

Approval of Minutes
from
December 21, 2020
Board Meeting

**REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
LUMBERTON MUNICIPAL UTILITY DISTRICT**

The regular meeting of the Board of Directors of the Lumberton Municipal Utility District was held on Monday, December 21, 2020, at 6:30 p.m. via ZOOM Webinar pursuant to notice duly posted in accordance with the law. The following members of the Board were present:

David Pitchford

David Desormeaux

Nick Carter

Roger Smith

Jimmy Burk (absent)

Also participating in the meeting via ZOOM Webinar were Robb Starr, Benny Lewis and Carla Belt as employees of the District, Toby Davis and a representative of LJA Engineering, and Guy Goodson of Germer PLLC as legal counsel for the District.

Agenda Item No. 1: Prayer and Pledge. A quorum being present, the meeting was called to order, the prayer was led by Director Pitchford and the pledge was led by President Carter.

Agenda Item No. 2: Public Comments on Agenda Items. None.

Agenda Item No. 3: Minutes (Special Meeting). The Minutes of the October 6, 2020 special meeting were approved as presented.

Agenda Item No. 4: Minutes (Regular Meeting). The Minutes of the November 16, 2020 regular meeting were approved as presented.

Agenda Item No. 5: Final Approval – Woosley Palms Phase IV – 12 lots – Chuck King, owner.

The Board recognized Robb Starr who advised all documentation required for final approval of Woosley Palms, Phase IV, 12 lots had been received. After discussion and upon motion duly made

by Director Desormeaux and seconded by Director Pitchford, the Board unanimously provided final approval to Woosley Palms, Phase IV, 12 lots, Chuck King, owner.

Agenda Item No. 6: Construction Approval – 1119 South Main – 26 lots – MHCA Homeowner.

The Board had received a presentation on capacity for the proposed 26 lots at a previous meeting. Mr. Starr indicated all the infrastructure required for construction approval had been installed and tested. After discussion and upon motion duly made by Director Smith and seconded by Director Pitchford, the Board unanimously provided construction approval for 1119 South Main, 26 lots, MHCA, Homeowner.

Agenda Item No. 7: Capacity and Construction Approval – Main Street Vet – 438 South Main

– Dr. Jenna Hunter and Troy Hunter. It was noted there was no capacity study performed on this project due to the minimal impact as this was an existing building for which capacity and construction approval had previously been provided, and therefore no significant increase in sewer or water usage. After review and upon motion duly made by Director Smith and seconded by Director Desormeaux, the Board unanimously provided capacity and construction approval for Main Street Vet, 438 South Main Street, Dr. Jenna Hunter and Troy Hunter.

Agenda Item No. 8: Capacity and Construction Approval – Boudreaux Dental Care – 175 Lee

Street – Christy Boudreaux DDS. The Board recognized Robb Starr who again stated there was no capacity study associated with this agenda item as it also had a minimal impact, and there was existing use of this property. After discussion and upon motion duly made by Director Desormeaux and seconded by Director Pitchford, the Board provided unanimous capacity and construction approval for Boudreaux Dental Care, 175 Lee Street, Christy Boudreaux DDS, owner.

Agenda Item No. 9: Capacity and Construction Approval – Hooks Title – 240/250 Country Lane

– Fortis Investments, LLC. The Board again recognized Mr. Starr who indicated that a capacity

study was required on this property because this was new construction with a higher demand requirement with the developer requiring the installation of a 2” meter. The Board then recognized Toby Davis who reviewed the capacity study with the Board and concluded with the determination that there was adequate water well and storage capacity to meet TCEQ criteria for the existing connections and future development, and the proposed project for Hooks Title would not impact the District’s ability to meet its water demand requirements. Mr. Davis also reviewed the proposed commercial connection as to the sanitary sewer collection system facilities and concluded that the existing 6” sanitary sewer main on the south side of FM 124 had sufficient capacity to service this development, and the wastewater treatment plant was currently operating at 45% of its rate of capacity which would not significantly impact the District’s wastewater treatment capacity. After discussion and upon motion duly made by Director Smith and seconded by Director Pitchford, the Board unanimously gave capacity and construction approval for Hooks Title, 240/250 Country Lane, Fortis Investments, LLC.

Agenda Item No. 10: Final Approval – Lumberton MUD Application for Construction and Capacity Study. The Board then recognized Mr. Starr and Mr. Davis who provided a presentation concerning possible amendments to the District’s capacity study policy to allow the District to undertake more review and only require capacity approvals in situations where the proposed construction might significantly impact the system facilities in areas known to currently have higher capacity utilization. Mr. Starr also stated he would work to design appropriate parameters and fees for presentation and to update the Policy on capacity studies. The Board thanked Mr. Starr and Mr. Davis.

Agenda Item No. 11: Resolution 2020-5 – Lumberton MUD Pool Credit Policy. The Board received and reviewed the proposed Resolution 2020-5 providing a credit against wastewater charges

for filling of swimming pools by residents. After discussion and upon motion duly made by Director Pitchford and seconded by Director Smith, the Board unanimously approved Resolution 2020-5, Lumberton MUD Pool Credit Policy.

Agenda Item No. 12: 2020 Sanitary Sewer Overflow Initiative Agreement. The Board recognized Mr. Starr who reviewed in detail the previously concluded Sanitary Sewer Overflow Initiative Agreement between with Texas Commission on Environmental Quality (“TCEQ”). Mr. Starr noted the current proposed sanitary sewer overflow initiative under TCEQ Enforcement Case No. 54954 had been developed over a lengthy period of time, and it would result in the District providing more detailed inspection on its 67 lift stations. Mr. Starr noted specifically the provisions of the sanitary sewer overflow initiative and the requirements that had to be concluded within 30 days after the effective date of the Agreement which additional requirements the District would have to satisfy by December 31, 2021 and on an annual basis thereafter for a period of 4 years. Questions followed from the Board on the ability to satisfy the additional testing and evaluation regimens required by the SSO, and Mr. Starr stated he, Mr. Lewis and staff were confident that the District would be able to comply with the required additional system analysis and take all the corrective actions required under the SSO Agreement. The Board then reviewed the corrective action measures and milestones along with the timetable and the additional requirements which would include providing customers with information about the ongoing SSO Program. The Board reviewed the analysis of the District’s system that accompanied the SSO Report. After further discussion and upon motion duly made by Director Smith and seconded by Director Desormeaux, the Board unanimously approved and authorized execution of the 2020 Sanitary Sewer Overflow Initiative Agreement with the TCEQ.

Agenda Item No. 13: Reimbursement – Robb Starr – District Manager – Zoom Video Communication. The Board approved the reimbursement to Robb Starr for Zoom Video

Communication in the amount of \$115.48 upon motion duly made by Director Pitchford and seconded by Director Desormeaux.

Agenda Item No. 14: Manager's Report.

A. Presentation of Financial Statement and Accounts Payable. The Board recognized Carla Belt who reviewed financial statements and accounts payable in the amount of \$394,431.50. Ms. Belt then reviewed the budget year-to-date and noted that the accounts payable were down and the budget year-to-date noted current collections in excess of the budget of approximately \$31,500.00 with a budgeted income for the month of \$81,816.17. Ms. Belt also noted that the 2020 bond expenses were included in the budget. The Board then moved to a review of the 5-year to month averages and noted customer refunds were above normal. An adjustment for the District's wastewater treatment plant was also noted.

B. Presentation of Production Report and Operations Report. The Board then recognized Benny Lewis who presented the monthly Operations Report showing no exceedances and no failed samples. He also noted there were no injuries reported or lost time as well as noting the significant event of the manhole repair at Matthews Lane at Highway 96 which Mr. Starr stated would be covered in his report later. It was noted the overtime was down, and the Production Report stated a significant water loss of 23% which had to do with the meter reading times. Mr. Lewis also reported on monthly charts and graphs showing averages and pumpage comparatively on 5 and 10-year averages. It was noted the rainfall for the year was down approximately 30% from 2019 and was slightly below the average annual rainfall. Mr. Lewis closed with a review of customer usage profiles and presented the vehicle mileage and maintenance report along with the November 2020 log of complaint calls.

C. **Presentation of Current Projects.** Mr. Starr began with noting the emergency repair on the manhole at Matthews and Highway 69 and that the District had not exceeded its initial commitment to the contractor and to URETEK ICR Gulf Coast in the amount of \$16,000.00 for placement of up to 1600 pounds of foam material to try to seal and stabilize the Manhole. Mr. Starr gave a report on the project but noted this was a temporary repair, and the District would be looking in the future to a replacement of the manhole. Director Pitchford noted that in a recent trip near the repair site of the depression along the highway adjacent to the manhole but was not viewed as affecting vehicular traffic at the present time. Mr. Starr then provided an update on out-of-district services and while property owners who were outside of the District but had been paying in-District rates, had been given the opportunity to annex themselves from the District and pay out-of-District rates, but it appeared the majority would choose to just begin paying out-of-District rates with only the District to collaborate with the Hardin County Emergency Service District at its north station for possible annexation into the District. Mr. Starr then discussed along with a representative of LJA Engineering the plan to proceed with the mapping of its sewer system in the same manner it had initiated a water system mapping project. Mr. Starr moved to consideration of the updating of the subdivision standards policy and procedures and stated the proposed revisions would be provided to the Board. Mr. Starr then reviewed a report on District computer system network and cyber system and noted he would be taking quotes from current providers and others. Mr. Starr closed with a review of FEMA DR4332 and stated the design phase for electrical improvements was underway for the lift stations.

Agenda Item No. 15: Public Comments. None.

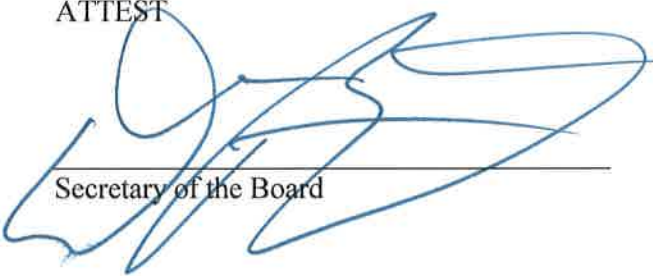
Agenda Item No. 16: Payment of Bills. After discussion and upon motion duly made by Director Pitchford and seconded by Director Smith, the accounts payable were approved for payment as presented.

Agenda Item No. 17: Adjournment. There being no further business, the meeting was adjourned at 7:52 p.m.



President of the Board

ATTEST



Secretary of the Board