&C's previous Professional Services Agreement, a copy of which is included in **EXHIBIT E**. After discussion on the matter, it was moved by Director Grzanka, seconded by Director Vinklerek, and unanimously carried that the Amended Agreement be approved by the Board and the District, that the President be authorized to execute same on behalf of the Board and the District, and that SPH be authorized to acknowledge the Texas Ethics Commission Form 1295 submitted by J&C.

#### **UTILITY COMMITMENT REQUESTS**

The Board deferred consideration of utility commitment requests after noting that no new requests were received by the District during the prior month.

#### **DESIGN OF PARK AND TRAIL FACILITIES ALONG AREA DRAINAGE CHANNELS**

Mr. Creed reported that J&C discussed the park and trail facilities under the Engineer's Report.

## **BOOKKEEPER'S REPORT**

Mr. Baños reviewed with the Board a bookkeeping report, a copy of which is attached hereto as **EXHIBIT F**, including the checks presented for payment. After discussion on the matter, it was moved by Director Vinklarek that said report and the various payments therein be approved, as noted in said report. Director Skiles seconded said motion, which unanimously carried.

Mr. Baños reviewed with the Board a Quarterly Investment Inventory Report for the period ending March 31, 2019, a copy of which is attached to **EXHIBIT F**. Upon discussion, Director Vinklarek moved that the Quarterly Investment Inventory Report be approved, as presented. Director Skiles seconded said motion, which unanimously carried.

## **UNCLAIMED PROPERTY REPORT**

The Board deferred consideration of an Unclaimed Property Report as of March 1, 2019, until its next meeting.

## **DISTRICT WEBSITE**

Mr. Creed reported that interested Directors of the Board contacted Off Cinco to order District shirts for the Association of Water Board Directors summer conference.

## **WASTE DISPOSAL AGREEMENT WITH BEAR CREEK ESTATES CUSTOMERS**

Ms. Bonilla-Odums reported that the Gerardo Garcia paid his delinquent sanitary sewer fees in full, and his address was corrected for future invoicing purposes.

## **SECURITY REPORT FROM HARRIS COUNTY SHERIFF'S OFFICE**

The Board considered its monthly security report dated April 2019 from the Harris County Sheriff's Office ("HCSO"), a copy of same being attached hereto as **EXHIBIT G**.

## **RESIDENTIAL SOLID WASTE COLLECTION AGREEMENT WITH TEXAS PRIDE DISPOSAL SOLUTIONS, L.L.C.**

Mr. Creed presented to and reviewed with the Board a Residential Solid Waste Collection Agreement ("Solid Waste Agreement") with Texas Pride Disposal Solutions, LLC ("TPDS"), a copy of which is attached hereto as **EXHIBIT H**. He stated that those certain portions of the Glencairn subdivision located within the District will be included in the Solid Waste Agreement. Mr. Creed reported that the Solid Waste Agreement would go into effect on June 1, 2019. Upon discussion, Director Vinklarek moved that the Solid Waste Agreement with TPDS be approved, effective June 1, 2019. Director Skiles seconded said motion, which unanimously carried.

## AMENDMENT TO RATE ORDER

The Board considered amendment of its Rate Order. Mr. Creed reported that the Rate Order will be amended to reflect that the portion of the Glencairn subdivision located within the District will have solid waste collection services from TPDS billed to them through the District's operator. Pursuant to amendment to the services agreement between the District and Inframark, Ms. Bonilla-Odums stated that Inframark will provide conforming fee changes to be included in the Rate Order. Upon discussion, Director Grzanka moved that the District's Rate Order be amended to reflect i) the portion of the Glencairn subdivision located within the District will have solid waste collection services provided by TPDS billed to them through the District's operator, ii) the adjusted rates and/or fees contained in Inframark's recommendations to conform to the referenced amendment, be approved, and iii) all prior Rate Orders be revoked as of the effective date of this Rate Order. Director Vinklarek seconded said motion, which unanimously carried. A copy of the Rate Order is attached hereto as EXHIBIT I

## ATTORNEY'S REPORT

The Board next considered the Attorney's Report. Mr. Creed stated that Kevin Gieseke will be the primary SPH attorney contact for the Board on a going forward basis.

## CLOSED SESSION

The Board did not enter into Closed Session.

## OTHER MATTERS

Except as may be reflected above, there were no additional agenda items requested other than routine, ongoing matters.

## ADJOURNMENT

There being no further business to come before the Board, upon motion made by Director Skiles, seconded by Director Vinklarek, and unanimously carried, the meeting was adjourned.



Susan Skiles  
Secretary, Board of Directors

BARKER-CYPRESS MUNICIPAL UTILITY DISTRICT  
EXHIBITS

May 14, 2019

- A. Tax Assessor-Collector's Report; Delinquent Collections Listing
- B. Delinquent Tax Report
- C. Operator's Report
- D. Engineer's Report
- E. Summary of Changes presented by Jones & Carter, Inc. and draft Amended and Restated Professional Services Agreement
- F. Bookkeeper's Report
- G. Harris County Sheriff's Office April 2019 Report
- H. Solid Waste Collection Agreement
- I. Rate Order