

BROOKSHIRE MUNICIPAL WATER DISTRICT
MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

August 1, 2022

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in regular session on the 1st day of August, 2022, at 6:00 p.m., in the meeting room of the District, 4004 6th 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
Michael Whitaker, Jr.	Assistant Secretary
Shirley Williams	Investment Officer

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"); Dr. Herman Clay, PhD ("Engineer"); Steve Haskins of Protocol Bookkeeping, Inc. ("Bookkeeper"); Elliot M. Barner, attorney, of Radcliffe Bobbitt Adams Polley PLLC ("Attorney" or "RBAP"); Immanuel Prasad, Randall Liska and Arash Fallahi of MASN Apartments; and Heather Guillen of Walter P. Moore Engineering.

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 6:03 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 meetings of June 27, 2022 and July 11, 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 meetings of June 27, 2022 and July 11, 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 August 31, 2022 and the year to-date expenses incurred by the District.

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. Discuss Reliability Advantage Program with Acclaim Energy Ltd. ("Acclaim").

Mrs. Pierre explained that Acclaim could not attend the meeting and recommended that discussion on this item be postponed until the August 15, 2022 Board meeting.

5. 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 and east of FM 362 (Project Information Form No. 62829) (the "Water Line Project"), Mrs. Pierre reported that she met with Weishuhn Engineering, Inc. ("Weishuhn") today regarding such project and that Weishuhn informed her the Water Line Project is 89% complete and should be complete by August 9th. Mrs. Pierre explained that the remaining work to be completed involves connecting certain segments of recently construction water line to the District's existing water system and connecting certain service lines to such water line. Mrs. Pierre went on to report that she is coordinating with Weishuhn and Texas Pride regarding disruption in water service to certain areas of the District during the reconnection of such service lines in order to provide affected customers with advance notice of such disruption. Mrs. Pierre further reported that Texas Pride has requested that it be allowed to begin making such reconnections tomorrow, August 2nd, which would provide customers with less than 24-hour notice of a disruption in water service instead of the 72-hour notice that the District typically requires from contractors when water service will be interrupted. A discussion ensued and it was the consensus of the Board that Texas Pride provide customers with at least 72-hour notice that such customers will experience a water service disruption. Mrs. Pierre stated that she will communicate the Board's decision to Texas Pride.

6. Engineer's Report.

Dr. Clay then presented the Engineer's Report.

In response to a question regarding the Brookwood Community Project ("Brookwood Project"), Mr. Barner reminded the Board that Dr. Clay previously reported two (2) portions of such project are complete: construction of the 11th Street Force Main and the pipe bursting work. Mr. Barner then explained that he recommends that such projects be formally accepted by the District as such acceptance typically triggers the commencement of the one (1)-year warranty period.

Mrs. Pierre then asked Dr. Clay about how the requirement that the contractor on the Lift Station Upgrades portion of the Brookwood Project install Grundfos submersible pumps at both lift station locations affects acceptance of the project.

Dr. Clay and Mr. Barner explained that the construction contract for the Lift Station Upgrades is unrelated to the contracts for the 11th Street Force Main and pipe bursting. A brief

discussion ensued and it was the consensus of the Board to table acceptance of the 11th Street Force Main and pipe bursting portions of the Brookwood Project until the Board's September 6th meeting.

Next, Dr. Clay updated the Board the on the status of the Capacity Report for service to Off Lease Only ("OLO"), a used vehicle detailing shop to be located at 1926 FM 362, which is being developed by Spirit Realty LP. Dr. Clay reminded the Board that shortly prior to the Board's July 11th meeting, OLO submitted a revised application for service. Dr. Clay stated that he is still reviewing such application and is not yet ready to present a revised Capacity Report.

Dr. Clay then reminded the Board that Jefferson Triangle Marine Company ("Jefferson") owns the vacant tract of land on Interstate 10 adjacent to the Flying J Travel Center. Dr. Clay further reminded the Board that Jefferson requested that the District extend the water and wastewater lines running along the north side of Interstate 10 in order to serve future developments located on such tract since such lines currently do not extend across the entire length of Jefferson's tract. Dr. Clay reported that Jefferson has not responded to his comments to Jefferson's plans for such tract.

Dr. Clay next reminded that Board that Roland 5, LLC ("Roland") owns 3.25 acres of land located at Interstate 10 and Solomon Lane. Dr. Clay further reminded the Board that Roland is requesting that the District approve Roland's subdivision plat, which separates such land into two (2) separate tracts. Dr. Clay explained that he is still waiting for Roland to provide the District with a survey of such property and plans showing the water meters, sanitary sewer cleanouts and manholes located on such property to ensure that each new tract has its own water and wastewater lines.

Dr. Clay then reported that Sutherland Pipe & Supply submitted a request for service to an office building located at 4212 5th Street, which is owned by Cessac, LLC ("Cessac"). Dr. Clay further reported that the Capacity Report for such development was approved at the Board's May 4, 2020 meeting. Dr. Clay stated that the impact fee of \$1,637.42 was previously paid to the District by Cessac and that there is no action needed by the Board on this item.

Dr. Clay next presented the Capacity Report for the MASN Apartments ("MASN") located at FM 1489 and South Street. Dr. Clay explained that the District does not have the wastewater capacity to serve such development due to its location within the District and explained that there are three (3) options for constructing improvements to resolve the wastewater capacity limitation, which are: 1) enlarging the existing ten-inch (10") wastewater line to twelve inches (12"); 2) redirecting flow from the Solomon Lane Force Main to a nearby eight-inch (8") gravity wastewater line and constructing a new force main; and 3) redirecting flow from the Alley Force Main to a nearby ten-inch (10") gravity wastewater line and a twelve-inch (12") force main. Extensive discussion ensued regarding the cost and estimated completion date of each option. Dr. Clay explained that Option No. 3 requires confirmation that such force main actually exists because the District has not been able to confirm its location in the past. In response to a question from Mr. Liska, Dr. Clay explained that the most time-consuming part of constructing such improvements, regardless of the chosen option, is obtaining permits from the Texas Department of Transportation.

Director Connor exited the meeting at this time.

Mr. Prasad then stated that in his opinion, Option 3 presents the best solution for the District and MASN, although Dr. Clay has not yet determined whether such option is feasible considering the uncertainty of the existence of the twelve-inch (12") force main.

Director Connor re-entered the meeting at this time.

In response to a question about how to confirm the existences of such force main, Mr. Taylor discussed various methods of locating such main, including engaging a professional line locating company. In response to a question regarding the cost of engaging a line locating company to determine the existence of such force main, Mr. Taylor stated that the estimated cost for such work is approximately \$2,000 for eight (8) hours' worth of work. Further discussion ensued and it was the consensus of Mr. Prasad and the Board that Mr. Prasad pay for the line locating work in order to determine the existence of the twelve-inch (12") force main.

7. Update on Land Use Assumptions, Capital Improvements Plan and Impact Fees.

Director Green reminded Mrs. Pierre and Dr. Clay that they previously stated they would provide the Board with recommendations for individuals to serve on the District's Capital Improvements Advisory Committee. Mrs. Pierre updated the Board regarding her search for eligible candidates to serve on such committee. Mr. Barner then reminded the Board and Mrs. Pierre that no less than 40% of such committee members must be comprised of members of the community. Mrs. Pierre stated that she will provide the Board with list of eligible candidates so that the Board may review prior to the September 6th Board meeting.

Dr. Clay and Mrs. Pierre 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 21,363,000 gallons of water was pumped from the District's wells from May 15, 2022 through June 16, 2022.

Mr. Taylor next reported that the District's Wastewater Treatment Plant ("WWTP") operated at 40% capacity during the month of June. Mr. Taylor further reported that 11,704,400 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 390,147 gallons per day ("gpd") and the peak daily flow was 505,000 gpd.

Mr. Taylor then reported that MOC is currently repairing a leak located on one of the District's water main lines. Mr. Taylor further reported that since MOC began such repair, one (1) additional leak occurred in a District water line.

Mr. Taylor next reported that he located an available submersible grinder that can be installed at the lift station located at the District's WWTP to reduce the size of debris entering the WWTP so that the bar screen does not need to be repaired as often. Mr. Taylor further reported that the cost of such grinder is \$25,000 and added that such price is reasonable. It was the consensus of the Board to table further discussion regarding such grinder at this time.

Mrs. Pierre re-entered the meeting at this time.

Mr. Taylor then updated the Board regarding the status of street repairs within the District and circulated photographs of the same.

Mr. Taylor next updated the Board regarding the status of repairs to certain District fire hydrants and manholes. In response to a question from Director Connor regarding the frequency of the dead-end blowout flushing of water lines performed by MOC, Mr. Taylor explained that such flushing is performed monthly, as required by the Texas Commission on Environmental Quality (the "TCEQ"), and the District's hydrants are inspected annually.

Director Whitaker exited the meeting at this time.

Director Connor stated that several fires have recently occurred in vacant homes throughout the District and requested that MOC and Mrs. Pierre ensure that the District's fire hydrants are operable. A brief discussion ensued regarding the use of the District's flushing valves as fire hydrants for fire-fighting purposes and the color-coding of such valves so that firefighters are aware of the amount of pressure available from such valves. Mrs. Pierre explained that a majority of the District's hydrants are color coded as "red," which indicates a water flow capacity of less than 500 gallons per minute.

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

9. Amend Emergency Preparedness Plan ("EPP").

Mr. Taylor next reported that MOC submitted a proposed revised EPP to the TCEQ for review. Mr. Taylor explained that the District's EPP was revised to decrease the priority of generator installation at the Cooper Road Water Plant and to demonstrate that a generator is not necessary at the Love's Travel Stop.

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

Mr. Barner then reminded the Board that RBAP previously provided a 3rd draft of the Financing Agreement for the Board to review. Mr. Barner stated that such draft included the minor revisions recently made to such agreement in order to address comments previously received from Dr. Clay and Riverway.

11. Review Matters Involving Administration/Personnel.

Next, Mr. Barner reminded the Board that RBAP sent a letter on behalf of the District to the City of Brookshire (the "City") requesting the scheduling of a joint meeting with the City Council and the Board to discuss development policies and procedures and funds received by the City through the Coronavirus State and Local Fiscal Recovery Funds Program.


12. Adjournment.

There being no further business to come before the Board, the Board meeting was adjourned at 7:12 p.m.

PASSED, APPROVED and ADOPTED this the 6th day of September, 2022.

(DISTRICT SEAL)




Secretary, Board of Directors