

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

**July 6, 2023**

The Board of Directors (the "Board" or "Directors") of Brookshire Municipal Water District (the "District") met in regular session on the 6<sup>th</sup> day of July, 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"); Keith Arrant and Javier Hernandez of Municipal Operations and Consulting, Inc. ("Operator" or "MOC"); Dr. Herman Clay, PhD of Clay & Leyendecker, Inc. ("Engineer"), via telephone; James Weishuhn of Weishuhn Engineering, Inc. ("Weishuhn"); Michael Foley of Riverway Properties; Meredith King, attorney, of Radcliffe Adams Barner PLLC ("Attorney" or "RAB"); and all persons on the attached attendance roster.

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 6:01 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.

Ms. Donna Fricke introduced herself to the Board as a customer of the District and explained that on March 15, 2023, she sold a commercial property that she owned within the District. Ms. Fricke stated that she requested that the District transfer the account for such property to the new owner's name. She was told by the District's staff to request termination of service to such property, but she does not want to leave the tenants of the property without water and wastewater service. Ms. Fricke further stated that she was informed that the District's Engineer must review the change in ownership of the property and recommend that the Board transfer ownership of such account.

Next, Ms. Fricke reported that she owns a residential property within the District that she recently sold. Ms. Fricke further reported that no one has occupied such residence since May 2022; however, last month her water bill was approximately \$500.00. Ms. Fricke stated that there is not a water leak on such property and added that she was in the property on June 14, 2023, and she did not find any water running at that time. Ms. Fricke further stated that the new owners have not moved into the property yet. The Board advised Ms. Fricke to speak to the District's General

Manager regarding her water bill. Mrs. Pierre stated that the District will reread such meter and test such meter to verify that it is functioning properly. Mrs. Pierre then explained the process for new development within the District, including change of ownership of an existing development, and stated that the new owners of the commercial property and the residential property need to schedule meetings with Mrs. Pierre and the Engineer to establish water and wastewater service in their names for their respective properties.

There being no further 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 June 5, 2023. Upon a **motion** by Director Jackson, seconded by Director Connor, after full discussion and with all Directors present voting aye, the Board approved the minutes from the regular meeting of June 5, 2023, as presented.

**3. Bookkeeper's Report.**

The Board stated that the Directors previously reviewed the Bookkeeper's Report, a copy of which is available upon request.

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 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 then reported that several old water lines were isolated and disconnected from the District's water distribution system. Mr. Weishuhn reported that Texas Pride Utilities, LLC ("Texas Pride") made several connections of the new water lines to certain areas of the District's water distribution system, including at Fourth Street and Cooper Street, Fourth Street and First Street, Stella Street and Briarbrook Street, and at FM 1489 and Interstate 10. Mr. Weishuhn reminded the Board that MOC previously attempted to locate hidden valves through an excavation process called potholing and added that they drilled 11 potholes. Mr. Weishuhn reported that Texas Pride is willing to perform additional potholing at a cost of \$300.00 per pothole. Mr. Weishuhn stated that Weishuhn will prepare a change order for the additional potholing work. Mr. Weishuhn further stated that sufficient funds remain in the budget for such project to cover the additional potholing work.

Mr. Weishuhn next reminded the Board that pursuant to change order no. 4, which was previously approved by the Board, the substantial completion date for the Water Line Project is

September 30, 2023. Mr. Weishuhn explained that the remaining work to be completed on such project involves connecting certain segments of recently constructed water lines to the District's existing water system and connecting certain service lines to such water lines. Mr. Weishuhn stated that Texas Pride needs to provide him with a re-mobilization date. Mr. Weishuhn further stated that he will inform Texas Pride that the District will not agree to an additional extension of the project completion date. Mr. Weishuhn stated that Texas Pride will coordinate with the District regarding mobilization dates so that the District can provide customers with sufficient notice of potential service interruptions.

Mr. Weishuhn then reported that Weishuhn is updating the District's as-built drawings to reflect the locations of the new water line connections and the previously hidden valves.

Dr. Clay entered the meeting at this time via telephone.

## **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 reminded the Board that last month, it consented to DMZ Property, LLC's ("DMZ") 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 then reported that following approval of such plat, he is reviewing the developer's land plan to ensure it does not conflict with the requirements contained in the plat. Dr. Clay reported that DMZ has not yet responded to Dr. Clay's questions and comments regarding the proposed land plan.

Dr. Clay next presented a Capacity Report for water service to J&J Packing Company, Inc. ("J&J Packing"), the developer of a meat packing facility located at 35602 U.S. Highway 90. Dr. Clay explained that J&J Packing receives water from the District but utilizes a private septic system and does not discharge wastewater into the District's wastewater collection system. Dr. Clay further explained that J&J Packing is constructing an additional building on such property to serve as a climate-controlled warehouse. Dr. Clay reported that J&J Packing is proposing to serve the existing building and new building through a single water meter; however, he noted that the District's Rate Order requires each structure to be individually metered. Mrs. Pierre stated that she informed the developer that the District requires each building to be individually metered. Dr. Clay further reported that the impact fee owed to the District by J&J Packing is \$2,640.59. 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 J&J Packing, including the requirement for installation of a separate water meter for each structure.

Mr. Weishuhn exited the meeting at this time.

Dr. Clay then presented a Capacity Report for service to Cute N Sassy Grooming Salon ("Cute N Sassy"), a commercial pet grooming development located within the District at 4107 South Front Street. Dr. Clay reported that the building was constructed prior to the District's implementation of an impact fee; therefore, the developer will not owe an impact fee to the District. Dr. Clay noted that pet grooming developments are required to utilize backflow prevention measures and recommends that the developer install vacuum breakers on each faucet and water basin drain, or alternatively, install a reduced pressure zone assembly device on the water supply pipe located on the customer's side of the water meter. 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 Cute N Sassy.

Next, Dr. Clay presented a Capacity Report for irrigation service for greenspace owned by O'Reilly Auto Parts ("O'Reilly"). Dr. Clay reported that the impact fee owed to the District by O'Reilly is \$1,287.10. Dr. Clay explained that a backflow prevention device will need to be installed within the irrigation system. Dr. Clay then stated that a separate water meter will be required for the irrigation system. Upon a **motion** by Director Jackson, seconded by Director Connor, after full discussion and with all Directors present voting aye, the Board approved the Capacity Report for O'Reilly.

Dr. Clay then reported that plans were submitted by a developer for service to a five (5) story building; however, the developer did not include an estimate of the water or wastewater usage by the development. Dr. Clay requested that Mrs. Pierre coordinate with such developer to obtain more information about the development so that the District can evaluate the water and wastewater needs of such development.

Ms. King then updated the Board regarding annexation of 21.379 acres of land owned by Spirit Realty LP and being developed into a used vehicle detailing shop by Off Lease Only, LLC ("OLO"). Ms. King reminded the Board that it previously approved the letter of intent to annex, accepted the petition for annexation of land, and approved the petition for the City of Brookshire's consent to annex such land. Ms. King reported that OLO requested a letter from the District, which will be provided to Waller County, stating that the District is willing to serve OLO's development. Upon a **motion** by Director Connor, seconded by Director Jackson, after full discussion and with all Directors present voting aye, the Board approved drafting the Will Serve letter for OLO's development.

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

**6. Land Use Assumptions, Capital Improvements Plan and Impact Fees (the "CIP").**

Ms. Pierre then explained to the Board the process of revising the District's CIP and stated that the Capital Improvements Advisory Committee (the "Committee") will need to schedule a meeting with Dr. Clay regarding any recommended changes to the CIP. Dr. Clay stated that he has not yet reviewed the CIP or prepared a report for the Committee's review.



7. **Update on Riverwood Farms Residential Development Project ("Riverwood Farms").**

Ms. King next presented to the Board a proposed Amended and Restated Development Financing Agreement for Riverwood Farms and explained that such agreement needs to be amended to clarify that the developer is designing the lift station that is necessary to serve Riverwood Farms and the force main that connects such lift station to the District's wastewater collection system. Ms. King explained that such agreement is further being amended to increase the number of equivalent service units referenced in such report to 550 and to clarify the party responsible for the maintenance of the roadways within Riverwood.

Ms. King then reminded the Board that Riverwood Farms is located outside the boundaries of the District and will need to be annexed prior to receiving service from the District. Ms. King 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 Williams, after full discussion and with all Directors present voting aye, the Board: 1) approved the Amended and Restated Development Financing Agreement, subject to certain minor revisions; 2) approved the letter of intent to annex; 3) accepted the Petition for Annexation of Land; and 4) approved the Petition for City Consent to Annex Land.

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

8. **Operator's Report.**

Mr. Arrant then presented the Operator's Report, a copy of which is available upon request. Mr. Arrant reported that a total of 19,524,000 gallons of water was pumped from the District's wells from April 16, 2023 through May 15, 2023.

Mr. Arrant reported that one (1) water line leak was repaired within the District during the past month. Mr. Arrant further reported that a leak was repaired in the force main at the wastewater treatment plant ("WWTP") and added that a claim for such repair was filed with the District's insurance provider.

Ms. Fricke exited the meeting at this time.

Mr. Arrant next reported that the District's WWTP operated at 45% capacity during the month of May. Mr. Arrant further reported that 13,238,000 gallons of influent was treated at the WWTP during the previous month. Mr. Arrant went on to report that last month, the District's average daily flow was 441,267 gallons per day ("gpd") and the peak daily flow was 1,978,600 gpd.

Mr. Arrant then updated the Board regarding the status of street repairs and fire hydrant repairs within the District.

Director Green reported observing a manhole at South Street and Baines Street that was uncovered with caution tape placed around it. Mr. Arrant stated that MOC will investigate such uncovered manhole. Mrs. Pierre noted that such manhole may be in the process of being repaired and was left uncovered because such repairs are not yet complete.

Mrs. Pierre next reminded the Board that last month, MOC installed the tap for a new twelve-inch (12") water line within the 104-acre tract of land being developed by Twin Lakes, LLC ("Twin Lakes"). Ms. Pierre further reminded the Board that after the installation was complete, the valve broke before the connection could be made. Mrs. Pierre went on to remind the Board that the water line then broke, and the newly repaired valve on such water line was then leaking. Mrs. Pierre reported that she continues to coordinate with Twin Lakes and MOC regarding who is responsible for the repairs to the water line and valve and costs related to the issuance of boil water notices necessary to complete such repairs.

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

**9. Matters Involving Administration/Personnel.**

Mrs. Pierre reported that a temporary employee was recently hired as a member of the District's field staff. Mrs. Pierre further reported that such employee is willing to obtain his operational licensure.

**10. Directors' Reports.**

Director Green reported that she attended the Association of Water Board Directors' Annual Conference last month, and she attended seminars regarding proper issuance of boil water notices to District customers.

In response to a question from Director Green regarding the U.S. Environmental Protection Agency's updated Lead and Copper Rule ("LCR"), Mr. Arrant explained that the revised LCR requires the District to prepare an inventory of all water lines within the District, both public and privately owned, by October 2024. Mr. Arrant stated that MOC is coordinating with Mrs. Pierre and the District's field staff to perform such inventory.


**11. 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 7<sup>th</sup> day of August, 2023.



(DISTRICT SEAL)

  
Secretary, Board of Directors