

PORTER SPECIAL UTILITY DISTRICT
MINUTES OF BOARD OF DIRECTORS REGULAR MEETING
March 27, 2023

The Board of Directors (the Board or Directors) of Porter Special Utility District (the District) met in regular session at 7:00 p.m., at 22162 Water Well Road, Porter, Texas 77365, on Monday, March 27, 2023, 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 7:00 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
Donald Bell	Director

Director Denham took the roll, all Directors were present in the District Board Room, thus constituting a quorum. Also attending for the District were: Jonathan Polley (Attorney) with Radcliffe Bobbitt Adams Polley PLLC, Mike Kelly (Engineer) with Bleyl Engineering, and Chris Wright (Operations Manager).

b. **Director Qualifications and Disclosures**

Mr. Pillow stated there were no updates on Director qualifications and disclosures.

c. Invocation

Invocation led by Director Denham.

d. Pledges of Allegiance

Pledges of Allegiance led by Director Ruonavar.

2. Public Comment

There was no Public comment.

3. Review and Approve Minutes

- a. Minutes from the Regular Board Meeting on February 27, 2023.

Upon motion by Director Ruonavar, seconded by Director Barr after full discussion with all Directors present voting aye, the Minutes of the Regular Board Meeting of February 27, 2023 were approved with one correction on page 3, underneath 5(c) CSI....."Property" Owner. Motion carried.

4. Old Business

None.

5. New Business

- a. Engagement Letter with Belt Harris Pechacek for FYE 2023 Financial Audit

Upon motion by Director Ruonavar, seconded by Director Barr after full discussion with all Directors present voting aye, Engagement Letter with Belt Harris Pechacek for FYE 2023 Financial Audit is approved. Motion carried.

6. Financial Report

- a. Financial Statements for the period ending February 28, 2023.

Tabled until April meeting. Email Mr. Smith, copying Mrs. Pafford any questions you may have on the February 28, 2023 Financial Statements.

7. Engineering Report by Bleyl Engineering

- a. Update on Development Projects

- i. Royal Pines (MCMUD #24)

Nothing new at this time.

- ii. Peppervine

Closer – we have paperwork.

- iii. New Caney ISD Elementary School (Loop 494), including awarding contract for the waterline extension

Bull G had the lowest bid at \$259,177.80; The second lowest bidder was KC Property Management and they had errors on their bid. It could be lower than Bull G, but due to inconsistencies, was ineligible.

Upon motion by Director Ruonavar, seconded by Director Barr after full discussion with all Directors present voting aye, it was decided to award the bid to Bull G for the waterline for the School on Loop 494. Motion carried.

- iv. Hendricks 50-Acre Tract, including approving feasibility study

Tabled – working through preliminary engineering.

1314/99 corner – January feasibility study. Held up due to City of Conroe/MUD 56 service moving forward.

b. Update on General Fund Projects

- i. Sorters Road Waterline Relocation, including approving Pay Application #13 from SER Construction Partners, LLC in the amount of \$76,473.90

Bleyl recommends approval; Still owe 5% retainage.

Upon motion by Director Ashy, seconded by Director Ruonavar after full discussion with all Directors present voting aye, the Pay Application #13 in the amount of \$76,473.90 is approved. Motion carried.

- ii. Copeland EST (0.75MG), including approving Pay Application #1 from Randy Roan Construction, Inc. in the amount of \$14,715.00

Bleyl recommends approval.

Upon motion by Director Barr, seconded by Director Ruonavar after full discussion with all Directors present voting aye, the Pay Application #1 in the amount of \$14,715.00 is approved. Motion carried.

Randy Roan Construction has asked for additional money due to the wet conditions of the site. They had to bring in mats due to sunk equipment. Had to bring the trees out through the water well site. They are asking for \$7,500 additional. There is nothing on the Agenda for a Change Order, so nothing can be done at this time. We need to get the geotechnical work done. Mr. Kelly will check to see if the other bidders included mats in their bids.

- iii. Ferne Water Plant

Mr. Kelly gave us the Reader's Digest version of the Executive Summary: originally prepared and incorporated more information from Ferne Road/Copeland and Water Well Road – 11,500 connections. Alternative capacity ratio: did not include meters. There is a 3,000-connection difference (8,500 connections). Mr. Kelly believes that 10,750 – 11,000 connections is realistic. Booster pump capacity is the limiting factor. We will be adding to the total storage capacity at Ferne, Copeland and Water Well #9; what changed? Booster pumps are not straightforward with TCEQ. We will be set for future growth. 750,000 elevated storage tank – multi-legged vs. composite. MUD 56 meeting went well. Second interconnect with MUD 140 (The Highlands). Generator factored in and paid for by Maple Heights Developer – natural gas generator if we have options. Copeland EST will be paid with cash; Ferne with bond money; and Water Well Road Improvements with cash too. Part of Copeland will be funded by the Maple Heights Developer and us; Director Ashy's filters at Copeland? Mr. Kelly is still working on. GST – concrete - bid alternative to welded steel.

iv. Ford Road Waterline Relocation

Under construction. They are working on the East end first.

c. Update on Impact Fee Capital Improvement Projects

i. Impact Fee Study

Public hearings, lots of updates; Why is draft like this, asked one Director? The Red with crossed out is being deleted. Red without strikethrough is what is being added. Comment: are we making sure we are aware of impact fees and the way it is written in local government/state codes? 2,800 districts can assess anything up to that amount. Usually charge less than what can be assessed. New Development pays for new development. Nothing done tonight, but in the future. Pro-rated for future growth/development.

ii. Valley Ranch Parkway Waterline Extension, including approving Pay Application #3 (and Final) from Bull G Construction in the amount of \$43,803.20

Upon motion by Director Ashy, seconded by Director Ruonavar after full discussion with all Directors present voting aye, the Pay Application #3 (and Final) from Bull G Construction in the amount of \$43,803.20 is approved (but will be held until done). Motion carried.

d. One-Year Warranty

Nothing tonight.

Peppervine Easement is under the General Manager's Report.

8. **General Counsel's Report**

a. Water Facilities Development and Service Agreement with New Caney
ISD Elementary School (Loop 494)

The Agreement with New Caney ISD is ready for approval. Mr. Polley recommends approval.

Upon motion by Director Ruonavar, seconded by Director Barr after full discussion with all Directors present voting aye, the Water Facilities Development and Service Agreement with New Caney ISD is approved. Motion carried.

b. Consent to Assignment of Legal Services Agreement

Mr. Polley sent an email late today stating that he and Monica Garza are leaving RBAP. It is not an April Fool's joke. They are leaving on good terms. Everything is amicable and they are staying in the same office for a year. Would we be interested in staying with Mr. Polley and Ms. Garza? We will be assigned by RBAP to Polley Garza upon our approval. We just need to give our consent.

Upon motion by Director Bell, seconded by Director Barr after full discussion with all Directors present voting aye, it was decided that we will go with Polley Garza as our Attorneys. Motion carried.

9. General Manager's Report

- a. District Property, facilities, infrastructure, vehicles, equipment, projects, developments, compliance, reporting and personnel matters.
 - i. Easement for Peppervine on Highway 59 and Wallis

Expense will be reimbursed by the Developer.

Upon motion by Director Barr, seconded by Director Ashy after full discussion with all Directors present voting aye, the Easement for Peppervine was approved. Motion carried.

On page 4 of 11 – Mostly 8” and 12” old water pipe at Briar Tree – what to do with it? Mr. Wright is actively trying to get rid of it. Everyone he speaks with wants us to pay for them to take it. There are possibly some tanks for a water system in East Texas that may need them. He will also check with Plastic Recyclers.

Ellenburg/Alaniz, plus one on a rotating basis for on call.

Director Bell was asking about attrition and keeping employees. Mr. Wright explained the different job duties. Drug testing was also discussed.

10. Executive Session

We went into Executive Session at 8:31 pm

Came out of Executive Session at 8:59 pm

11. Director Comments

None.

12. Next Regular Board Meeting – April 24, 2023 at 7:00 p.m.

13. Adjournment

There being no further business to come 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 9:02 p.m.

PASSED and **APPROVED** this the 24th day of April, 2023.



President, Board of Directors



Secretary, Board of Directors

