

# BROOKSHIRE MUNICIPAL WATER DISTRICT

## MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

February 3, 2020

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in regular session on the 3<sup>rd</sup> day of February, 2020, at 6:00 p.m., in the meeting room of the District, 4004 6<sup>th</sup> Street, Brookshire, Texas, pursuant to notice of said meeting posted in accordance with Chapter 551 of the Texas Government Code, whereupon the roll was called of the members of the Board, to-wit:

Edith Penrice-Kelley	President
Albert Wilkins	Vice President
Stephanie Green	Investment Officer
Havanaugh Glover	Secretary
Victor Alardin	Assistant Secretary

All members of the Board were present. Also attending were: Dr. Herman Clay, PhD ("Engineer"); Steve Haskins of Protocol Bookkeeping, Inc. ("Bookkeeper"); Lonnie Wright of Municipal Operations and Consulting, Inc. ("Operator" or "MOC"); Mr. James Weishuhn of Weishuhn Engineering, Inc. ("Weishuhn"); Elliot M. Barner, attorney, of Radcliffe Bobbitt Adams Polley PLLC ("Attorney" or "RBAP"); Linda Guevara, employee of the District; and all persons on the attached Attendance Roster.

The President, after finding that the notice of the meeting was posted as required by law and determining that a quorum of the Board was present, called the meeting to order at 6:03 p.m. and declared it open for such business as may regularly come before it.

1. **Public Comment.**

The Vice President first opened the meeting to public comment. There being no public comments, the Vice President directed the Board to proceed with the agenda.

2. **Approve Minutes of Prior Meetings.**

The Board then considered approval of the minutes from the regular meeting of January 6, 2020. Upon a **motion** by Director Alardin, seconded by Director Green, after full discussion and with all Directors present voting aye, the Board approved the minutes from the regular meeting of January 6, 2020.

3. **Bookkeeper's Report.**

Mr. Haskins then presented the Bookkeeper's Report, a copy of which is available upon request. In response to a question from Director Alardin, Mr. Haskins explained the process of escheatment of checks to the State, in which funds from deposit accounts that are considered to be abandoned are remitted to the State.

In response to a question, Mrs. Pierre reported that Bruce Albright's fee for performing backflow prevention evaluations (the "Evaluations") for properties within the District increased from \$25 to \$45 per Evaluation, effective January 1, 2020.

Upon a **motion** by Director Wilkins, seconded by Director Green, after full discussion and with all Directors present voting aye, the Board approved the Bookkeeper's Report.

**4. Texas Water Development Board ("TWDB") Projects.**

Mr. Weishuhn next updated the Board on the water line replacement project that will replace asbestos clay water lines along Texas Farm-to-Market ("FM") 1489 and in a residential area north of U.S. Highway 90 and east of FM 362 (Project Information Form No. 12613) (the "Water Line Project"). Mr. Weishuhn reported that Weishuhn is 25%-30% complete with the design of such project. Mr. Weishuhn then stated that he and Mrs. Pierre have contacted six (6) of the seven (7) property owners from whom the District will need to acquire easements and that such owners have requested a form of easement agreement from the District. Mr. Weishuhn next requested direction from the Board regarding preparation of such form. Mr. Weishuhn added that he invited such owners along FM 1489 to attend tonight's meeting but that such owners are not in attendance, except for Sylvia Patton of the Brookwoods Community. In response to a question, Mr. Weishuhn explained that easements are needed for the Water Line Project because the drainage ditches between FM 1489, which is a right-of-way operated by the Texas Department of Transportation, and the construction area are narrow and do not allow enough space to install the water line. Extensive discussion then ensued regarding the Board's previous authorization on preparing easements for the Water Line Project being subject to ALL property owners agreeing such easements. Upon a **motion** by Director Green, seconded by Director Wilkins, after full discussion and with all Directors present voting aye, the Board authorized Mr. Barner to draft an easement agreement for the Water Line Project subject to the seventh (7<sup>th</sup>) affected property owner agreement. In response to question from Director Alardin, Mr. Weishuhn clarified that if such property owner declines to grant the District the proposed easement, then the water line will be installed within the FM 1489 right-of-way.

**5. Engineer's Report.**

Dr. Clay then presented the Engineer's Report, a copy of which is available upon request.

Director Wilkins exited the meeting at this time.

Dr. Clay presented the Capacity Report for Campbell Concrete's ("Campbell") service request for a proposed concrete ready-mix plant within the District. Dr. Clay requested the Board's approval of such report. Dr. Clay reported 12,000 gallons of water per day will be used to mix the concrete in such plant.

Directors Wilkins and Penrice-Kelley entered the meeting at this time.

Dr. Clay continued to present information related to Campbell's proposed plant and recommended the Board's approval of such the Capacity Report contingent on receipt of revised plans from Campbell. Upon a **motion** by Director Green, seconded by Director Wilkins, after full discussion and with four (4) Directors present voting aye, and Director Penrice-Kelley abstaining, the Board approved Campbell's service request, subject to the receipt of revised plans for the concrete plant.

Dr. Clay reminded the Board that the ground storage tank ("GST") project is funded by the Community Development Block Grant ("CDBG") received through the City of Brookshire (the "City") from the Texas Department of Agriculture. Dr. Clay reported that such project has been completed and that he is waiting to receive certain paperwork from the Texas Department of Agriculture in order to close out the project.

Regarding the Brookwood Community Project, Dr. Clay reminded the Board that one (1) of the easement agreements necessary for the construction of the sanitary sewer force main along 11<sup>th</sup> Street (the "11<sup>th</sup> Street Force Main") has been executed by the property owner and recorded in the Waller County Real Property Records. Dr. Clay further reminded the Board that the agreement for a second easement has been provided to the appropriate landowner but has not yet been executed. Mr. Barner then added that he and the attorney for such landowner had been communicating about some revisions to the letter agreement for granting the easement and that the easement should be received by the March 3, 2020 Board meeting.

Regarding the request for annexation by LTL Group ("LTL") for the Texas Greentech Business Park ("Texas Greentech"), Dr. Clay stated that he has provided all requested documents regarding such annexation to RBAP and that he believes that such annexation is in the Attorney's hands. Mr. Barner clarified that documents for such annexation had long been provided to LTL for execution and that Ms. Garza has follow up with LTL's representatives, but that LTL has been unresponsive.

Regarding the water line and hydrant on 10<sup>th</sup> Street (the "10<sup>th</sup> Street Water Line"), Dr. Clay reported that the City requires an eight-inch (8") water line to service the development, which includes an office warehouse. Dr. Clay reminded the Board that Waller County (the "County") has approved the plans that he submitted regarding the 10<sup>th</sup> Street Water Line. Dr. Clay explained that such water line will be owned by the District and that several outstanding issues need to be resolved, including who will inspect and maintain such water line. Dr. Clay reminded the Board that if the District intends to reimburse the developer for the installation of the 10<sup>th</sup> Street Water Line, a reimbursement agreement will need to be prepared and the project will have to be bid. Dr. Clay stated that the decision regarding reimbursement will need to be reviewed by the Engineer, Attorney, and developer for such project.

Dr. Clay then updated the Board regarding the status of the G-Tech Fire Line Project located at 35002 Cooper Road. Mr. Barner stated that he and Ms. Garza have researched options for monitoring usage and leaks on such line. In response to a question from Mr. Barner, Mr. Wright explained that such line should have a backflow leak detector installed, which would indicate whether water was flowing through such line.

Dr. Clay next reminded the Board that the District previously constructed a twelve-inch (12") force main paid for by the Royal Independent School District ("Royal ISD") and that such main is not being used to its full capacity. Dr. Clay recommended reconnecting the District's old eight-inch (8") sewer line and tying it into the existing twelve-inch (12") force main in order to use more of such main's capacity. In response to a question from Director Glover, Dr. Clay explained that Royal ISD receives \$200 per connections for all such connections north of Stella Road that use the force main.

In response to question from Mr. Wright regarding the lift station on Stella Road and its ability to pump flow, Dr. Clay stated that the pumpage capability of such lift station is yet to be determined and needs to be further reviewed by the Engineer and MOC.

Upon a motion by Director Glover, seconded by Director Penrice-Kelley, after full discussion and with all Directors present voting aye, the Board approved the Engineer's Report, including further review of the Stella Road's lift station capacity and sending additional flow through the force main.

**6. Update on General Manager's Review of Rate Order.**

The Board then discussed scheduling a special meeting to review the District's Rate Order. It was the consensus of the Board to hold such special meeting on Thursday, February 13, 2020, at 6:00 p.m.

**7. Discuss Buffer Zone Easement Around Wastewater Treatment Plant ("WWTP").**

Mr. Barner reported that RBAP have revised the existing buffer zone easement to ensure the District's has the authority to maintain the perimeter around the WWTP boundary and keep such boundary free of vegetation and other growth. Mr. Barner reminded the Board that it previously authorized RBAP to coordinate with the landowner of such buffer zone easement around the WWTP.

**8. Update Regarding Backflow Prevention Requirements, Including Status of Evaluations.**

Mrs. Pierre explained that she needs clarification regarding how the Board wants to proceed with enforcing the District's policies related to customers' backflow prevention assembly devices ("BFPA").

Mrs. Pierre then updated the Board regarding additional Evaluations performed by Mr. Albright.

Mr. Foster reported that the faucet located outside of Greater Mount Zion Missionary Baptist Church ("Mount Zion"), which was considered to be an irrigation system by the Texas Commission on Environmental Quality (the "TCEQ"), has been removed.

Ms. Shirley Williams next requested an update on her request for reimbursement from the District for the BFPA that she paid for to be installed on her single-family

residential property.

Mrs. Pierre reported that Mr. Albright has made recommendations as to whether or not certain customers are required to install a BFPA based upon the Evaluations that he conducts on such customers' property. Mr. Wright reminded that Board that Mr. Albright's Evaluations may include recommendations for installation of a certain type of BFPA known as a reduced pressure device, also known as a reduced pressure zone assembly devices ("RZPA"), which is expensive and requires annual inspection, but that not all properties will required a RZPA.

Upon a **motion** by Director Glover, seconded by Director Green, after full discussion and with four (4) Directors present voting aye and (1) voting nay, the Board approved reimbursement to Ms. Williams for installation of an RZPA.

**9. Operator's Report.**

The Operator's Report was then presented by Mr. Wright, a copy of which is available upon request.

Regarding the TCEQ's sanitary sewer overflow initiative ("SSO") program, Mr. Wright reminded the Board that the District submitted a plan to the TCEQ's Enforcement Division for incorporation into an agreement for the District's participation in such program.

Regarding the blow-off valve located adjacent to 605 Purdy Street, Mr. Wright reported the relocation of such valve is complete and the water line has been flushed.

Regarding MOC's standard process for detecting and repairing water line leaks, Mr. Wright reported that the equipment originally provided to MOC by the TCEQ was defective, and that new equipment has since been provided.

Mr. Wright then presented the Board with a proposed amendment to the District's contract with MOC. Mr. Wright reviewed the proposed rates and informed the Board that MOC proposes a 4.27% increase in such rates. Mr. Wright explained that the increase in MOC's fees is primarily due to changes in TCEQ regulations, which require MOC to expend more funds to obtain operator's licensing and work additional hours in order to comply with more stringent TCEQ regulations.

Upon a **motion** by Director Green, seconded by Director Glover, after full discussion and with all Directors present voting aye, the Board approved: 1) the Operator's Report; and 2) the proposed amendment to the District's contract with MOC.

Mrs. Pierre next explained that some of the District's flushing valves need to be painted, raised and repaired by MOC.

10. **Election Agenda.**

Mr. Barner reminded the Board that a directors election is scheduled to be held on Saturday, May 2, 2020 (the "Election"), and that such election would be for Directors Penrice-Kelley, Wilkins, and Alardin's positions, since such positions' terms of office were due to expire.


Mr. Barner next reported that RBAP has not yet received an Election Services Agreement from the County or a Joint Election Agreement from the County. Mr. Barner then discussed payment to the County for conducting of the joint election. Upon a **motion** by Director Green, seconded by Director Wilkins, after full discussion and with all Directors present voting aye, the Board approved: 1) the Election Services Agreement and Joint Election Agreement with the County, subject to review by Attorney; and 2) payment of a deposit to the County for conducting the joint election, contingent upon receipt and review by RBAP.

11. **Adjournment.**

There being no further business to come before the Board, the meeting was adjourned at 7:54 pm.

PASSED AND APPROVED on this 3 day of March, 2020.



  
Secretary, Board of Directors