

## **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 489**

### **Minutes of Meeting of Board of Directors**

June 17, 2024

The Board of Directors (the "Board") of Harris County Municipal Utility District No. 489 (the "District") met in regular session, open to the public, on June 17, 2024, at 1300 Post Oak Boulevard, Suite 2500, Houston, Harris County, Texas, in accordance with the duly posted notice of meeting, and the roll was called of the duly constituted members of said Board of Directors, as follows:

Anthony T. McBride, President  
Christian Carroll, Vice President  
Trace Salazar, Secretary  
Arlene Harper-Veith, Assistant Secretary  
Madison Barrington, Assistant Secretary

and all of said persons were present, with the exception of Director Barrington, thus constituting a quorum.

Also present were Wendy Maddox of B&A Municipal Services, Inc. ("B&A"); Jordan Weyand of Municipal Accounts & Consulting, LP ("Municipal Accounts"); Mackenzie Osborne of Inframark, L.L.C. ("Inframark"); Will Gutowsky of BGE, Inc. ("BGE"); Danae Dehoyos of Touchstone District Services, LLC ("Touchstone"); Barbara Nussa of Republic Services, Inc. ("Republic"); Greg Lentz of Masterson Advisors LLC ("Masterson"); Bill Cook, resident of the District and President of the Board of Directors of Harris County Water Control and Improvement District No. 159 ("No. 159"); Sam Goodspeed, member of the Board of Directors of Harris County Municipal Utility District No. 419 ("No. 419") and President of the Board of Trustees of the Bridgeland Water Agency (the "Agency"); Bryson Goodspeed, son of Mr. Goodspeed; and Mitchell G. Page and Peyton Ellis of Schwartz, Page & Harding, L.L.P. ("SPH").

The President called the meeting to order and declared it open for such business as might regularly come before it.

### **PUBLIC COMMENTS**

The Board considered public comments, and recognized Messrs. Cook and Goodspeed. Messrs. Cook and Goodspeed noted that they had no comments for the Board at this time.

### **APPROVAL OF MINUTES**

The Board considered the approval of the minutes of its meetings held on May 15, 2024, and May 20, 2024. Following review and discussion of the minutes presented, it was moved by Director Carroll, seconded by Director McBride and unanimously carried, that the minutes of the May 15, 2024, and May 20, 2024, meetings be approved, as written.

## **BOOKKEEPER'S REPORT**

Mr. Weyand presented to and reviewed with the Board the Bookkeeper's Report dated June 17, 2024, a copy of which is attached hereto as **Exhibit A**. Following discussion, it was moved by Director Carroll, seconded by Director McBride and unanimously carried, that the Bookkeeper's Report be approved, as presented, and the disbursements listed therein be approved for payment, with the exception of the fees of office for today's meeting payable to Director Barrington, which was voided.

## **TAX ASSESSOR-COLLECTOR'S REPORT**

Ms. Maddox presented to and reviewed with the Board the Tax Assessor-Collector's Report and Delinquent Tax Roll for the month of May 2024, copies of which are attached hereto as **Exhibit B**. Following discussion, Director Carroll moved that the Tax Assessor-Collector's Report be approved, as presented, and the disbursements listed therein be authorized for payment. Director McBride seconded said motion, which unanimously carried.

## **DELINQUENT TAX COLLECTIONS REPORT**

The Board deferred consideration of a Delinquent Tax Report, as it was noted that none was received nor is due at this time from Perdue, Brandon, Fielder, Collins & Mott, L.L.P. ("Perdue Brandon"), delinquent tax attorneys for the District.

## **OPERATOR'S REPORT**

Ms. Osborne presented to and reviewed with the Board an Operations and Maintenance Report for the month of May 2024, a copy of which is attached hereto as **Exhibit C**, and reported on the status of repairs and replacements made to the water and wastewater facilities, facility inspections, and the issuance of new residential and commercial taps. Ms. Osborne additionally presented and reviewed with the Board an EyeOnWater Leak Detection Report for the month of May 2024, a copy of which is included in the Operations and Maintenance Report.

Ms. Osborne then reviewed with the Board the results from the Area 1 televising and air scouring performed within the District, a copy of which is included in the Operations and Maintenance Report. She reminded the Board that the recommended sewer repairs have been separated into three (3) categories based on level of priority, with the Priority 2 repairs estimated to cost \$54,300.00, and Priority 3 repairs estimated to cost \$34,000.00. She noted that the Priority 1 repairs, which were previously approved by the Board at its November 20, 2023 meeting, are near completion, and that Inframark is recommending that the Board proceed with the Priority 2 repairs at this time.

Ms. Osborne next presented to and reviewed with the Board quotes for the installation and monthly maintenance of a SuperAll Municipal Injection System (the "SuperAll System") to serve the District's lift stations, copies of which are included in the Operations and Maintenance Report. She additionally presented and reviewed with the Board educational materials regarding the proposed SuperAll System, copies of which are attached hereto as **Exhibit D**.

Following discussion, Director Carroll moved that the Operations and Maintenance Report and the action items listed therein be approved, including: (i) the forwarding of two (2) delinquent accounts totaling \$825.08, to collections, (ii) the completion of the Priority 2 repairs in the amount of \$54,300.00, as recommended by Inframark, and (iii) approval of the proposal for the installation of the SuperAll System to serve all of the District's lift stations. Director McBride seconded said motion, which unanimously carried.

### **CRITICAL LOAD STATUS**

Mr. Page next advised that Section 13.1396 of the Texas Water Code, as amended, requires the District to update its information identifying the location and description of facilities that have qualified for critical load status and its information regarding emergency contacts (a) annually to each electric utility that provides transmission and distribution service to the District and each retail electric provider that sells power to the District, and (b) immediately upon any change in the information to the above entities, as well as to the office of emergency management of Harris County, the Public Utility Commission of Texas, and the division of emergency management of the governor. In that regard, Ms. Osborne presented to and reviewed with the Board correspondence confirming that Inframark has submitted the required information to the appropriate regulatory entities, on behalf of the Board and the District, on May 23, 2024. A copy of said correspondence is attached hereto as **Exhibit E**. It was noted that no further action was required by the Board in connection with this matter.

### **GARBAGE AND RECYCLING COLLECTION SERVICES**

Ms. Nussa provided the Board with an update relative to garbage and recycling collections for the District. In connection therewith, Ms. Nussa discussed with the Board the upcoming hazardous waste collection and electronics recycling event to be held on October 26, 2024. Following discussion, it was noted that no action was required by the Board with respect to the District's collection services at this time.

### **STATUS OF REVIEW OF WATER CONSERVATION PLAN AND DROUGHT CONTINGENCY PLAN**

The Board considered the status of the review of the District's Water Conservation Plan ("WCP") and Drought Contingency Plan ("DCP"). In connection therewith, Mr. Page advised the Board that the WCP and DCP are under review by the District's consultants.

### **ENGINEER'S REPORT**

Mr. Gutowsky presented to and reviewed with the Board the Engineer's Report dated June 17, 2024, a copy of which is attached hereto as **Exhibit F**, including the pay estimates and change orders listed therein. In connection therewith, Mr. Gutowsky requested the Board's concurrence in the award of bid for the construction of Westgreen Boulevard at Parkland Crossing Traffic Signal to Deco Contractors, Inc. in the amount of \$296,931.65. He additionally requested the Board's concurrence in the award of bid for the construction of Mason Road, Section 6 Buffer Landscape Improvements to Gulf Coast Landscape Services, Inc. in the amount of \$636,066.30.

Following discussion of the Engineer's Report, Director Carroll moved that all action items identified in the Engineer's Report be approved, as recommended by BGE, as presented. Director McBride seconded said motion, which unanimously carried.

**PROPOSED UNLIMITED TAX BONDS, SERIES 2024 ("WS&D BONDS") AND UNLIMITED TAX PARK BONDS, SERIES 2024A ("PARK BONDS")**

The Board considered the proposed issuance of the District's WS&D Bonds and Park Bonds. In connection therewith, Mr. Page advised the Board that the completed Bond Application Report No. 7 was filed with the Texas Commission on Environmental Quality on April 5, 2024, and was declared administratively complete on April 11, 2024. It was noted that no action was required by the Board in connection with this matter at this time.

**RESOLUTION REQUESTING ESTIMATE OF VALUE**

In connection with the District's proposed WS&D Bonds and Park Bonds, Mr. Page advised the Board that Masterson has requested that the Board adopt a Resolution Requesting Appraisal of Property as of July 1, 2024, from the Harris Central Appraisal District. Following discussion, Director Carroll moved that the Resolution Requesting Appraisal of District Property, which is attached hereto as **Exhibit G**, be approved. Director McBride seconded said motion, which unanimously carried.

**UTILITY COMMITMENT LETTERS**

Mr. Page advised that there were no new requests for commitments received.

**RATIFY APPROVAL OF COMMODITY MASTER AGREEMENT BETWEEN THE DISTRICT, DIRECT ENERGY BUSINESS, LLC, AND NRG BUSINESS MARKETING LLC**

Mr. Page advised the Board that, in advance of today's meeting, the District received a request for an updated Commodity Master Agreement between the District, Direct Energy Business, LLC, and NRG Business Marketing LLC (the "Agreement"), to provide for the addition of services to the District's Lift Station No. 4. He further advised that, due to the urgent nature of such request, Director McBride took action to approve and execute the updated Agreement, on behalf of the Board and the District, prior to today's Board meeting. A copy of said Agreement is attached hereto as **Exhibit H**. In that regard, Mr. Page requested that the Board ratify the prior actions taken by Director McBride to approve and execute the updated Agreement, on behalf of the Board and the District. Following discussion, it was moved by Director Carroll, seconded by Director McBride and unanimously carried, that the prior actions taken by Director McBride with respect to the updated Agreement, be approved and ratified in all respects.

**LAW ENFORCEMENT**

The Board considered law enforcement matters for the District. In connection with the District's purchase and donation of an all-terrain vehicle ("ATV") to Harris County Constable,

Precinct 5 ("Precinct 5"), Mr. Page reported that the ATV has been purchased and delivered to Precinct 5.

Director Salazar inquired as to whether any of the District's Flock safety cameras had been damaged in the recent storm event. Mr. Page responded that he would contact Flock Safety, Inc. to request an update relative to same.

Ms. Nussa exited the meeting at this time.

### **EMERGENCY COMMUNICATIONS**

Director Carroll informed the Board that Touchstone will be taking a more active role in the administration of emergency communications to the Bridgeland community. No action was required by the Board in connection with this matter.

### **WEBSITE UPDATES**

Ms. Dehoyos presented to and reviewed with the Board the Communications Report dated June 17, 2024, a copy of which is attached hereto as **Exhibit I**. Following discussion, it was noted that no action was required by the Board in connection with the Communications Report at this time.

### **BRIDGELAND WATER AGENCY**

The Board discussed matters relative to the Agency. In connection therewith, Director Carroll reported that the Agency is discussing the creation of a communications liaison role to assist with community-wide event coordination and communication services. He noted that he would keep the Board apprised of any updates in connection with this matter.

### **DEVELOPER'S REPORT**

Mr. Page presented to and reviewed with the Board the home inventory report through May 2024, as prepared by Bridgeland Development, LP, a copy of which is attached hereto as **Exhibit J**. It was noted that no action was required by the Board in connection with such report.

### **MATTERS RELATIVE TO BRIDGELAND COUNCIL, INC. ("COUNCIL")**

The Board noted that it had nothing new to discuss in regards to Council at this time.

### **MATTERS RELATIVE TO PARKLAND VILLAGE HOMEOWNERS' ASSOCIATION ("HOA")**

The Board considered HOA matters for the District, and noted there were no items to discuss at this time.

## **VOTING SYSTEM ANNUAL FILING FORM**

Mr. Page requested that the Board authorize SPH to complete and submit a Voting System Annual Filing Form ("Voting Form") to the Secretary of State's Office on behalf of the District. He advised that, pursuant to the Texas Election Code, each political subdivision in the State of Texas is required to complete and file said Voting Form with the Secretary of State's Office on an annual basis, even if the District did not conduct an election during that particular year. Following discussion, Director Carroll moved that SPH be authorized to complete the Voting Form and file same with the Secretary of State's Office, as required by law. Director McBride seconded said motion, which unanimously carried.

## **ATTORNEY'S REPORT**

The Board considered the attorney's report. In connection therewith, Mr. Page advised that he had nothing further of a legal nature to discuss with the Board at this time.

## **CLOSED SESSION**

The President noted that the Board would enter into Closed Session at 11:54 a.m. pursuant to Section 551.071 of the Texas Government Code, as amended. Those in attendance other than Directors McBride, Carroll, Salazar and Harper-Veith, Mr. Gutowsky, Mr. Lentz, Ms. Ellis and Mr. Page, exited the meeting at this time.

## **RECONVENE IN OPEN SESSION**

The Board reconvened in Open Session at 12:26 p.m.

Mr. Goodspeed re-entered the meeting at this time.

Following the discussion of matters related to the potential acquisition of property for the construction of an administrative office space to serve the Agency, it was moved by Director Carroll, seconded by Director McBride and unanimously carried, that Director McBride be authorized to execute a letter to No. 419, which confirms the District's approval of a Letter of Intent for the purchase of a 5.0 acre tract of land in the amount of approximately \$3,267,000, for the construction of an administrative office space for the districts, subject to the requirement that the deed for such tract convey fee simple title to the property to the District and No. 419 in equal (50%), undivided interests.

## **MATTERS FOR FUTURE AGENDAS**

The Board considered items for placement on future agendas. No specific agenda items, other than routine and ongoing matters and those discussed above, were requested.

## **ADJOURNMENT**

There being no further business to come before the Board, on motion made by Director

Carroll, seconded by Director McBride and unanimously carried, the meeting was adjourned.



*Arlene Harper-Vittes*  
Secretary

**HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 489**

**LIST OF ATTACHMENTS TO MINUTES**

June 17, 2024

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- Exhibit A** – Bookkeeper's Report
- Exhibit B** – Tax Assessor-Collector's Report
- Exhibit C** – Operations and Maintenance Report
- Exhibit D** – SuperAll Municipal Injection System Materials
- Exhibit E** – Critical Load Status
- Exhibit F** – Engineer's Report
- Exhibit G** – Resolution Requesting Appraisal of District Property as of July 1, 2024
- Exhibit H** – Commodity Master Agreement between the District, Direct Energy Business, LLC, and NRG Business Marketing LLC
- Exhibit I** – Communications Report
- Exhibit J** – Home Inventory Report through May 2024

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