

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

**May 1, 2023**

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in regular session on the 1<sup>st</sup> day of May, 2023, 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 were Tonya Pierre ("General Manager"); John Taylor of Municipal Operations and Consulting, Inc. ("Operator" or "MOC"); Steve Haskins of Protocol Bookkeeping, Inc. ("Bookkeeper"); Dr. Herman Clay, PhD of Clay & Leyendecker, Inc. ("Engineer") via telephone; James Weishuhn of Weishuhn Engineering, Inc. ("Weishuhn"); Elliot M. Barner and Meredith C. King, attorneys, of Radcliffe Adams Barner PLLC ("Attorney" or "RAB"); Vinod Kikani of Twin Lakes, LLC ("Twin Lakes"); Anil Sharma of DMZ Property, LLC ("DMZ"); and Isaiah Collins 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 6:07 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 Meeting.**

The Board then considered approval of the minutes from the regular meeting of April 3, 2023. Upon a **motion** by Director Williams, seconded by Director Jackson, after full discussion and with all Directors present voting aye, the Board approved the minutes from the regular meeting of April 3, 2023, 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 noted that

during the past month, the District's expenses exceeded its revenue due to the fact that the City of Brookshire (the "City") had not deposited certain checks sent to the City by the District for solid waste collection services provided to property owners within the District.

Mr. Haskins next presented to the Board the Quarterly Investment Report for the second (2<sup>nd</sup>) quarter of the FYE August 31, 2023. Mr. Haskins explained that Director Williams, as the District's Investment Officer, reviewed such report and executed the same.

Upon a **motion** by Director Connor, seconded by Director Williams, after full discussion and with all Directors present voting aye, the Board approved: 1) the Bookkeeper's Report, as presented; and 2) the Quarterly Investment Report for the second (2<sup>nd</sup>) quarter of the FYE August 31, 2023.

Mr. Weishuhn entered the meeting at this time.

**4. Compliance with the Sanitary Sewer Overflow ("SSO") Initiative Program.**

Mr. Taylor then reminded the Board that as part of the District's participation in the Texas Commission on Environmental Quality's ("TCEQ") SSO Program, the TCEQ requires that the District address certain deficiencies in its wastewater collection systems by certain annual deadlines. Mr. Taylor reported that by September 1, 2023, the District is required to complete a televised evaluation of certain portions of such system and to complete 30% of the repairs needed to such portions. Mr. Taylor further reported that by such date, the District is also required to begin a televised evaluation of certain other portions of such system. Mr. Taylor went on to report that the District is also required to repair ten (10) of the District's manholes. Mrs. Pierre stated that several manhole repairs are scheduled to be completed soon, and such repairs will be documented for inclusion in MOC's report to the TCEQ regarding the District's compliance with the SSO Program.

**5. Engineer's Report.**

Dr. Clay then presented the Engineer's Report.

Dr. Clay first updated the Board regarding the status of the lift station improvements for the Brookwood Community Project. Dr. Clay reminded the Board that construction of such improvements is being delayed until certain electrical equipment is delivered to the contractor. Dr. Clay then reported that because there is not a manhole located near the lift station, the contractor will need to install a temporary sanitary sewer bypass system in order to complete such lift station improvements.

Dr. Clay then presented a Capacity Report for service to a multi-tenant warehouse located at 505 Bains Street. Dr. Clay explained that Concorde Chemical & Supply ("Concorde") will be renting a unit in such warehouse to store janitorial supplies. Dr. Clay then stated that he does not recommend that the District assess an impact fee against Concorde since the warehouse was constructed before the District began assessing impact fees and there will be no change in the land use of the property. Dr. Clay noted that if Concorde uses more water than was requested in their service application, the District can assess an impact fee at that time. Dr. Clay next reminded the Board that the District's Rate Order requires that users located in strip-shopping

centers install one (1) meter per business unit, unless otherwise approved by the Board. Dr. Clay reported that this multi-tenant warehouse is served by a single master meter and added that the expense to install a meter in each business unit would be cost prohibitive to the developer.

Dr. Clay then reminded the Board that DMZ is requesting approval from the District for the proposed replat of a 12.609-acre tract of land known as The Reserves at Brookshire. Dr. Clay explained that the purpose of such replat is to separate the single tract into one (1) multi-family lot and one (1) commercial lot. Dr. Clay further explained that DMZ was previously instructed to depict the District's easements in the plat; however, DMZ requested that the District first provide documentation evidencing the construction of District facilities within such easements. Dr. Clay reported that following approval of such plat, he will perform a review of the developer's land plan to ensure it does not conflict with the requirements contained in the plat.

Upon a **motion** by Director Connor, seconded by Director Jackson, after full discussion and with all Directors present voting aye, the Board: 1) accepted the Engineer's Report; and 2) approved the Capacity Report for Concorde including approval of the master meter serving such development.

**6. Twin Lakes Development on Texas Farm-to-Market ("FM") 362, including Approval of Water Line Easements and Sanitary Sewer Easements.**

Mr. Barner reminded the Board that Twin Lakes is installing a detention pond on its property in order to comply with the drainage requirements set forth by Waller County (the "County") and the Brookshire-Katy Drainage District and to account for planned future development on the site. Mr. Barner further reminded the Board that it previously approved two (2) Water Line Easements and two (2) Sanitary Sewer Easements for the utilities to be installed on Twin Lakes' property; however, two (2) additional easements are necessary to extend the District's facilities located on such property along FM 362. Mr. Barner then presented to the Board two (2) Water Line and Sanitary Sewer Easements.

Upon a **motion** by Director Jackson, seconded by Director Connor, after full discussion and with all Directors present voting aye, the Board approved the Water Line and Sanitary Sewer Easements, subject to finalization by RAB.

Dr. Clay and Mr. Kikani exited the meeting at this time.

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

Regarding the water line replacement project that will replace asbestos clay water lines along 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 is approximately 93% complete.

Mr. Weishuhn reported that Texas Pride Utilities, LLC ("Texas Pride") continues to be unable to make connections of the new water lines to certain areas of the District's water distribution system because they have been unable to isolate the old lines. Mr. Weishuhn

reported that Weishuhn coordinated with MOC to attempt to locate hidden valves through an excavation process called potholing. Mr. Weishuhn further reported that no valve was located on Fourth Street; however, it was determined that the existing water line along such street can be isolated by closing the main line valves on Stella Road and Kinney Street. Mr. Weishuhn went on to report that a valve was located on Cooper Street, which will allow Texas Pride to make connections of the new water lines to the District's water distribution system on such street. Mr. Weishuhn noted that Inserta-valves will not be necessary to make such connection; however, water pressure in such area will decrease while such connection is being made. Mr. Weishuhn stated that he will provide the District's office with advanced notice regarding the commencement of such work so that the District may notify affected customers. Mr. Weishuhn then reported that no valve was located at Depot Street and FM 359. Mr. Weishuhn further reported that the existing asbestos clay water line on Kinney Street is not in operation at this time due to valves on Stella Road being closed and added that such line should be abandoned. Mr. Weishuhn next reported that an undocumented valve was located at Stella Road and Robin Street, which should allow the new water line on Robin Street to be connected to the District's water distribution system without the use of an Inserta-valve.

Mr. Weishuhn then noted that two (2) valves located at Cooper Street and First Street and at Cooper Street and Depot Street must be operated in reverse in order to open and close the water lines.

Next, Mr. Weishuhn reported that a certain District customer requested that Texas Pride repair the damage to his yard caused by Texas Pride during the Water Line Project.

Mr. Weishuhn then reminded the Board that the substantial completion date for the Water Line Project was January 15<sup>th</sup>. Mr. Weishuhn explained that the remaining work to be completed on such project involves 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 further explained that completion of such project is being delayed because isolation valves were unable to be located in various areas of the District, which is preventing Texas Pride from being able to complete work in such areas without disconnecting water service to the entire District. Mr. Weishuhn reported that Weishuhn is preparing Change Order No. 4, which includes the addition of calendar days in the contract for the Water Line Project. Mr. Weishuhn stated that such project is expected to be complete in approximately two (2) to three (3) months.

Mr. Weishuhn then noted that the District's geographic information system ("GIS") maps will need to be updated following the completion of the Water Line Project. Mrs. Pierre stated that she will obtain a proposal from BIS Consulting for the updating of such GIS maps.

Next, Mr. Weishuhn reminded the Board that in March, on behalf of the District, Weishuhn submitted a Project Information Form to the TWDB for funds for the improvement of the District's wastewater collection system and expansion of the wastewater treatment plant ("WWTP").

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 20,442,000 gallons of water was pumped from the District's wells from February 16, 2023 through March 15, 2023. Mr. Taylor further reported that six (6) water line leaks were repaired last month.

Mr. Taylor next reported that the District's WWTP operated at 32% capacity during the month of March. Mr. Taylor further reported that 9,241,800 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 308,060 gallons per day ("gpd") and the peak daily flow was 719,600 gpd.

Mr. Taylor then reported that Horizon Distributors, Inc. submitted a deposit to the District for the installation of an irrigation line. Mr. Taylor further reported that a valve was located beneath the asphalt on 11<sup>th</sup> Street and that such valve will be opened tomorrow.

Mr. Taylor then updated the Board regarding the failure of the District's lift station located near the KOA campground. Mr. Taylor reminded the Board that it previously approved the excavation of the existing lift station site and purchase and installation of a refurbished lift station pursuant to the terms of four (4)-month payment plans for the same. Mr. Taylor reported that the auto-dialer was installed on such lift station and added that the project is ready to be closed out.

Mr. Taylor then updated the Board regarding the status of street repairs within the District. Mr. Taylor reported that MOC is in the process of repairing a section of FM 1489 following the repair of a District force main.

Mr. Taylor next reminded the Board that Weisinger Incorporated previously televised the interior of the failing well at Water Plant No. 3 and determined that the necessary repairs will cost approximately \$131,198.00. Mr. Taylor then reported that he obtained three (3) additional written proposals for such repairs and stated that the lowest proposal was submitted by C&C Water Services ("C&C") in the amount of \$121,270.00. Mr. Taylor further reminded the Board that it previously declared an urgent public necessity in order to repair such well as soon as possible.

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

Upon a **motion** by Director Connor, seconded by Director Jackson, after full discussion and with all Directors present voting aye, the Board: 1) accepted the Operator's Report, as presented; and 2) approved C&C's proposal for the repair of the well at Water Plant No. 3 in the amount of \$121,270.00.

Next, Mr. Montgomery reported that the District has approximately \$818.00 of unclaimed property on file with the Texas Comptroller ("Comptroller"). Mrs. Pierre stated that she will coordinate with the Comptroller's office to claim such property on behalf of the District.



Mrs. Pierre then reported that she will provide Director Green with a cost estimate for the repair of several water line leaks throughout the District, including the repair of a line on FM 1489.

Mr. Sharma entered the meeting at this time.

**9. Approve Distribution of 2022 Drinking Water Quality Report.**

Mr. Taylor next presented the 2022 Drinking Water Quality Report, formerly the Consumer Confidence Report (the "CCR"), a copy of which is available upon request. Mr. Barner explained the process for distributing the CCR to customers pursuant to the requirements of the Environmental Protection Agency and the TCEQ. Mr. Barner stated that a direct URL link to such CCR must be included in customers' water bills in order to comply with such requirements. Upon a **motion** by Director Connor, seconded by Director Jackson, after full discussion and with all Directors present voting aye, the Board authorized preparation and distribution of the CCR, subject to the General Manager and Attorney's review of the same.

**10. Annexation of Off Lease Only, LLC ("OLO") Development.**

Mr. Barner then updated the Board regarding the request for service by OLO, a used vehicle detailing shop to be located at 1926 FM 362, which is being developed by Spirit Realty LP. Mr. Barner reminded the Board that such development is located outside the boundaries of the District and will need to be annexed prior to receiving service from the District. Mr. Barner then presented to and reviewed with the Board a letter of intent to annex such property, a Petition for Annexation of Land and a Petition for City Consent to Annex Land, copies of which are available upon request. Upon a **motion** by Director Connor, seconded by Director Jackson, after full discussion and with all Directors present voting aye, the Board: 1) approved the letter of intent to annex; 2) accepted the Petition for Annexation of Land; and 3) approved the Petition for City Consent to Annex Land.

**11. Directors' Reports.**

Director Conner noted that the County is celebrating its 150<sup>th</sup> anniversary with various community events. Director Green added that as part of such celebration, a time capsule will be buried and reopened in 50 years and suggested that the District consider contributing an item to such time capsule.

Mr. Collins then introduced himself to the Board as an engineer working on behalf of OLO.

**12. Adjournment.**

There being no further business to come before the Board, the Board meeting was adjourned at 7:06 p.m.

PASSED, APPROVED and ADOPTED this the 5<sup>th</sup> day of June, 2023.

(DISTRICT SEAL)



  
Secretary, Board of Directors