

## CLEAR LAKE CITY WATER AUTHORITY

900 Bay Area Boulevard • Houston, Texas 77058 • 281/488-1164  
• Fax 281/488-3400

August 5, 2013

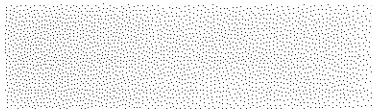
To: All Persons Interested in the Meeting of the Clear Lake City Water Authority Board of Directors:

Notice is hereby given that the Board of the Clear Lake City Water Authority will convene in Regular Session open to the public at 900 Bay Area Boulevard within such Authority at 7:00 p.m. on August 8, 2013 for the following purposes:

1. Approve or correct minutes of the July 18, 2013 Regular Meeting;
2. Approve or correct minutes of the July 25, 2013 Special Meeting;
3. Comments from the floor (5 minute limitation);
4. Consider and act upon a Privilege of Encroachment located at 2469 Bay Area Blvd. for a sign;
5. Receive and act upon a status update for Advisory Group follow-up;
6. Consider and act upon approving a name for the old golf course;
7. Consider and act upon approving an expenditure of \$3,000 to establish a tree nursery on site;
8. Consider and act upon selecting a Land Trust Agent for conservation easement on land;
9. Consider and act upon selecting an Attorney to prepare the conservation easement and related documents;
10. Consider and act upon accepting the Conservancy's (Advisory Group) Mission Statement;
11. Consider and act upon accepting the Conservancy's By-Laws;
12. Discuss and act upon the Waste Disposal Contract (El Carey);
13. Discuss and act upon the Water Supply Contract (El Carey);
14. Consider and act upon policy R&S-125 for returned checks and replacement check requests;
15. Consider and act upon policy Tax-130 for delinquent residential installment agreement;
16. Receive Tax Assessor/Collector Report ending July 31, 2013;
17. Consider and act upon Financial Report ending June 30, 2013;

18. Consider and act upon the Operating Disbursement's Report ending July 31, 2013;
19. Review and approve Pay Application No. 1 for Water Meter Replacement Program;
20. Review and approve Pay Application No. 3 & Final for Water System Phase 3 Rehabilitation;
21. Review and approve Pay Application No. 2 & Final for Water System Phase 4 Rehabilitation;
22. Review and approve Pay Application No. 2 for Sanitary Sewer Phase 55 Rehabilitation;
23. Review and approve Pay Application No. 5 for Storm Sewer Phase 23 Rehabilitation;
24. Authorization to advertise for construction bids for Lift Station No. 4 Gravity Discharge Line;
25. Authorization to advertise for construction bids for Lift Station No. 12 Rehabilitation;
26. Review and approve Change Order No. 2 for Lift Station No. 15 Rehabilitation;
27. Review and approve Pay Application No. 4 & Final for Lift Station No. 15 Rehabilitation;
28. Authorization to solicit bids for additional repairs to Lift Station No. 15;
29. Review and act upon the Engineer's Report and any matters pertaining to construction contracts;
30. Consider and act upon approval of the Capital Projects Disbursements;
31. Receive and act upon Attorney's Report;
32. Consider and act upon the Investment Summary ending June 30, 2013;
33. Receive General Manager's Report;
34. Old and New Business

Following the Board's consideration, and action if any, on the above items, the Board will adjourn from Regular Session and reconvene in Closed Session pursuant to §551.071 of the Government Code for the purpose of consulting with its attorney, pursuant to §551.072 of the Government Code to deliberate regarding real property and pursuant to §551.074 of the Government Code to discuss personnel matters.



James H. Byrd  
General Manager  
Clear Lake City Water Authority

(SEAL)



**CLEAR LAKE CITY WATER AUTHORITY**  
Board of Directors'  
Regular Meeting Minutes  
August 8, 2013

Regular Meeting

The Board of Directors of the Clear Lake City Water Authority convened in regular session open to the public at the regular meeting place in its office at 7:01 p.m. on August 8, 2013. Roll was called of the members:

Quorum Present

Mrs. Gayle Yoder, President;  
Mr. John Branch, Vice President;  
Mr. Robert T. Savely, Secretary;  
Mr. Vince Johnson, Director;  
Mr. Gordon Johnson, Director.

All were present except Mr. Vince Johnson.

Also present were:

Mr. James Byrd, General Manager;  
Mr. Bill Rosenbaum, Engineer;  
Mr. William Schweinle, Attorney;

(See visitor roster attached hereto as part of these minutes and identified as Exhibit A.)

1. Minutes of 07/18/13  
Regular Meeting  
Approved

Reading of the minutes of the July 18, 2013 meeting was waived due to all Directors having received copies prior to the meeting.

Thereupon, by motion duly made by Director Branch and seconded by Director G. Johnson, the Board voted unanimously to approve the minutes for the July 18, 2013 meeting.

2. Minutes of 07/25/13  
Special Meeting  
Approved

Reading of the minutes of the July 25, 2013 special meeting was waived due to all Directors having received copies prior to the meeting.

Thereupon, by motion duly made by Director Branch and seconded by Director G. Johnson, the Board voted unanimously to approve the minutes for the July 25, 2013 meeting.

3. Comments from the  
Floor

Mr. Tony Peszko, a resident of CLCWA, addressed the Board regarding his concerns about the Proposed Bond Issue #35. He also spoke to the Board and questioned CLCWA consultants about the flood policy and flood plains. Mr. Peszko would like the Authority to consider alternate plans proposed by other groups interested in the former golf course.

Ms. Suzy Allison addressed the Board and said she would like to remove any mistake or doubtful impression that the majority of the homeowners along the former golf course are not pleased with the proposed future of the former golf course. Most residents are satisfied and supportive. Mr. Allen Brown echoed these same views.

4. Privilege of Encroachment for a Sign at 2469 Bay Area Blvd.  
Approved

A request for a Privilege of Encroachment for the CVS Pharmacy Store #7286 at 2469 Bay Area Blvd for a sign was presented to the Board for review and approval. (Copy attached hereto as part of these minutes and identified as Exhibit B.)

Thereupon, by motion duly made by Director Savely and seconded by Director G. Johnson, the Board voted unanimously to approve the Privilege of Encroachment.
5. Update from the Advisory Group

Mr. Frank Weary reported to the Board and stated that 1,000 trees are being donated by Trees For Houston for Section 1. (Copy attached hereto as part of these minutes and identified as Exhibit C.)
6. Approval of a Name for the Old Golf Course  
Approved

Mr. Frank Weary led a discussion with the Board regarding naming of the former golf course. Exploration Green Conservancy is the proposed name, subject to change in the future.

Thereupon, by motion duly made by Director Branch and seconded by Director G. Johnson, the Board voted unanimously to approve the proposed name of Exploration Green Conservancy.
7. Approval to Spend \$3,000 to Establish a Tree Nursery  
Approved

Mr. Frank Weary led a discussion with the Board regarding an expenditure of \$3,000 to establish a tree nursery site on the Exploration Green Conservancy site. Soaker hose lines will be installed and volunteers will manage daily checks on the nursery. (Copy attached hereto as part of these minutes and identified as Exhibit D.)

Thereupon, by motion duly made by Director Savely and seconded by Director Branch, the Board voted unanimously to approve \$3,000 for a tree nursery on site for Exploration Green Conservancy.
8. Selection of Galveston Bay Foundation as a Land Trust Agent  
Approved

Mr. Frank Weary led a discussion with the Board on selecting a Land Trust Agent for conservation easement for Exploration Green Conservancy. Mr. Weary proposed negotiating with the Galveston Bay Foundation as a first choice, and if that did not work out, then go down the recommendation list in order. (Copy attached hereto as part of these minutes and identified as Exhibit E.)

Thereupon, by motion duly made by Director Savely and seconded by Director Branch, the Board voted unanimously to approve the Galveston Bay Foundation for negotiations as a Land Trust Agent as a first choice. If the Galveston Bay Foundation does not work out, the next recommendation on the list will be considered.
9. Thomas Kelsey for Attorney Hired to Prepare the Conservation Easement and Related Documents  
Approved

Director Savely presented a motion to hire attorney Thomas Kelsey to prepare the conservation easement and related documents for the Exploration Green Conservancy. Director Savely stated he has talked to several attorneys for references. Director Branch stated he would work with CLCWA's attorneys and Mr. Kelsey to ensure CLCWA's interests are protected.

Thereupon, by motion duly made by Director Savely and seconded by Director Branch, the Board voted unanimously to approve the motion to hire attorney Thomas Kelsey.
10. Exploration Green Conservancy's (Advisory Group) Mission Statement  
Approved

A Mission Statement for the Exploration Green Conservancy (Advisory Group) was presented to the Board for approval. (Copy attached hereto as part of these minutes and identified as Exhibit F.) The Mission Statement Summary is presented as follows:

The Exploration Green Conservancy is dedicated to creating, maintaining and operating the habitat restoration and recreation facilities within Exploration Green while concurrently supporting the use of the area for storm water detention in order to:

- Enhance the quality of life and outdoor experience for residents in the greater Bay Area;
- Provide abundant natural habitat areas for migrating and resident wild birds, butterflies and other appropriate wildlife;
- Create nature trails for hiking biking and pedestrian commuting, athletic fields, and other recreation areas;
- Create functioning wetlands, lakes and other water features; and
- Sponsor education efforts via area schools and other groups to enhance understanding of natural habitats, wildlife, environmental conservation, wetlands and storm water issues.

Thereupon, by motion duly made by Director Branch and seconded by Director Savely, the Board voted unanimously to approve accepting the Exploration Green Conservancy's Mission Statement, pending legal review and contracts.

11. Exploration Green Conservancy's By-Laws  
Approved

The Exploration Green Conservancy's By-Laws were presented to the Board for approval. (Copy attached hereto as part of these minutes and identified as Exhibit G.)

Thereupon, by motion duly made by Director Branch and seconded by Director G. Johnson, the Board voted unanimously to approve motion to accept the Exploration Green Conservancy's By-Laws, pending legal review and contracts.

12. Waste Disposal Contract (El Carey)  
Deferred

This item was deferred.

13. Water Supply Contract (El Carey)  
Deferred

This item was deferred.

14. Policy R&S-125 for Returned Checks and Replacement Check Requests  
Approved

Policy R&S-125 for returned checks and replacement check requests was presented to the Board for approval. (Copy attached hereto as part of these minutes and identified as Exhibit H.)

Thereupon, by motion duly made by Director Branch and seconded by Director Savely, the Board voted unanimously to approve Policy R&S-125.

An amended motion was immediately presented by Director Savely, and seconded by Director Branch, to change the allowable number of days for tax customers from 4 days to 5 days, subject to be ratified at the next Board Meeting. The Board voted unanimously to approve Policy R&S-125 with a change from 4 days to 5 days for tax customers, subject to ratification at the next Regular Board Meeting.

15. Policy Tax-130 for Delinquent Residential Installment Agreement  
Approved

Policy Tax-130 for delinquent residential installment agreement was presented to the Board for approval. (Copy attached hereto as part of these minutes and identified as Exhibit I.)

Thereupon, by motion duly made by Director Branch and seconded by Director Savely, the Board voted unanimously to approve policy Tax-130.

16. Tax Collector Report Received

Ms. Cumming presented a report of taxes collected and taxes outstanding as of July 31, 2013 for the Board's review. (Copy attached hereto as part of these minutes and identified as Exhibit J.)

Ms. Cumming reported that 842 Silverpines has 5 years of delinquent taxes and is set for a foreclosure sale on September 3, 2013.

17. Financial Report  
Approved
- The Financial Report ending June 30, 2013 was presented for the Board's approval. (Copy attached hereto as part of these minutes and identified as Exhibit K.)
- Thereupon, by motion duly made by Director Branch and seconded by Director G. Johnson, the Board voted unanimously to approve the Financial Report ending June 30, 2013.
18. Operating Disbursements Report  
Approved
- The Operating Disbursements Report ending July 31, 2013 was presented for the Board's approval. (Copy attached hereto as part of these minutes and identified as Exhibit L.)
- Thereupon, by motion duly made by Director Branch and seconded by Director Savely, the Board voted unanimously to approve the Operating Disbursements Report ending July 31, 2013.
19. Pay Application No. 1  
for Water Meter  
Replacement Program  
Approved
- Mr. Rosenbaum presented Pay Application No. 1 for Water Meter Replacement Program for the Board's review and approval. (Copy attached hereto as part of these minutes and identified as Exhibit M.)
- Thereupon, by motion duly made by Director Savely and seconded by Director G. Johnson, the Board voted unanimously to approve Pay Application No. 1 for National Metering Services for \$251,190.00.
20. Pay Application No. 3 &  
Final for Water System  
Phase 3 Rehabilitation  
Approved
- Mr. Rosenbaum presented Pay Application No. 3 & Final for Water System Phase 3 Rehabilitation for the Board's review and approval. (Copy attached hereto as part of these minutes and identified as Exhibit N.)
- Thereupon, by motion duly made by Director Savely and seconded by Director G. Johnson, the Board voted unanimously to approve Pay Application No. 3 & Final for Metro City Construction, L.P. for \$52,978.10.
21. Pay Application No. 2 &  
Final for Water System  
Phase 4 Rehabilitation  
Approved
- Mr. Rosenbaum presented Pay Application No. 2 & Final for Water System Phase 4 Rehabilitation for the Board's review and approval. (Copy attached hereto as part of these minutes and identified as Exhibit O.)
- Thereupon, by motion duly made by Director G. Johnson and seconded by Director Savely, the Board voted unanimously to approve Pay Application No. 2 & Final for Alcott, Inc. dba TCH for \$68,289.00.
22. Pay Application No. 2  
for Sanitary Sewer  
Phase 55 Rehabilitation  
Approved
- Mr. Rosenbaum presented Pay Application No. 2 for Sanitary Sewer Phase 55 Rehabilitation for the Board's review and approval. (Copy attached hereto as part of these minutes and identified as Exhibit P.)
- Thereupon, by motion duly made by Director Savely and seconded by Director Branch, the Board voted unanimously to approve Pay Application No. 2 for PM Construction & Rehab, LLC for \$48,870.23.
23. Pay Application No. 5  
for Storm Sewer Phase  
23 Rehabilitation  
Approved
- Mr. Rosenbaum presented Pay Application No. 5 for Storm Sewer Phase 23 Rehabilitation for the Board's approval. (Copy attached hereto as part of these minutes and identified as Exhibit Q.)
- Thereupon, by motion duly made by Director Savely and seconded by Director G. Johnson, the Board voted unanimously to approve Pay Application No. 5 for R.L. Utilities, Inc. for \$83,718.00.

24. Authorize Advertising for Construction Bids for Lift Station No. 4 Gravity Discharge Line  
Approved

Mr. Rosenbaum requested Board approval to authorize advertising for construction bids for Lift Station No. 4 Gravity Discharge Line to be funded through Bond Issue #31.

Thereupon, by motion duly made by Director Savely and seconded by Director Branch, the Board voted unanimously to approve advertising construction bids for Lift Station No. 4 Gravity Discharge Line.

25. Authorize Advertising for Construction Bids for Lift Station No. 12 Rehabilitation  
Approved

Mr. Rosenbaum requested Board approval to authorize advertising for construction bids for Lift Station No. 12 Rehabilitation to be funded through Bond Issue #33.

Thereupon, by motion duly made by Director Savely and seconded by Director Branch, the Board voted unanimously to approve advertising construction bids for Lift Station No. 12 Rehabilitation.

26. Change Order No. 2 for Lift Station No. 15 Rehabilitation  
Approved

Mr. Rosenbaum presented Change Order No. 2 for Lift Station No. 15 Rehabilitation for the Board's approval. (Copy attached hereto as part of these minutes and identified as Exhibit R.)

Thereupon, by motion duly made by Director Savely and seconded by Director G. Johnson, the Board voted unanimously to approve Change Order No. 2 for T&C Construction, Ltd. for \$6,960.71 and adding an additional 14 calendar days to the contract.

27. Pay Application No. 4 & Final for Lift Station No. 15 Rehabilitation  
Approved

Mr. Rosenbaum presented Pay Application No. 4 & Final for Lift Station No. 15 Rehabilitation for the Board's review and approval. (Copy attached hereto as part of these minutes and identified as Exhibit S.)

Thereupon, by motion duly made by Director Savely and seconded by Director G. Johnson, the Board voted unanimously to approve Pay Application No.4 & Final for T&C Construction, Ltd. for \$21,240.71.

28. Authorization to Solicit Bids for Additional Repairs to Lift Station No. 15  
Approved

Mr. Rosenbaum requested Board approval to solicit bids for additional repairs to Lift Station No. 15.

Thereupon, by motion duly made by Director Savely and seconded by Director G. Johnson, the Board voted unanimously to approve soliciting bids for additional repairs to Lift Station No. 15.

29. Engineer's Report

Mr. Rosenbaum presented a written status of projects for the Board's review and discussion. (Copy attached hereto as part of these minutes and identified as Exhibit T.)

Mr. Rosenbaum reported to the Board that a letter is being sent to the contractor, Mr. Schweinle, and the bonding company for the Lift Station #1 Rehabilitation project (see Engineering Report Item #8). Mr. Rosenbaum stated the project is almost complete but the lien holders need to be paid. Their last check is still being held because of lien notices CLCWA received. A future meeting with the bonding company is probable.

30. Capital Projects Disbursements  
Approved

The Capital Projects Disbursements Report was presented for the Board's approval. (Copy attached hereto as part of these minutes and identified as Exhibit U.)

Thereupon, by motion duly made by Director Branch and seconded by Director Savely, the Board voted unanimously to approve the Capital Projects Report in the amount of \$431,284.60.

31. Attorney's Report

A Special Meeting is set for August 13, 2013 at 12:15 p.m. for the \$21,000,000 Series 2013A Waterworks and Sewer System Combination Unlimited Tax and Revenue Bond Sale.

32. Investment Summary Approved

The Investment Summary ending June 30, 2013 was presented for the Board's approval. (Copy attached hereto as part of these minutes and identified as Exhibit V.)

Thereupon, by motion duly made by Director Branch and seconded by Director Savely, the Board voted unanimously to approve the Investment Summary ending June 30, 2013.

33. General Manager's Report

Mr. Byrd reported to the Board during Agenda Item #19 that the second Automatic Meter Reading notice was sent to customers in Phase 1.

Mr. Byrd updated the Board on the Sandalwood subdivision project that Mr. Raj Sayal is proposing for development. There is an issue regarding detention. Mr. Sayal originally applied for annexation in 2005 before the detention policy was in effect and he paid the \$10,000 annexation fee. The annexation failed and the remaining balance of the annexation fee was refunded to Mr. Sayal. Mr. Sayal recently approached CLCWA about getting the project started again but wants to be grandfathered under the previous detention requirements before September 2005. Since the annexation fee was refunded, the Board, consultants, and staff agree that the current Detention Policy will apply.

Mr. Byrd stated he will set up Budget and Insurance Committee meetings shortly with Director Branch and Director V. Johnson.

34. Old and New Business

Director G. Johnson inquired about where we stand with the City of Houston fixing storm sewer inlets. Councilmember Dave Martin has been unsuccessful in getting the City of Houston to cooperate. Director Branch is going to write a letter addressed to Mayor Annise Parker.

35. Meeting Adjourned

President Yoder declared the regular meeting adjourned at 9:05 p.m.

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President, Board of Directors  
CLEAR LAKE CITY WATER AUTHORITY

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Secretary, Board of Directors  
CLEAR LAKE CITY WATER AUTHORITY

(SEAL)

DATE APPROVED: September 12, 2013

