

# DRAFT

## MINUTES HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 285

January 26, 2009

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 26th day of January, 2009, 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 Dane Plumley of Jones & Carter, Inc. ("J&C"); Arthur Marshall, Board member of the North Channel Water Authority ("North Channel"); David Ley of Ley Wilson Development, LLC ("Ley Wilson"); Charlie Meyer of NewQuest Properties; Chad Ferguson of BPI Realty Services, Inc.; Susan M. Edwards of Allen Boone Humphries Robinson LLP ("ABHR"); and Susan Prospere, Recording Secretary.

### MINUTES

The Board considered approving the minutes of the December 22, 2008, meeting. After review, Director Khan moved to approve the minutes as submitted. The motion was seconded by Director Adame and carried by unanimous vote.

### STATEMENTS FROM THE PUBLIC

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

### DEVELOPERS' REPORTS

Mr. Ley reported on commercial and residential development in the District by Ley Wilson or its related entities. He stated that Black Rock Commons shopping center is 100% leased. He reported that Stone Park Apartments has a new manager and security services.

Mr. Ferguson reported on the marketing by FVNA Properties, Ltd., of its property in the District.

## NORTH CHANNEL REPORT

Mr. Marshall reported on the North Channel surface water supply activities, including the construction projects underway. He stated that Billy C. Allen, Jr., has reported water accountability for the month was 103.55% and that 82.35% of the water usage was surface water.

## 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, and a J&C Schedule of Hourly Rates, effective January, 2009. A copy of the engineer's report, including the Schedule of Hourly Rates, is attached.

## WATER PLANT, PHASE 1

Mr. Plumley reported on the status of the construction of the water plant, Phase 1. He stated that no Pay Estimates or Change Orders were submitted by W.W. Payton Construction for the Board's approval.

## 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.

## 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.

# DRAFT

## CARPENTER'S LANDING DETENTION POND, PHASE 3

Mr. Plumley reported that the Carpenter's Landing detention pond, Phase 3, plans and specifications have been approved by Harris County.

## WASTEWATER TREATMENT PLANT NO. 2 ACCESS ROAD

Mr. Plumley reported that the design of the access road at wastewater treatment plant no. 2 is underway. 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.

## 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 PERMIT AMENDMENT APPLICATION

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

## BOND APPLICATION NO. 9

Mr. Plumley reported that a draft of the District's proposed bond application no. 9 has been provided to the consultants for review.

## 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 complete.

## HARRIS COUNTY FLOOD CONTROL DISTRICT TREE PLANTING PROGRAM

Mr. Plumley reported on the Harris County Flood Control District tree planting program. He stated that Harris County plans to plant approximately 600 trees along the banks and side slopes of Harris County Flood Control District Unit No. N111-01-00.

# DRAFT

## 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.

Mr. Ley noted that the New Forest lift station site is not being mowed. The Board requested that ABHR instruct Calvin Browne of SWWC Services, Inc., to ensure that the site is mowed on a regular basis.

## REQUEST FOR CONSENT TO ENCROACHMENT

Mr. Plumley reported on a request by Ley-Lane Partnership No. 9, L.P., for the District's consent to the installation of signs within District water and sanitary sewer line easements for facilities to serve The Shops at Stone Park. He recommended that the Board require the contractor to expose the District's facilities in the proximity of the foundations of five signs proposed for installation and to encase any District water line within five feet of a sign foundation in a 24-inch steel pipe at the developer's cost. He presented drawings of the signs and locations for the Board's review, a copy of which is attached. Mr. Plumley recommended that the District require a field survey of the location of the water line within the easement for the preparation of a written consent to encroachment. Mr. Meyer stated that NewQuest Properties will pay the engineering fees related to J&C's work on the request for the consent to encroachment. After discussion, Director Connerly moved to authorize J&C to conduct a field survey, as discussed, subject to NewQuest Properties' payment of all engineering fees and expenses, and authorize ABHR to prepare the consent to encroachment document, based on the understanding that NewQuest Properties will now proceed to order the pylon signs as described. Director Allen seconded the motion, which carried unanimously.

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

---

Secretary, Board of Directors

(SEAL)

# DRAFT

## LIST OF ATTACHMENTS TO MINUTES

	Minutes
	<u>Page</u>
engineer's report .....	2
drawings and locations of the signs for facilities to serve The Shops at Stone Park .....	4