

# MASON CREEK UTILITY DISTRICT

847 Dominion Dr., Katy, Texas 77450

## MINUTES

### Meeting of the Board of Directors

The Board of Directors (“Board”) of Mason Creek Utility District of Harris County, Texas (“District”) convened in a **scheduled regular meeting** at 847 Dominion Dr., Katy, Texas 77450, on **April 17, 2024, at 6:30 P.M.** The duly elected members of the Board of Directors were:

Len Forsyth	President
Brian C. Connolly	Vice President
James K. Nordhaus	Secretary/Treasurer
Fredrick J. Castellano	Assistant Treasurer
John H. Cameron	Director

and all the members were present except John Cameron, thus constituting a quorum. Also, present were James L. Dougherty, Jr., Attorney for the District; Lina Loaiza of BLICO, Inc., the District’s tax assessor-collector; Derek Davenport of McClennan and Associates; Jose de Leon and Benton Stamper of Venturi Engineers LLC; and Susan Saccomen, Kasey Lorraine, Samantha Saccomen, and Jamie Parrott of the District’s staff. Also present were Britany Severin of the Nottingham Country Community Improvement Association (“NCCIA”) and John Dickson, a contractor for NCCIA. The meeting was called to order, and, in accordance with notice posted pursuant to law, the following business was transacted:

**Notices & Minutes.** Ms. Susan Saccomen reported that the notice of the meeting had been posted as required by the Texas Open Meetings Act. Director Connolly moved to approve the regular meeting minutes for March 13, 2024, and Director Castellano seconded. The motion passed.

**Delinquencies, Etc.** Ms. Susan Saccomen presented a list of delinquent accounts proposed for service discontinuation (for which notices, including an opportunity to be heard, had been sent). President Forsyth provided an opportunity for anyone to be heard regarding the delinquencies or discontinuations. After it appeared that no one wanted to be heard, Director Connolly moved that: (i) the amount shown on the list for each account be found to be correct and delinquent, and (ii) discontinuation of utility service be authorized for the accounts listed, unless a payment arrangement was agreed upon before discontinuation of service, in accordance with the District’s standard operating procedures. The motion was seconded by Director Nordhaus and was carried by a unanimous vote.

**Bookkeeping, Funds, Etc.** Mr. Davenport presented the bookkeeper’s report including the cash disbursement report for March 18<sup>th</sup>, 2024, through April 17<sup>th</sup>, 2024. Mr. Davenport also presented the investment report for the period ending March 31<sup>st</sup>, 2024. Director Connolly moved to accept the investment report, as presented, and to order that a written instrument be adopted, as shown on the report, stating that the Board had reviewed the District’s investment policy and investment strategies and decided to make no changes to them. Director Castellano seconded. The motion passed unanimously. After discussion, Director Connolly moved to accept the bookkeeper’s report as presented. Director Castellano seconded, and all voted in favor of the motion.

**Bills, Etc.** Director Connolly moved to accept the bills as presented (and authorize the checks that had been prepared to pay them). Director Nordhaus seconded. The motion was carried by a unanimous vote.

**Taxes.** Ms. Loaiza gave the Tax Assessor Collector report indicating total TY 2023 taxes collected through March were \$2,6144,008.28 leaving TY 2023 taxes receivable on March 31, 2024 at \$111,655.26. Total reported receipts of TY 2023 taxes in March were \$36,162.82. Checks were presented in the total amount of \$32,781.14. The reported percentage of collection of TY 2023 taxes was reported at 97.8%. Director Connolly moved to approve the Tax Assessor Collector’s report as presented (and authorize the checks presented). Director Castellano seconded, and all voted in favor of the motion.

**Water Supply, Etc.,** Mr. Parrott reported that the operator for Green Trails Municipal Utility District (“GTMUD”) had requested that the District alter the pressure at which the pressure sustaining valve would open and close from 50 PSI to 46-48 PSI. Mr. Parrott noted that, based on previous conversations with the manufacturer, the pressure sustaining valve could not be adjusted that way, but GTMUD could reduce pressure by installing a valve on its side of the interconnection. He added that changing the pressure would require an amendment to contract with GTMUD. After discussion, the Board asked Mr. Parrott to contact the manufacturer to confirm how the pressure sustaining valve could be adjusted and inform the Board and GTMUD of his findings.

**Engineering, Projects, Etc.** Mr. Stamper informed the Board that the meetings with the representatives of the bonding company for the Brondesbury Lift Station Project had been very productive. Director Connolly indicated that he and Mr. Stamper had been urging the bonding company to get the electrical work completed. He said that the bonding company informed him that the proposed electrical contractor was not responding to requests to complete the work. Director Connolly added that the bonding company was requesting half of the retainage. After discussion, the Board asked Mr. Stamper to continue to work toward getting an extended

warranty from the bonding company. The Board also indicated that it could consider the release of a portion of the project's retainage, contingent upon: (i) completion of the electrical work; (ii) rehabilitation of the valves to make them operational; and (iii) agreement to an extended warranty. Director Connolly moved to authorize Change Order #5 and the release of a check for \$27,000 (\$30,000 less the 10% retainage) for Pay Application #11. Director Castellano seconded, and all voted in favor of the motion.

Mr. Stamper reported that the Rennie Road Lift Station Conversion project was moving forward quickly. He added that the smart valves were repaired and installed but were not yet operational. He presented and recommended payment Pay Application #3 from Pioneer Construction in the amount of \$661,158.00 (\$734,620.00 less the 10% retainage), contingent upon the receipt of the required "bills paid" affidavits. After discussion, Director Connolly moved to authorize Pay Application #3 as recommended. Director Nordhaus seconded. The motion was carried by a unanimous vote.

Mr. Stamper reported that the Section 6 Sanitary Sewer Rehabilitation project had gone out for bids and was posted on Civcast. He noted that Mr. de Leon had held a pre-bid meeting, and the bid opening was scheduled for the following week. He said a recommendation would be presented at the next Board meeting.

Mr. Stamper reported that the Galleon Oaks Water Plant Improvements 2024 project had also gone out for bids, a pre-bid meeting had been held, and the bid opening was scheduled for the following week.

Mr. Stamper informed the Board that the District's second utility letter to the KOA Group, Inc. regarding the project on Shillington sometimes (referred to as "Mason Gardens") had been sent. He added that KOA Group was requesting another extension. After discussion, Director Connolly moved to authorize a revision of the original utility letter sent February 14<sup>th</sup> to extend the expiration date from 30 days to 90 days. Director Castellano seconded, and all voted in favor of the motion.

Mr. de Leon reported that Harris County had already agreed to carry out the Shillington sidewalk project, and therefore the project would not need to go forward through the District.

Director Connolly moved to accept the engineering report. Director Nordhaus seconded, and the motion passed unanimously.

**Energy & Streetlights.** There was no report or action.

**Regional Matters.** Britany Severin, NCCIA board president, and a NCCIA contractor, John Dickson, addressed the Board regarding the alleyway repairs for sections 1, 2 and 3. Ms. Severin asked the District to contribute \$100,000 per year over the next four years, minimum, and with a cap of \$150,000 per year, for repairs and improvements to the alleyways. She informed the Board that she had scheduled a meeting with Harris County representatives regarding assistance with repairs related to the road tie ins. She noted that the District had helped pay for repairs in the past. Mr. Parrott said that originally the District only shared costs for repairs related to drainage inlets, but as time has passed, the scope of what the District could share changed from inlets to sanitary sewer manholes. After discussion, the Board tabled Ms. Severin's request until after Ms. Severin met with Harris County representatives and asked Mr. Dougherty to investigate whether the District could legally assist.

**STP's.** President Forsyth reported that all STPs were working appropriately. He informed the Board that Cinco MUD#1 had started construction for the new water purification plant that would produce reused water for distribution in Cinco Ranch and surrounding areas.

**Recreational Facilities, Etc.** Mr. Parrott reported that pickleball players had requested more wind screens for the east and west side of the courts. He noted that it would require 33 panels at a total cost of \$3,515. After discussion, the Board decided to table the purchase of wind screens.

Mr. Parrott reported that, at the community center, insulation had been removed and replaced with new insulation.. He added that once the insulation was removed, he had the electrician clean up all electrical issues in the attic. He said he also had a structural engineer come and investigate the structural integrity of the building. Mr. Parrott informed the Board that the engineer stated that the building was structurally sound at that time but could develop severe problems in the next five years, and nothing was recommended to be done until then.

Mr. Dougherty presented an amended Appendix H to the District's rate order. After discussion, Director Castellano moved to approve and adopt the rate order with the amended Appendix H, as presented. Director Connolly seconded, and all voted in favor of the motion.

Mr. Dougherty recommended the Board authorize the 2024 swim team practice and meet permits so that they could be finalized and signed before the start of the season. He indicated that the current insurance coverages (shown in the most recent certificate) met the requirements agreed upon in the 2023 permits, except for the special accident policy (which had limits of \$100,000/\$250,000). After discussion, Director Castellano moved to authorize the swim team permits with the current insurance coverages. Director Connolly seconded, and the motion was unanimously adopted.

Mr. Parrott reported that the "bounce house" had been ordered for the open house event and asked if the Board wanted him to rent a tent as well. After discussion, the Board agreed to rent a tent.

**System Operations, Rates, Etc.** Mr. Parrott reported that the total water pumped from March 1<sup>st</sup> through March 31<sup>st</sup> was 22,934,000 gallons, and consumption was 21,724,000 gallons, indicating a possible loss of 1,200,000 gallons, or 5.28%.

He reported that the TCEQ had performed an inspection of all District property. He added that there were four minor violations which he had already addressed.

Mr. Parrott reported that two of the District's trucks were involved in accidents. He added that no District employee was injured. He said the 2019 Ford Ranger was involved in the accident on Kingsland Blvd, there were no third-party witnesses, and the damage would likely have to be paid by the District's insurance. He reported that two days later, the 2023 Ford F350 was involved in an accident. The other driver was ticketed, he said, and her insurance would cover the cost of the repairs. He noted that the repairs for both trucks were being assessed, and he would report the findings at the next meeting. He also added that 170-degree cameras had been added to the trucks in order to assist in such situations.

**Administrative Matters.** There was no report or action.

**Next Meeting:** Director Connolly moved to approve the regular meeting set for Wednesday, May 15, 2024, at 6:30 PM at the District's office. Director Castellano seconded, and the motion passed unanimously.

**Adjournment.** There being no further business to discuss, Director Castellano moved to adjourn. Director Nordhaus seconded, and all voted in favor, thus passing the motion.

REVIEWED AND APPROVED BY THE BOARD on May 15, 2024.

SIGNED: 