

**MINUTES OF REGULAR MEETING  
OF  
WINDFERN FOREST UTILITY DISTRICT**

August 18, 2015

The Board of Directors of Windfern Forest Utility District of Harris County, Texas, met in regular session, open to the public, at a regular meeting place inside the boundaries of the District, at the Windfern Forest Utility District Administration Building ("DAB"), 14410 Mauna Loa Drive, Houston, Texas, on August 18, 2015, and the roll was called of the duly constituted officers and members of the Board, to wit:

Eddie Mendel	President
Pat Going	Vice President
Kurt Schoelman	Secretary/Treasurer
Shari North	Assistant Secretary
Karen Hlavenka	Assistant Vice President

and all of said persons were present except Director Going, thus constituting a quorum.

Also present were Teri League of WCA; Mary Lutz of McLennan & Associates; Ryan Fortner of Wheeler & Associates; Eric Martin, Bradley Jenkins and Deano Wright of TOPS; Shawn Sharkey of Jacobs Engineering Group, Inc.; Lieutenant Jolly and Constable Jennifer McCants of the Harris County Constable's Office, Precinct 4; Carol Lueb, administrator for the DAB; and Clark Lord and Debbie Russell of Bracewell & Giuliani LLP.

**APPEARANCES BEFORE THE BOARD**

No one was present to address the Board.

**SECURITY REPORT**

Constable McCants reported on security matters within the District for the month of July 2015.

**APPROVE MINUTES**

The Board reviewed the minutes of July 21, 2015. Following discussion, upon a motion made by Director Schoelman and seconded by Director North, the Board voted unanimously to approve the minutes of July 21, 2015, as revised.

**BOOKKEEPER'S REPORT, APPROVE PAYMENT OF BILLS AND REVIEW INVESTMENT OF DISTRICT FUNDS**

Ms. Lutz presented the bookkeeper's report, a copy of which is attached to these minutes, for the period July 21, 2015 to August 18, 2015. She next reviewed the checks presented for payment, the District's investments and a comparison of actual versus budgeted revenues and expenses for the period ending July 31, 2015.

Director Mendel reported that he contacted Central Bank about the possibility of a loan or line of credit for funding some of the ongoing projects in the District. He stated that he has not yet received a response from the bank.

The Board then discussed transferring surplus bond funds and interest thereon in the amount of \$33,136.45 from the District's 1998 bond sale from capital projects to operating to be used to complete the generator project.

Following discussion on the bookkeeper's report, upon a motion made by Director Mendel and seconded by Director Schoelman, the Board voted unanimously to approve the bookkeeper's report, payment of the bills, investment of the District's funds and the transfer of the surplus funds to operating.

### **OPERATING BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2016**

The Board next reviewed the draft operating budget for the fiscal year ending September 30, 2016, but deferred action on adopting same until the September meeting.

### **TAX ASSESSOR/COLLECTOR'S REPORT AND APPROVE PAYMENT OF BILLS**

Mr. Fortner next presented the tax assessor/collector's report for the month of July, a copy of which is attached. He reviewed the report, stating that as of July 2015, the District's 2014 taxes are 98.99% collected and the 2013 taxes are 99.70% collected. Mr. Fortner also presented checks nos. 2515-2518 for payment.

Following discussion on the tax assessor/collector's report, upon a motion made by Director Hlavenka and seconded by Director North, the Board voted unanimously to approve the tax assessor/collector's report and payment of the tax bills.

### **DELINQUENT TAX ATTORNEY REPORT**

Mr. Fortner distributed a report prepared by Perdue Brandon Fielder Collins & Mott for the Board's review. He noted that no action was required in connection with the accounts listed on the report.

### **OPERATOR'S REPORT**

Mr. Martin presented the operator's report for July 2015, a copy of which is attached to these minutes.

Mr. Martin then reviewed a joint water production and accountability report with the Board and reported that water accountability for the prior month was 91%.

Mr. Martin reported on repairs and maintenance at District facilities.

Mr. Martin next reported that Harris County Pollution Control ("HCPC") had issued a violation to the District because of the sanitary sewer overflow at the lift station. He stated that TOPS is preparing a response to HCPC that should be sufficient to avoid imposition of a fine.

Director Mendel then questioned a repair charge to the District for repair of a private water line. Mr. Martin explained that a contractor that was installing cable had broken the line which caused a drop in water pressure to the apartments nearby. He stated that TOPS made the repair to restore the water pressure. Director Mendel stated that the repair cost should not have been charged to the District since it was not a District line that was broken. Mr. Martin stated that they will back charge the contractor for the repair and reimburse the District for the cost.

Mr. Martin presented a proposal for a rate increase for operating services for the Board's review. Ms. Russell stated that the Board cannot take action until the September meeting when the matter is included on the agenda. The Board deferred action on same.

Mr. Martin then recommended that the Board consider turning over six accounts to collection totaling \$698.82.

Following discussion on the operator's report, upon a motion made by Director Schoelman and seconded by Director North, the Board voted unanimously to approve the operator's report and authorize the transfer of six accounts to collections.

### **CONDUCT HEARING ON TERMINATION OF WATER SERVICE TO DELINQUENT WATER AND SEWER ACCOUNTS AND AUTHORIZE APPROPRIATE ACTION**

The Board next considered termination of utility service to customers with delinquent accounts. Mr. Martin reported that the residents appearing on the termination list were given proper notice and the opportunity to be heard in order to explain, contest or correct the utility service bill and show reason why utility service should not be terminated for reason of nonpayment, all as required by the District's Rate Order and stated there were no appeals from residents.

Following discussion, a motion was made by Director Schoelman to terminate utility service to customers with delinquent accounts. Director North seconded the motion, which carried by unanimous vote.

### **ENGINEER'S REPORT**

The Board next reviewed the engineer's report, a copy of which is attached, including the following matters:

#### **Coating Repair of Water Plant No. 1's Ground Storage Tank and Hydropneumatic Tank**

Mr. Sharkey reported that The Trey Evans Co. (the "Contractor") has completed the recoating project and cured all previously observed deficiencies. He then recommended that the Board accept the Contractor's completed work at the contract price including all change orders.

## Emergency Generator at Water Plant No. 1

Mr. Sharkey informed the Board that the site survey is complete and the surveyor's drawing has been received for the generator project. He stated that it has been determined that the District can go with a 450 KW generator, but noted that Acclaim Energy is proposing a 625 KW. Mr. Sharkey stated that it appears that it will be more cost effective to install the smaller generator without the participation of Acclaim.

Mr. Sharkey then reported that he had reviewed the request for capacity in the amount of 4,000 gallons per day of water and sewer for a Stripes Convenience Store to be constructed on the corner of Gessner and Philippine and has no objections to the project. Ms. Russell presented a Utility Commitment Letter for the Store.

The Board then discussed the possibility of installing a generator at lift station no. 1. Mr. Sharkey stated that a 125 KW natural gas generator could be purchased for \$118,000 and a 100 KW diesel generator for \$109,000.

After discussion, Director North moved that the Board accept the engineer's report and accept the recoating contract as recommended by the District's engineer and the utility commitment letter for the Stripes Convenience Store. Director Schoelman seconded the motion and it carried unanimously.

## **BUILDING OFFICE MANAGER'S REPORT**

Director Hlavenka reported that she had met with a fencing contractor regarding the replacement or repair of the fence around the building. She stated that after meeting with the contractor, a decision was made that "hog wire" would not be the best option for the fence. Director Hlavenka presented a proposal for replacement of the fence with the same material as currently used and a metal fence. Director Mendel stated that he would prefer to repair the existing fence. The Board requested that Director Hlavenka get a proposal for repair of the fence and also repair of the gazebo and deferred action on the matter.

Ms. Lueb reported that someone crashed their vehicle into the marquee sign in front of the building. She suggested that as part of the repair of the sign that the address to the building be added to the sign. The Board agreed.

## **REPORT ON MATTERS DISCUSSED AT THE MEETING OF THE WHITE OAK BAYOU JOINT POWERS BOARD**

Director Mendel reported on matters discussed at the July meeting. He stated that there is a strong possibility that a case can be made to the TCEQ to remove the metals requirement from the permit. Director Mendel also reported that the installation of the new blowers at the plant should greatly reduce the electricity costs at the plant.

There being no further business to come before the Board, the meeting was adjourned.

Secretary, Board of Directors



**ATTACHMENTS**

bookkeeper's report .....1  
tax assessor/collector's report for the month of July .....2  
operator's report for July 2015 .....2  
engineer's report .....3