

PORTER SPECIAL UTILITY DISTRICT

MINUTES OF BOARD OF DIRECTORS SPECIAL MEETING

September 16, 2021

The Board of Directors (the Board or Directors) of Porter Special Utility District (the District) met in special session at 6:30 p.m., at 22162 Water Well Road, Porter, Texas 77365, on Thursday, September 16, 2021, pursuant to notice of said meeting posted in accordance with Chapter 551 of the Texas Government Code.

1. **Call Meeting to Order** the President, after finding that the notice of the meeting was posted as required by law, called the meeting to order at 6:30 p.m. and declared it open for such business as may come before it.

- a. **Roll Call of the Board of Directors/Declaration of a Quorum**

| | |
|-----------------|---------------------------|
| Doug Pillow | President |
| Jodi Ruonavar | Vice-President |
| Caroline Denham | Secretary |
| Danny Bridges | Treasurer |
| Johnny Barr | Asst. Secretary-Treasurer |
| Jason Ashy | Director |

Director Denham took the roll, all Directors were present, except for Director Bridges, thus constituting a quorum. Attending for the District was Mike Kelly with Bleyl Engineering (Engineer), Jonathon Smith (General Manager), Chris Wright (Operations Manager), and Amanda Phillips (HR Director). Also attending the meeting on behalf of the Dunn Right RV Park was Jason Dunn, Curt Joslin, Jeff Johnston, and Sean Rooney.

- b. **Director Qualifications and Disclosures**

Mr. Smith stated there are no updates on Director qualifications and disclosures.

- c. **Invocation**

Invocation led by Director Denham.

- d. **Pledges of Allegiance**

Pledges of Allegiance led by Mr. Smith

2. **Public Comment**

No public comment.

3. Accept the resignation of Director Satterwhite

Director Ashy asked why Director Satterwhite was resigning, Director Pillow read the resignation letter he received from Director Satterwhite.

Upon motion by Director Barr, seconded by Director Ashy after full discussion with all Directors present voting aye, the Board approved the resignation of Director Satterwhite. Motion carried unanimously.

4. Review, discuss, and take any necessary action regarding Dunn Right RV Park (Owens Road, including approval of waterline option recommended by Bleyl Engineering

Mr. Kelly reviewed the Engineering requirements and recommendations presented to the Board. Mr. Kelly stated that an 8" waterline extension would be required, multiple fire hydrants would need to be installed, and a bore under the railroad tracks. Director Barr asked how many potential customers the District will have in the area, Mr. Kelly stated that it was hard to say what the future development would be and many of the tracts have water wells. Mr. Kelly presented the total opinion of cost to be at \$168,635.00, in addition to \$26,000.00 for contingencies, for a total of \$194,635.00. Mr. Dunn stated he was quoted 30% less using his Engineer, and Joslin Construction as the Contractor. Mr. Smith stated that Mr. Dunn could do that, but the District's Engineering Inspector would verify all installation. Mr. Dunn asked the Board if the District would be willing to cost share and help with the impact fees. Mr. Smith stated the impact fees are directly tied to the approved Capital Improvement Plan and can only be offset for those approved improvements. Mr. Smith stated he could see a cost share for the existing 3-inch waterline capacity, but that any more would be funded by the District's rate payers. Director Pillow asked about the necessity for fire hydrants, Mr. Smith responded that the District has adopted the City of Houston standards to promote orderly development. Mr. Dunn stated that fire code does not require him to have fire hydrants. Mr. Joslin asked about a direct tie into the 4 in waterline on Loop 494, Mr. Smith explained the line would not be to District standards and the District's responsibility for the 4" waterline would be at the tap location on Loop 494 causing the 4" waterline to be a private service line which the Railroad Commission would likely not allow a bore for a single service connection. Director Ruonavar stated she did not feel that Mr. Dunn should pay for the 3 of 5 hydrants on his property, nor for the full price of the waterline. Director Pillow asked Mr. Joslin if he could do the job for 30% less than the presented opinion of cost, Mr. Joslin said yes that he has already committed to Mr. Dunn to do so. Mr. Kelly stated the District would need to request the permit for the bore from the Railroad Commission. Mr. Joslin stated there would also be a TXDOT permit for the work near Loop 494. Mr. Smith read the District's Rules and Regulations Section 5.1b to the Directors which states "All connections to the District's water supply system shall be made in accordance with the rules, regulations, and specifications of the Porter Special Utility

District. All expenses incurred in the making of water service connections shall be borne by the party or parties requesting the connection(s)". Mr. Dunn asked if the waterline extension could end at the beginning corner of his property instead of extending across his property's easement. Mr. Kelly stated it has been standard practice to extend the full length of the property for future development. Mr. Smith asked about who will pull the permit, pay the fees, and expedition fees for the Railroad Commission permit. Mr. Kelly stated the District will have to pay the permit and provide the insurance. Mr. Dunn stated the standard permit is \$3,500.00 and the expedited fee is \$10,000.00 is prepared to pay all fees related to the railway bore. There was discussion among the Board regarding if and how much the District should contribute to the developer's project.

Upon motion by Director Ruonavar, seconded by Director Ashy after full discussion with all Directors present voting aye, the Board approved a contribution in the amount of \$25,000.00 from Porter SUD to the Dunn Right RV Park for consideration of improved waterlines to benefit Porter SUD. Motion carried unanimously.

Mr. Joslin asked how quickly construction could start, Mr. Smith responded the District will need their engineered plans to review and approve. Mr. Joslin stated that Park Services will contact the District for the meter vault specifications.

Mr. Dunn, Mr. Joslin, Mr. Johnston, and Mr. Rooney left the meeting at 8:03 p.m.

The Board recessed for a break at 8:05 p.m. and reconvened at 8:15 p.m.

5. Discuss and take any necessary action regarding Brooklyn Trails Section 2, including approval for Allied Utility Construction to assist the District with installing the remaining water taps

Upon motion by Director Ruonavar, seconded by Director Ashy after full discussion with all Directors present voting aye, the Board approved Allied Utility Construction to assist the District with installing the remaining water taps in Brooklyn Trail Section 2. Motion carried unanimously.

6. Engagement of Greathouse Holloway McFadden Trachtenberg PLLC as Litigation Counsel

Upon motion by Director Ruonavar, seconded by Director Barr after full discussion with all Directors present voting aye, the Board approved the engagement of Greathouse Holloway McFadden Trachtenberg PLLC as Litigation Counsel. Motion carried unanimously.

7. Adjournment

At any time during the meeting and in compliance with the Texas Open Meetings Act (Chapter 551), the Porter Special Utility Board of Directors may meet in executive session on any of the above agenda items for consultation concerning attorney-client matters (551.071); deliberation regarding real property (551.072); deliberation regarding prospective gifts (551.073); personnel matters (551.074); and deliberation regarding security devices (551.076). No action may be taken during executive session, therefore, following executive session, the Board of Directors will reconvene to an open meeting and take action as necessary.

There being no further business before the Board, upon motion by Director Ashy, seconded by Director Barr after full discussion and all Directors present voting aye, the meeting was adjourned at 8:20 p.m.

PASSED and APPROVED this the 27th day of September 2021.



President, Board of Directors



Secretary, Board of Directors

