

BROOKSHIRE MUNICIPAL WATER DISTRICT

MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

December 7, 2020

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in regular session on the 7th day of December, 2020, at 6:00 p.m., in the meeting room of the District, 4004 6th Street, Brookshire, Texas and via telephone conference call pursuant to Texas Government Code, Section 551.125, as amended, and as modified by the temporary suspension of various provisions thereof effective March 16, 2020, by the Governor of Texas (the "Governor") in accordance with the Texas Disaster Act of 1975, all as related to the Governor's proclamation on March 13, 2020, certifying that the COVID-19 pandemic ("COVID-19") poses an imminent threat of disaster and declaring a state of disaster for all counties in Texas; whereupon the roll was called of the members of the Board, to-wit:

Stephanie Green	President/Investment Officer
LaKethia Connor	Vice President
Shirley Williams	Secretary
Havanaugh Glover	Assistant Secretary
Michael Whitaker, Jr.	Director

All members of the Board were present, with Director Glover attending via telephone conference call, thus constituting a quorum. Also attending were Linda Guevara, employee of the District; Mike Dodson of AccessHealth; Eric Green, City of Brookshire Alderman; and all persons on the attached Attendance Roster. Also attending via telephone conference call were: Tonya Pierre ("General Manager"); Steve Haskins of Protocol Bookkeeping, Inc. ("Bookkeeper"); John Taylor of Municipal Operations and Consulting, Inc. ("Operator" or "MOC"); Dr. Herman Clay, PhD ("Engineer"); James Weishuhn of Weishuhn Engineering, Inc. ("Weishuhn"); Monica A. Garza, attorney, of Radcliffe Bobbitt Adams Polley PLLC ("Attorney" or "RBAP"); Mark Weldon of Wilson Engineering; Julian Kubeczka and Jeff Hartgrove of Four Seasons Development; Gary Bellomy of Town Builders;

The meeting was audio recorded by RBAP in compliance with requirements of the Texas Open Meetings Act.

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 6:01 p.m. and declared it open for such business as may regularly come before it.

1. Public Comment.

The President first opened the meeting to public comment. Mr. Green stated that he lives on Solomon Lane, near an area where townhomes are being constructed. Mr. Green further stated that part of Solomon Lane has been covered in mud and debris for approximately three (3) weeks, and while he has tried to have this issue addressed with the City of Brookshire (the "City"), he has become aware that it might constitute a Texas Commission on Environmental Quality ("TCEQ") violation. Mr. Green said he has not yet contacted the TCEQ.

There being no further public comments, the 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 November 2, 2020. A discussion ensued and it was the consensus of the Board to take no action on such minutes until such time as the newly elected Directors had an opportunity to review the audio recording of such meeting.

3. Update on Status of AccessHealth.

Mr. Dodson introduced himself as the CEO of AccessHealth and requested that the Board reconsider its previous decision to require AccessHealth to uncover the lines for an inspection pursuant to the District's Rate Order. Mr. Dodson stated that the clinic's opening would be significantly delayed, and it would cost AccessHealth approximately \$17,000.00 if the Board required them to uncover the lines for an inspection. Mr. Dodson requested that the District allow the inspection to be done by televising. Upon a **motion** by Director Connor, seconded by Director Williams, after full discussion and with four (4) Directors present voting aye and Director Glover abstaining, the Board approved the required inspection of AccessHealth's installed lines per the District's Rate Order to be performed via televised inspection at AccessHealth's expense. Director Glover requested that it be noted that the reason for his abstention is that the District's Rate Order clearly requires inspection of lines by the District prior to them being covered, and the District must enforce such requirements. Mrs. Pierre also recommended that the District require AccessHealth to pay for the televising of the line in full before providing water service.

4. Bookkeeper's Report.

Mr. Haskins then presented the Bookkeeper's Report, a copy of which is available upon request. Mr. Haskins noted that the majority of the over budget year-to-date items were due to maintenance and repairs that had been required in the field.

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

5. 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. 62829) (the "Water Line Project"). Mr. Weishuhn reported that the TWDB concurred in the award to Texas Pride, and that Weishuhn provided the proposed construction contract with Texas Pride to Mrs. Pierre for execution. Mr. Weishuhn stated that once the documents are executed by both parties, Weishuhn will provide the bonds and insurance to RBAP for review followed by a preconstruction meeting with all parties.

6. **Water Service for Storage Buildings.**

The Board next considered an issue with District residential water connections being used for commercial and food preparation purposes, contrary to the District's Rate Order. An extensive discussion ensued regarding how to identify illegal connections and how to enforce the Rate Order regarding illegal connections.

7. **Engineer's Report.**

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

Regarding the Brookwood Community Project, Dr. Clay reported that he expected to receive bids after January 1, 2021.

Regarding the Four Seasons Development at 3701 10th Street, Dr. Clay reminded the Board that it had previously approved the Capacity Report for the proposed project, which is for service to two (2) existing buildings that were previously served by a single tap, and that the Board decided that each building now requires its own meter pursuant to the District's Rate Order. Dr. Clay stated the developer is now requesting that each building be allowed to connect to the existing sewer line rather than each building having its own tap. Extensive discussion ensued regarding the District's Rate Order and Development Policies.

Upon a **motion** by Director Whitaker, seconded by Director Williams, after full discussion and all Directors present voting aye, the Board reiterated its previous approval of separate water and sewer connections for each building.

Dr. Clay next discussed the revised Capacity Report for the Fajardo Park project at 3607 12th Street. Dr. Clay stated the proposed development consists of both a commercial and residential building and that the estimated capital recovery fees for the project are \$896.45 for the commercial building and \$3,142.00 for the residential building. A discussion ensued regarding the details of the use of the development. In response to a question, Mr. Weldon stated that the project had been presented to the City for plat approval. Mr. Green stated City Council had not approved this project because the street would not support the projected activity. In response to a question from Mr. Weldon, Dr. Clay stated the developer paid the deposit and submitted plans for review by the District Engineer prior to the project being placed on the City Council agenda. The Board reached a consensus that it was premature to approve the capacity report for the Fajardo Park project prior to the City approving the plat for same.

Regarding a capacity report request for a residential expansion at 3802 Depot Street, Dr. Clay reported that the homeowner is requesting water and sewer service for a small shed on the back of the lot, for a toilet and sink only. The Board reached a consensus that if the City's permit for such expansion states that the permit is for storage only, then the owner needs to have the City permit revised to reflect water and sewer connections are requested before the Board will consider approval.

Regarding Performance Trucks, Dr. Clay explained that it was recently discovered there is a drain on the property that runs into an existing grease and sand trap that is supposed to go into the District's sanitary sewer system. Dr. Clay further explained that said drain was exposed so that

rainwater was draining off of the concrete slab where trucks are pressure washed and potentially cross-contaminating the District's sanitary sewer system. Dr. Clay recommended that the District take steps to make sure the drain is protected from rainwater to preserve needed capacity in the District's sanitary sewer system. Dr. Clay agreed with the solution proposed by Performance Trucks to extend the roof over the area where the drain is located. Upon a **motion** by Director Whitaker, seconded by Director Williams, after full discussion and all Directors present voting aye, the Board accepted the proposal of Performance Trucks to extend the roof over the exposed drain.

8. Operator's Report.

Mr. Taylor presented the Operator's Report, a copy of which is available upon request.

Mr. Taylor discussed the progress of sealing manholes in ditch areas within the District, noting that this was part of the ongoing Sanitary Sewer Overflow Initiative program facilitated by the TCEQ, in which the District is participating. Mr. Taylor requested approval for rehabilitation of seven (7) manholes in the first month at a cost not to exceed \$125.00 per linear foot.

Mr. Taylor then updated the Board regarding ongoing repairs to fire hydrants within the District, noting that only one (1) repair remains to be completed.

9. Development Matters.

The Board returned to the matter discussed by Mr. Green during the public comments portion of the meeting. Mr. Taylor stated that the District's responsibility is water, sewer and drainage, and that maintenance of the road is likely the responsibility of the City. Mr. Taylor stated he can recommend that the developer of such project install silt fencing at the development site to reduce the flow of mud and debris onto the roadway.

10. Approve Holiday Incentive for District Staff.

Mrs. Pierre recommended that the Board authorize a holiday incentive for current District employees. Discussion ensued regarding the amount of holiday incentive. Upon a **motion** made and amended by Director Connor, seconded by Director Williams, after full discussion and all Directors present voting aye, the Board approved a holiday incentive payment of \$150 to full-time District employees and \$25 to part-time contract employees, subject to review by the District's attorney and auditor.

11. Approval of Training, Conferences, or Committee Meetings.

Mrs. Pierre reported that the I-10 Chamber of Commerce has been holding virtual meetings, and asked Board members to notify her if they are interested in attending.

12. **Authorize Eminent Domain Reporting Compliance pursuant to Texas Government Code, Section 2206.151-157, as amended.**

Ms. Garza then reported that RBAP will file the required annual eminent domain report on behalf of the District pursuant to Texas Government Code, Section 2206.151-157, as amended. Ms. Garza explained that the report includes information related to the District's authority to exercise its power of eminent domain and must be filed by no later than February 1st of each year. Upon a motion by Director Connor, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board voted unanimously to authorize RBAP to file the required annual eminent domain report pursuant to Texas Government Code, Section 2206.151-157, as amended.

13. **Review 2021 Annual Agenda.**

Ms. Garza presented the 2021 Annual Agenda to the Board.

14. **Authorize Manhole Repairs.**

Ms. Garza requested that the Board return their attention to the Operator's Report and if the Board so chooses, authorize the manhole repairs as requested by Mr. Taylor. Upon a **motion** by Director Whitaker, seconded by Director Connor, after full discussion and all Directors present voting aye, the Board authorized the manhole repairs as discussed by Mr. Taylor, at an approximate cost of \$8,750.00.

15. **Additional Items.**

Mrs. Pierre reported that a leak had been discovered on Bostick Street. Mrs. Pierre stated that the District was unable to isolate the line and will have to insert a valve to do so. Mrs. Pierre stated that the leak is currently affecting two (2) structures.

16. **Adjournment.**

There being no further business to come before the Board, the meeting was adjourned at 8:42 pm.

PASSED AND APPROVED on this 4th day of January, 2021.


Secretary, Board of Directors