

# DRAFT

## MINUTES HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 285

December 22, 2008

The Board of Directors (the "Board") of Harris County Municipal Utility District No. 285 (the "District") met in special session, open to the public, on the 22<sup>nd</sup> day of December, 2008, at Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas, outside the boundaries of the District, and the roll was called of the members of the Board:

Jerry L. Allen	President
Roy Adame, Jr.	Vice President
Chand Khan	Secretary/Investment Officer
Walter A. Knowles, Jr.	Asst. Vice President/Investment Officer
Ephraim Q. Connerly III	Assistant Secretary/Investment Officer

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

Also present at the meeting were Kenneth Martinec and Dane Plumley of Jones & Carter, Inc. ("J&C"); Calvin Browne of SWWC Services, Inc. ("SWWC"); Terry Woodson of Waste Management; Susan M. Edwards of Allen Boone Humphries Robinson LLP ("ABHR"); and Susan Prospere, Recording Secretary.

### MINUTES

The Board considered approving the minutes of the November 24, 2008, meeting. After review, Director Khan moved to approve the minutes as submitted. The motion was seconded by Director Allen and carried by unanimous vote.

### GARBAGE COLLECTION REPORT

Ms. Woodson presented a Call Report from Waste Management, a copy of which is attached, and discussed Waste Management's responses to the calls. She informed the Board of Waste Management's program of randomly videotaping the collection activities of the drivers in an effort to improve service.

### STATEMENTS FROM THE PUBLIC

The Board noted that no members of the public were present to make statements or ask questions.

### DEVELOPERS' REPORT

The Board did not receive a report on development in the District.

# DRAFT

## NORTH CHANNEL WATER AUTHORITY REPORT

There was no report on the North Channel Water Authority surface water supply activities.

## OPERATIONS REPORT

Mr. Browne distributed the monthly operations report, including the effluent reporting forms indicating that there were no violations of the permitted parameters at wastewater treatment plants nos. 1 and 2 during the month of November. He informed the Board that 4 taps were installed in November. A copy of the operations report is attached.

The Board reviewed a Texas Commission on Environmental Quality ("TCEQ") notice to the District of a compliance violation of the total suspended solids limit at wastewater treatment plant no. 2, a copy of which is attached. The Board agreed that SWWC and J&C will prepare a response to the TCEQ by the January 18, 2009, deadline.

Director Knowles and Director Connerly reported on cloudy water at their homes. Mr. Browne stated that the cloudiness is dissolved oxygen that is harmless and will dissipate in a short period of time. He stated that he will notify Harris County Fresh Water Supply District No. 51 of the problem and will instruct SWWC to flush the water lines in the areas of the District experiencing the problems.

## HEARING REGARDING TERMINATION OF SERVICE

The Board conducted a hearing regarding water and sewer service terminations. Mr. Browne reported that the residents on the termination list were delinquent in payment of their water and sewer bills and were given written notification in accordance with the District's Rate Order prior to the meeting of the opportunity to appear before the Board of Directors to explain, contest, or correct their bills and to show why utility service should not be terminated for reason of non-payment. After discussion, Director Connerly moved that, because the residents on the termination list were either not present at the meeting or had not requested to speak regarding their delinquency nor had they presented any written statement on the matter to the Board, utility service for such residents should be terminated in accordance with the District's Rate Order. The motion was seconded by Director Allen and carried by unanimous vote.

## WATER SMART PROGRAM APPLICATION

Mr. Browne reported that an application on behalf of the District for participation in the Water Smart Program will be submitted by SWWC to the Association of Water Board Directors by the April, 2009, deadline.

# DRAFT

## FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA") REIMBURSEMENT AND GRANT APPLICATIONS

Ms. Edwards reported that SWWC has filed an application with FEMA for the reimbursement of costs incurred by the District as a result of Hurricane Ike that are not covered by the District's insurance.

Mr. Plumley presented Preliminary Cost Estimates for the installation of either diesel or natural gas emergency generators at the four off-site lift stations, for the purchase of a portable lift station generator and modifications to the lift stations to allow for the generator connection, or for a portable diesel pump, copies of which are attached. After discussion, Director Connerly moved to authorize J&C to prepare a Notice of Interest ("NOI, based on a project determination after discussion with SWWC, and to submit the NOI to ABHR for inclusion in the Harris County application to FEMA. Director Knowles seconded the motion, which carried unanimously. A copy of the Preliminary Cost Estimates is attached.

### ENGINEER'S REPORT

Mr. Plumley presented a written report regarding engineering activities performed in the District, including the projects specifically addressed as follows in these minutes. A copy of the engineer's report is attached.

### WATER PLANT, PHASE 1

Mr. Plumley reported on the status of the construction of the water plant, Phase 1. He stated that J&C recommends approval of Pay Estimate No. 2 in the amount of \$337,203 submitted by W.W. Payton Construction, of which the District's share totals \$157,541.21. After discussion, Director Adame moved to approve Pay Estimate No. 2 as recommended. The motion was seconded by Director Allen and carried by unanimous vote.

### NEW FOREST WEST, SECTION 4, DETENTION POND

Mr. Plumley reported on the status of the construction of the New Forest West, Section 4, detention pond. Mr. Plumley stated that no Pay Estimates or Change Orders were submitted by Paskey Incorporated for the Board's approval.

### WATER, SEWER, AND DRAINAGE FACILITIES TO SERVE NEW FOREST WEST, SECTION 4

The Board deferred approval of the revised plans and specifications prepared by R.M. Atkinson, Jr., Engineers, Inc. ("Atkinson") for the water, sewer, and drainage facilities to serve New Forest West, Section 4.

## NEW FOREST WEST, SECTION 4, LIFT STATION

Mr. Plumley reminded the Board that J&C may need to revise the plans and specifications for the New Forest West, Section 4, lift station to accommodate Atkinson's revisions to the plans and specifications for the New Forest West, Section 4, water, sewer, and drainage facilities.

## NEW FOREST LIFT STATION AND FORCE MAIN UPGRADE

The Board deferred the review of bids and award of a contract for the New Forest lift station and force main upgrade pending completion of the plans and the receipt of bids.

## WATER, SEWER, AND DRAINAGE FACILITIES TO SERVE CARPENTER'S LANDING, SECTION 3

Mr. Plumley reported that J&C recommends that the Board rescind its award of a contract to Jaho, Inc., which has not been executed, for the water, sewer, and drainage facilities to serve Carpenter's Landing, Section 3. After discussion, Director Adame moved to rescind the District's award of a contract to Jaho, Inc., for the project. Director Allen seconded the motion, which carried unanimously.

## CARPENTER'S LANDING DETENTION POND, PHASE 3

Mr. Plumley reported no update on the Carpenter's Landing detention pond, Phase 3, plans and specifications.

## PALE SAGE DRIVE WATER, SEWER, AND DRAINAGE FACILITIES

Mr. Plumley reported that Atkinson is addressing comments provided by J&C on the plans and specifications for the Pale Sage Drive water, sewer, and drainage facilities. The Board deferred approval of the plans and specifications and authorizing advertisement for bids for the project pending J&C's recommendation.

## WASTEWATER TREATMENT PLANT NO. 2 ACCESS ROAD

Mr. Plumley reported on the design of the access road at wastewater treatment plant no. 2. The Board deferred approval of the plans and specifications for the access road pending receipt and deferred authorizing advertisement for bids for the project pending approval of the plans and specifications.

## WASTEWATER TREATMENT PLANT NO. 2 PERMIT AMENDMENT APPLICATION

Mr. Plumley stated that the preparation of the wastewater treatment plant no. 2 permit amendment application is underway.

# DRAFT

## BOND APPLICATION NO. 9

Mr. Plumley presented a draft of the District's proposed bond application no. 9 for review.

## RIGHT OF WAY (EASEMENT)

The Board considered accepting a Right of Way (Easement) from Explorer Pipeline Company, required in conjunction with the water plant no. 1 site platting. Upon a motion made by Director Adame and seconded by Director Allen, the Board voted unanimously to accept the Right of Way (Easement), subject to revision and execution.

## CONVEYANCE OF WATER LINE TO SERVE THE SHOPS AT STONE PARK

Mr. Plumley reported that J&C will work with ABHR on the conveyance of a water line to serve The Shops at Stone Park to the District once the line construction is complete.

## SPECIAL WARRANTY DEED ("DEED") FOR STONE PARK APARTMENTS LIFT STATION SITE

The Board deferred acceptance of the Deed pending receipt.

## DISTRICT FACILITIES LAYOUT UPDATE AND ELECTRONIC CONVERSION

Mr. Plumley informed the Board that the electronic conversion of the District's facility plans and specifications is underway.

## HARRIS COUNTY FLOOD CONTROL DISTRICT TREE PLANTING PROGRAM

The Board deferred discussion of the Harris County Flood Control District tree planting program pending the receipt of additional information.

## NEW FOREST WEST DETENTION POND CLEANING AND MAINTENANCE

Mr. Plumley reported that J&C is preparing plans and specifications for the New Forest West detention pond cleaning and maintenance.

There being no further business to come before the Board, the Board concurred to adjourn the meeting.

---

Secretary, Board of Directors

(SEAL)

## LIST OF ATTACHMENTS TO MINUTES

	Minutes
	<u>Page</u>
Call Report from Waste Management .....	1
operations report.....	2
TCEQ notice of compliance violation .....	2
Preliminary Cost Estimates .....	3
engineer's report .....	3