

BROOKSHIRE MUNICIPAL WATER DISTRICT

MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

November 1, 2021

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in regular session on the 1st day of November, 2021, 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
Shirley Williams	Secretary
Havanaugh Glover	Assistant Secretary
Michael Whitaker, Jr.	Investment Officer

All members of the Board were present, except Directors Green and Glover, thus constituting a quorum. Also attending were Tonya Pierre ("General Manager"); Linda Guevarra, employee of the District; John Taylor of Municipal Operations and Consulting, Inc. ("Operator" or "MOC"); Dr. Herman Clay, PhD ("Engineer"); Barbara Weishuhn and Kevin Lillie of Weishuhn Engineering, Inc. ("Weishuhn"); Steve Haskins of Protocol Bookkeeping, Inc. ("Bookkeeper"); Monica A. Garza, attorney, of Radcliffe Bobbitt Adams Polley PLLC ("Attorney" or "RBAP"); Mayor Darrell Branch, City of Brookshire (the "City"); Michael Foley and John Santasiero of Riverway Properties; and all persons on the attached attendance roster.

The Vice 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 6:01 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. Ms. Tonya Woods, a District resident, introduced herself to the Board and explained that she is voicing her opposition to the construction of a new office-warehouse building at 4714 South Street which will be a pesticide company. Ms. Woods stated that such building/business is located in an entirely residential area. Ms. Woods further stated that she believes the City has halted such development and she would like the Board to be aware of this. Ms. Woods stated she believes the City previously issued a permit to the developer of such development; however, the City's approval was withdrawn when the application for such development was presented to the City Council due to the City's zoning regulations.

There being no further 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 October 4, 2021. Upon a **motion** by Director Whitaker, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board approved the minutes from the regular meeting of October 4, 2021, 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 Fiscal Year Ending August 31, 2022 and the year to-date budget items related to maintenance and repairs. Mr. Haskins noted that the amount of funds contained in the District's general operating fund is decreasing, which is cause for concern. Mr. Haskins noted that the items related to maintenance and repairs are over budget.

Upon a **motion** by Director Whitaker, 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 Projects.**

Ms. 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"). Ms. Weishuhn reported that the water lines on Third Street are ready to be pressure tested. Ms. Weishuhn further reported that Weishuhn held a meeting on October 13th with Texas Pride Utilities, LLC's ("Texas Pride"), the contractor for such project, regarding repairing damage to the District's water lines caused by Texas Pride. Ms. Weishuhn went on to report that Texas Pride has hired Ms. Elizabeth Camacho to replace the previous project manager who was overseeing the Water Line Project.

Discussion then ensued regarding the items remaining to be completed on the Water Line Project. Ms. Weishuhn explained that no new water lines were installed last month; however, such project is still projected to be completed on schedule. In response to a question from Director Connor, Ms. Weishuhn reported that Mr. Lillie provided two (2) reports during the past month and she will be sure such reports are provided to Mrs. Pierre.

5. **Update on Matters Related to Compliance with the Sanitary Sewer Overflow Initiative Program.**

Mr. Taylor reported that Magna Flow Environmental ("Magna Flow") has not provided a report to MOC regarding the status of smoke testing the District's sanitary sewer lines. Mr. Taylor further reported that Magna Flow is preparing its report relating to such smoke testing.

6. **Update on Status of Conversion to a Municipal Utility District.**

The Board then discussed the status of and process for conversion of the District from a water control and improvement district to a municipal utility district (the "Conversion"). It was

the consensus of the Board to table further discussion regarding such matter until the November 15th Board meeting.

7. 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 24,102,000 gallons of water was pumped from the District's wells from August 16, 2021 through September 15, 2021.

Mr. Taylor next reported that the District's wastewater treatment plant ("WWTP") operated at 52% capacity during the month of September. Mr. Taylor further reported that 15,710,000 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 506,774 gallons per day ("gpd") and the peak daily flow was 969,800 gpd.

Mr. Taylor then reported that, pursuant to the Board's request, he discussed with Mrs. Pierre the process for following up on service repair calls that are performed by MOC after-hours and on weekends.

Next, Mr. Taylor discussed the District's water lines that were damaged by Texas Pride during the Water Line Project. Mr. Taylor reported that he compiled a list of all such damaged water lines and the cost expended by the District and MOC to repair same. Mr. Taylor further reported that he will provide Mrs. Pierre with invoices for the cost of such repairs, the amount of which will be included in a change order and deducted from the final amount owed by the District to Texas Pride for the work performed on such project.

Mrs. Pierre entered the meeting at this time.

Mr. Taylor then reported that the auto-dialer was replaced at the Water Plant on Velasco Street.

Mr. Taylor next reported that the District's large clarifier is damaged and will be taken out of operation later in the week. Mr. Taylor further reported that the small clarifier will remain in use during such time.

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

8. Review Rate Order.

Mrs. Pierre recommended that the Board consider amending the District's Rate Order to clarify that private water wells and septic systems are prohibited within the District, except unless otherwise approved by the Board. Mrs. Pierre also recommended requiring inspections of water and sewer taps where new construction is occurring on a property that had existing water and sewer connections. Mrs. Pierre reported that she is coordinating with RBAP regarding preparing proposed language regarding same.

9. **Update on Status of Meeting with City and Brookshire-Katy Drainage District ("BKDD") to Review Development Procedures.**

Mrs. Pierre reported that she and Director Green attended a meeting with representatives from the City and the BKDD regarding each entity's requirements for approval of development applications. Mrs. Pierre further reported that the entities agreed to revisions of certain documents so that all entity's development process are consistent. Mrs. Pierre went on to report that the City intends to provide its Certificate of Occupancy to Director Green for review.

10. **Discuss and Possible Action to Allow the Board President to Contact the City Regarding the American Rescue Plan Funding.**

Mrs. Pierre then explained that Director Green is requesting authorization from the Board to reach out to the City on behalf of the District regarding grants available through the American Rescue Plan Fund. Upon a **motion** by Director Whitaker, seconded by Director Williams, after full discussion and all Directors present voting aye, the Board authorized Director Green to make an inquiry to the City regarding grants available to the District through the American Rescue Plan Fund.

Dr. Clay entered the meeting at this time.

11. **Approve Training, Conferences, or Committee Meetings.**

Mrs. Pierre then reported that the Texas Rural Water Association is conducting a series of Emergency Preparedness Plan Workshops in various cities throughout Texas over the next two (2) months. Mrs. Pierre further reported that the Region H Water Planning Group will hold a meeting open to the public on November 3rd in Conroe, Texas. Upon a **motion** by Director Williams, seconded by Director Whitaker, after full discussion and all Directors present voting aye, the Board authorized Director attendance at such conferences and meetings.

12. **Engineer's Report.**

Dr. Clay presented the Engineer's Report.

Dr. Clay next updated the Board regarding the status of the Brookwood Community Project and reminded the Board that such project will consist of two (2) separate construction contracts; 1) a contract for construction of the force main and the pipe bursting work, and 2) a contract for the lift station improvements. Dr. Clay further reminded the Board that it previously authorized awarding the contract for the lift station improvement work to Tidal Construction, LLC ("Tidal"). Dr. Clay reported that he is coordinating with Tidal regarding the execution of such contract. Dr. Clay further reported that he will hold a pre-construction meeting with Tidal next week.

Dr. Clay then presented a Capacity Report for a proposed 2.8841-acre townhome development to be located on Stella Road, known as the Brookvista Townhomes. Dr. Clay reported that an impact fee of \$53,414.00 will be due from the developer. Dr. Clay explained that the application submitted by the developer proposes that the streets contained within such development will be privately owned, with the District's utility lines installed beneath such streets. Dr. Clay then recommended that the District serve such development through a master meter and

that the utility lines located within such development be owned and maintained by the developer. Ms. Garza suggested that the Capacity Report should be updated to include language regarding the developer's ownership of such utilities, or alternatively, that RBAP prepare an agreement between the District and developer regarding ownership of such utilities. Upon a **motion** by Director Whitaker, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board approved the Capacity Report for the Brookvista Townhomes, subject to coordination between RBAP, Dr. Clay and the developer regarding ownership and maintenance of the utility lines located within such development.

Dr. Clay next presented a Capacity Report for a proposed 10.342-acre townhome development to be located at Stella Road and FM 362, known as the Brookview Townhomes. Dr. Clay explained that such development is located outside the boundaries of the District; therefore, such tract will need to be annexed into the District prior to receiving service. Dr. Clay reported that an impact fee of \$173,784.00 will be due from the developer. Dr. Clay explained that the application submitted by the developer proposes that the streets contained within such development will be privately owned, with the District's utility lines installed beneath such streets. Dr. Clay then recommended that the District serve such development through a master meter and that the utility lines located within such development be owned and maintained by the developer. Ms. Garza suggested that the Capacity Report should be updated to include language regarding the developer's ownership of such utilities, or alternatively, that RBAP prepare an agreement between the District and developer regarding ownership of such utilities. Upon a **motion** by Director Whitaker, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board: 1) approved the Capacity Report for the Brookview Townhomes, subject to coordination between RBAP, Dr. Clay and the developer regarding ownership and maintenance of the utility lines located within such development; and 2) authorized RBAP to prepare the necessary documentation for annexation of such land into the District.

Dr. Clay then presented a Capacity Report for a proposed office-warehouse to be located at 814 FM 1489. Dr. Clay reported that the impact fee due from the applicant is \$87,442.61. Dr. Clay reported that it is noted in the Capacity Report that several revisions are required to be made to the developer's drawings and plans in order to comply with certain District policies. Upon a **motion** by Director Whitaker, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board approved the Capacity Report for the office-warehouse to be located at 814 FM 1489, subject to revision of the drawings and plans by the developer of such project.

Next, Dr. Clay discussed the proposed residential development of Riverwood Farms. Dr. Clay recommended that he meet with Mrs. Pierre, Director Green and RBAP to discuss the feasibility of such development. Mr. Santasiero requested that if the Board is not yet able to approve a Capacity Report for the entire development, that the Board approve service to a small section of homes within such development. Mr. Santasiero explained that the developer's purchase of the property where such small section will be located is scheduled to close on November 11th. It was the consensus of the Board that Dr. Clay will meet with Mrs. Pierre, Mr. Taylor and RBAP regarding the feasibility of such development, and that Dr. Clay will subsequently meet with the developer regarding same.

Dr. Clay then reviewed the Capacity Report for the proposed expansion of a parking lot at 35011 Cooper Road, which was presented to the Board at the October 4th meeting. Dr. Clay then reported that the developer, J&L Trucking, is only requesting water service for such development. Dr. Clay further reported that he confirmed the location of such proposed development. A brief discussion then ensued regarding the location of the water meter for such development. Upon a **motion** by Director Whitaker, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board approved the Capacity Report for the proposed parking lot expansion at 35011 Cooper Road.

Dr. Clay next presented a Capacity Report for a proposed office-warehouse to be located at 4714 South Street. Dr. Clay reported that such development will be owned by Life After Bugs, LLC, a pest control company, and will be used to store chemicals. Director Whitaker reminded the Board that based on Ms. Woods' comments earlier in the meeting, it is possible the City may not issue a permit to such developer due to the City's zoning regulations. Ms. Garza then reminded the Board that the only question presented for their consideration is a request for water and sewer service for such development, subject to receipt of all necessary permits from the City, and that the District has no authority over zoning ordinances. Director Connor stated that the developer submitted a deposit to the District and followed the District's procedures for requesting water and sewer service. Director Connor recommended that the District approve such request for service, but requested that Dr. Clay delay further work regarding such development until the developer secures all necessary permits from the City and other applicable entities. Upon a **motion** by Director Whitaker, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board approved the Capacity Report for proposed office-warehouse to be located at 4714 South Street.

13. Executive Session.

Pursuant to Chapter 551 of the Texas Government Code, Subchapter D, of the Open Meetings Act, specifically Sections 551.071 and 551.076 relating to matters of attorney-client privilege and security matters, the Vice President called the Executive Session to order at 7:31 p.m. to discuss security matters related to the District's Emergency Response Plan (the "ERP") pursuant to the America's Water Infrastructure Act. Present for the executive session were all Directors present, Mrs. Pierre, Mr. Taylor, and Ms. Garza.

The Vice President reconvened the meeting in open session at 8:00 p.m.

Upon a **motion** by Director Whitaker, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board authorized MOC to certify completion of the ERP to the U.S. Environmental Protection Agency on behalf of the District.

14. Adjournment.

There being no further business to come before the Board, the Board meeting was adjourned at 8:01 p.m.

PASSED, APPROVED and ADOPTED this the 6 day of December, 2021.

Shirley Williams
Secretary, Board of Directors

(DISTRICT SEAL)

