

**BROOKSHIRE MUNICIPAL WATER DISTRICT**  
**MINUTES OF BOARD OF DIRECTORS REGULAR MEETING**

**December 5, 2022**

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in regular session on the 5<sup>th</sup> day of December, 2022, 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:

Stephanie Green	President
LaKethia Connor	Vice President
Erin Jackson	Secretary
Shirley Williams	Investment Officer
<i>Vacant</i>	Director

All members of the Board were present, thus constituting a quorum. Attending in person were Tonya Pierre ("General Manager"); John Taylor of Municipal Operations and Consulting, Inc. ("Operator" or "MOC"); Steve Haskins of Protocol Bookkeeping, Inc. ("Bookkeeper"); James Weishuhn of Weishuhn Engineering, Inc. ("Weishuhn"); Monica A. Garza, attorney, of Radcliffe Bobbitt Adams Polley PLLC ("Attorney" or "RBAP"); Randall Liska of MASN Apartments ("MASN"); Vinod Kikani and Tony Lewis of Twin Lakes, LLC ("Twin Lakes"); and Vic Morsbach of Morsbach General Contractors ("Morsbach"). Also attending via telephone was Dr. Herman Clay, PhD ("Engineer").

The President, after finding that 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 6:00 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. There being no 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 7, 2022. Upon a **motion** by Director Connor, seconded by Director Jackson, after full discussion and with all Directors present voting aye, the Board approved the minutes from the regular meeting of November 7, 2022, as presented.

**3. Bookkeeper's Report.**

Mr. Haskins then presented the Bookkeeper's Report, a copy of which is available upon request. Mr. Haskins reviewed the District's budget for the Fiscal Year Ending ("FYE") August 31, 2023 and the year to-date expenses incurred by the District.

Mr. Haskins next expressed concern regarding the amount of revenue earned by the District each month as compared to the District's monthly expenditures. Mr. Haskins explained that water usage decreases at this time of year. Mr. Haskins further stated that the District's revenue for the previous month increased slightly as compared to last year due to the increase in the District's water and wastewater rates implemented within the past year.

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

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

Regarding 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 ("Highway 90") and east of FM 362 (Project Information Form No. 62829) (the "Water Line Project"), Mr. Weishuhn reported that the Water Line Project remains approximately 89% complete. Mr. Weishuhn further reported that Texas Pride Utilities, LLC ("Texas Pride") was unable to perform any field work last month until the TWDB approved Change Order No. 3 for the Water Line Project, which involved connecting certain segments of recently constructed water line to the District's existing water system and connecting certain service lines to such water lines. Mr. Weishuhn reported that the TWDB approved such change order on November 22<sup>nd</sup>.

Mr. Weishuhn then reported that a tapping sleeve and valve were installed at Cooper Street and Highway 90. Mr. Weishuhn further reported that a new water line crossing beneath the railroad and Highway 90 was connected to the District's existing facilities.

Dr. Clay entered the meeting at this time.

Mr. Weishuhn next reported that Texas Pride is prepared to commence work near Kinney Street and Highway 90; however, leaks in District lines located in such area prevented Texas Pride from proceeding with such work. Mr. Weishuhn stated that the repair of such damaged lines is not within the scope of work included in the Water Line Project. Mr. Weishuhn further reported that MOC is on-site to determine whether any valves are present that will allow the damaged lines to be isolated.

Mr. Weishuhn then reported that pursuant to Change Order No. 3 for the Water Line Project, the anticipated substantial completion date for such project is January 15<sup>th</sup>.

#### **5. Engineer's Report.**

Dr. Clay then presented the Engineer's Report.

Dr. Clay reminded the Board that the Brookwood Community Project consists of two (2) separate construction contracts, one (1) of which is a contract for construction of the force main and the pipe bursting work (the "Force Main and Pipe Bursting Project"). Dr. Clay further reminded the Board that the Force Main and Pipe Bursting Project is complete. Dr. Clay reported that the second (2<sup>nd</sup>) contract is for the lift station improvements. Dr. Clay further reported that

the construction of the lift station improvements is delayed until certain electrical equipment is delivered to the contractor. Dr. Clay stated that such equipment is expected to be delivered in March 2023.

Dr. Clay then updated the Board regarding MASN's development located at FM 1489 and South Street. Dr. Clay reminded the Board that MOC located an abandoned District wastewater line within such development and must locate the endpoints and pressure test such line to determine whether such line can be utilized to serve MASN. Mr. Taylor reported that MOC located the endpoints, but is waiting to receive an additional deposit due from the developer before pressure testing such line.

Dr. Clay next presented a Capacity Report for a commercial development located within the District at 4130 Fifth Street. Dr. Clay reported that such development was previously used as a dental office and will now be used as general office space by Morsbach. Dr. Clay stated that such development was constructed in 1994, which is prior to the District's implementation of an impact fee. Dr. Clay further stated that he does not recommend that the District assess an impact fee against Morsbach since there will be no change in the land use of the property. Upon a **motion** by Director Connor, seconded by Director Jackson, after full discussion and with all Directors present voting aye, the Board approved the Capacity Report for Morsbach.

**6. Update on Financing Agreement Between the District and Riverway Properties for Riverwood Farms ("Riverwood").**

Ms. Garza then reminded the Board that the Financing Agreement for the proposed 173-acre 500-lot single-family residential development of Riverwood cannot be finalized until certain concerns are resolved regarding the available capacity in the District's Wastewater Treatment Plant ("WWTP"). Ms. Garza reminded the Board that Maple Development Group, LLC ("Maple") previously requested water and wastewater service to a proposed 155-acre 500-home single-family residential project; however, the District does not have capacity in its WWTP to serve both Riverwood and Maple. Dr. Clay stated that Maple indicated that they intend to withdraw their request for service from the District. Upon a **motion** by Director Connor, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board authorized RBAP to send a letter to Maple regarding their request for service from the District.

**7. Update on Letter Agreement for Twelve-inch (12") Water Line at 1818 FM 362.**

Next, Ms. Garza reminded the Board that Twin Lakes previously requested the District's preliminary approval of the plat, as required by the City of Brookshire, for a 104-acre tract of land to be developed by Twin Lakes. Ms. Garza explained that Twin Lakes intends to install a detention pond on such property in order to comply with Waller County's drainage requirements and to account for planned future development on the site. Ms. Garza reminded the Board that Dr. Clay previously reported that the District has a ten-inch (10") water line located within the proposed detention pond which will have to be relocated and upsized to a twelve-inch (12") water line along the perimeter of Twin Lakes' property. Ms. Garza reported that RBAP is preparing an agreement

between the District and Twin Lakes regarding the relocation of such water line and enlargement of such line to a twelve-inch (12") water line.

Dr. Clay exited the meeting at this time.

#### **8. Operator's Report.**

Mr. Taylor then presented the Operator's Report, a copy of which is available upon request. Mr. Taylor reported that a total of 24,243,000 gallons of water was pumped from the District's wells from September 15, 2022 through October 16, 2022.

Mr. Taylor next reported that the District's WWTP operated at 31% capacity during the month of October. Mr. Taylor further reported that 8,904,400 gallons of influent was treated at the WWTP during the previous month. Mr. Taylor went on to report that last month, the District's average daily flow was 296,813 gallons per day ("gpd") and the peak daily flow was 591,600 gpd.

Mr. Taylor then reported that a hole developed last week in the discharge pipe at the lift station near the KOA campground. Mr. Taylor further reported that such lift station continues to operate following the installation of a steel full-circle pipe to reroute the flow of influent. Mr. Taylor went on to report that the discharge pipe cannot be repaired and must be replaced. Mr. Taylor explained that complete rehabilitation of the lift station would cost in excess of \$100,000.00; however, he located a refurbished lift station for sale for approximately \$24,000.00. Mr. Taylor stated that the cost to install such lift station is approximately \$12,000.00. Mr. Taylor reminded the Board that the District's budget for the FYE August 31, 2023 includes \$25,000.00 for the installation of a grinder pump at the WWTP and recommended reallocating such funds in order to purchase and install the refurbished lift station. Mr. Taylor stated that if the damaged lift station is not replaced, MOC will be required to wet haul the influent twice per day at a cost of \$600.00 to \$800.00 per haul.

Mr. Weishuhn exited the meeting at this time.

Director Green suggested that the Board authorize MOC to purchase the refurbished lift station, but to delay installation of same until the damaged lift station is no longer operational. Mr. Taylor explained that installation of the new lift station will take several weeks to complete. The Board directed Mr. Taylor to coordinate with the seller of the refurbished lift station to inquire about the arrangement of a deposit and payment plan for the purchase of such lift station.

Mr. Taylor then updated the Board regarding the status of repairs to certain District fire hydrants and manholes.

Next, Mr. Taylor then reminded the Board that MOC recently performed inspections of the District's water wells and provided the inspection report to Dr. Clay.

#### **9. Update on Status of Letters to Customers Regarding Smoke Testing Results.**

Mrs. Pierre reminded the Board that the District previously conducted smoke testing on its wastewater lines in order to address certain deficiencies in its wastewater collection systems, and it was determined that damaged cleanout caps are the primary source of infiltration into such

system. Mrs. Pierre reported that RBAP provided her with a letter to be distributed to customers whose cleanout caps are in need of repair. Mrs. Pierre stated that such letters were mailed to residential customers on December 2<sup>nd</sup>. Mrs. Pierre further stated that such letters notify customers that if their cleanout caps are not replaced within 30 days, a door tag will be hung on such customers' door and such customers' service will be subsequently terminated if damaged cleanout caps are not replaced. A discussion ensued and it was the consensus of the Board not to terminate service to noncompliant customers, but instead to authorize MOC to replace such damaged caps and charge the cost for replacement to such customers pursuant to the District's Rate Order.

**10. Discuss Rescheduling January's Regular Board Meetings.**

Mrs. Pierre explained that both of the regular Board meetings in January 2023 fall on District holidays. A brief discussion ensued and it was the consensus of the Board to reschedule the regular Board meetings in January 2023 to January 10, 2023 and January 17, 2023 at 6:00 p.m.

Mrs. Pierre next reminded the Board that the District office will be closed in observance of the Christmas and New Year holidays on December 23<sup>rd</sup> through 27<sup>th</sup> and December 30<sup>th</sup> through January 2<sup>nd</sup>.


**11. Adjournment.**

There being no further business to come before the Board, the Board meeting was adjourned at 6:45 p.m.

PASSED, APPROVED and ADOPTED this the 10 day of January, 2023.

(DISTRICT SEAL)



  
Secretary, Board of Directors