

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

**April 1, 2024**

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 April, 2024, 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, except Director Williams, thus constituting a quorum. Attending were Tonya Pierre, General Manager of the District; Willis Holmes, field staff person of the District; 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, attorney, of Radcliffe Adams Barner PLLC ("Attorney" or "RAB"); Vincent Giammalva and Rudy Hubbard of Giammalva Properties, Inc.; and Mitchell Sutterfield of Branch Construction Group.

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 6:05 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. Messrs. Hubbard and Giammalva introduced themselves to the Board and explained that they are attending tonight's meeting to inquire about the process for obtaining a feasibility study for service to approximately 74 acres of land, a portion of which is located within the boundaries of Waller County Municipal Utility District No 19. Director Green explained that the District's General Manager will provide them with information regarding submitting an application for service and obtaining a feasibility study.

Mr. Sutterfield introduced himself and explained that his company, Branch Construction Group, previously focused on construction of underground utilities, but now also provides services related to the operation of water and wastewater facilities.

There being no further public comments, the President directed the Board to proceed with the agenda.

## **2. 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, 2024, and the year to-date expenses incurred by the District.

Next, Mr. Haskins presented the Quarterly Investment Report for the second (2<sup>nd</sup>) quarter of the FYE August 31, 2024.

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 Bookkeeper's Report, as presented; and 2) approved the Quarterly Investment Report for the second (2<sup>nd</sup>) quarter of the FYE August 31, 2024.

## **3. Texas Water Development Board ("TWDB") Project**

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 99% complete.

Mr. Weishuhn next reported that during the past month, Weishuhn and Texas Pride Utilities, LLC ("Texas Pride") attempted to abandon the asbestos clay water line on Second Street. Mr. Weishuhn further reported that Texas Pride located a buried valve at Second Street and FM 362 but must perform additional testing on such line to determine the location of connections that need to be capped. Mr. Weishuhn stated that Texas Pride's remaining work includes disconnecting the old water line on Second Street at Franklin Street and connecting the new water line to the District's water distribution system. Mr. Weishuhn further stated that Texas Pride must also connect the water line on Purdy Street to the new water line on Second Street. Mr. Weishuhn went on to state that once all the old water lines are abandoned and the new water line connections are completed, Texas Pride will replace the soil in certain ditches that were excavated during the Water Line Project. Mr. Weishuhn reported that Texas Pride still needs to remove the temporary connection at The Brookwood Community and reinstall the air relief valve in such location.

Mr. Weishuhn then reported that \$9,559.00 remains in the budget for the Water Line Project. Mr. Weishuhn further reported that the District is holding \$95,581.05 in retainage, which will not be released until the project is complete. Mr. Weishuhn stated that such project should be completed by April 30, 2024.

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

#### **4. Operator's Report**

Mr. Taylor presented the Operator's Report, a copy of which is available upon request. Mr. Taylor reported that a total of 21,848,000 gallons of water was pumped from the District's wells from January 15, 2024 through February 16, 2024.

Mr. Taylor then reported that the District's wastewater treatment plant ("WWTP") operated at 36% capacity during the month of February. Mr. Taylor further reported that 9,998,400 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 344,772 gallons per day ("gpd") and the peak daily flow was 1,480,600 gpd.

Next, Mr. Taylor reported that the repair of the grinder pump at the WWTP is complete. Mr. Taylor further reported that a sanitary sewer line is damaged at the South Street Lift Station and needs to be repaired. Mr. Taylor stated that MOC is unable to isolate the sanitary sewer line to cease flow from the lift station due to the poor condition of the piping and pumps at such lift station. Mr. Taylor estimated a cost of approximately \$50,000 to repair the sanitary sewer line and lift station, which would include installation of two (2) new pumps, reconnection of a new line and putting the lift station on bypass.

Mr. Taylor then reminded the Board that the small clarifier at the WWTP is not functioning properly. Mr. Taylor reported that he received a proposal from AUC Group in the amount of \$130,000 to rehabilitate such clarifier.

Mr. Taylor next updated the Board regarding the status of street repairs and fire hydrant repairs within the District.

Mr. Taylor then reminded the Board that pursuant to the U.S. Environmental Protection Agency's updated Lead and Copper Rule, the District must prepare an inventory of all water lines within the District, both public and privately owned, by October 2024. Mr. Taylor stated that MOC is coordinating with Mrs. Pierre and the District's field staff to perform such inventory.

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

Mr. Holmes then reported that the District's field staff repaired eight (8) of 12 known water line leaks throughout the District. Mr. Holmes stated that the District is currently leasing a backhoe trailer and truck to perform such repairs; however, the lease will need to be extended to complete the remaining repairs. Ms. Pierre stated that she will coordinate with the vendor regarding extending the lease for such equipment.

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

Dr. Clay then presented the Engineer's Report.

Dr. Clay next presented to the Board information regarding a residential development to be located at 737 FM 1489. An extensive discussion ensued regarding such development. In

response to a question from the Board regarding the building located on such property, Dr. Clay stated that such building appears to be used as commercial property in which to hold events.

Dr. Clay then presented a preliminary Capacity Report for RQ Homes South Street Apartments ("RQ Homes"). Dr. Clay explained that RQ Homes is developing a proposed 149-unit apartment complex on 4.91 acres of land located within the District. Dr. Clay reported that the District's ten-inch (10") sanitary sewer main that would serve RQ Homes does not have capacity. Dr. Clay then discussed with the Board four (4) potential solutions: 1) perform pipe bursting to enlarge the existing ten-inch (10") sanitary sewer main to a twelve-inch (12") line; 2) construct an eight-inch (8") sanitary sewer force main to divert the flow of wastewater to an existing eight-inch (8") gravity sanitary sewer line with adequate capacity; 3) construct an eight-inch (8") sanitary sewer force main to divert the flow of wastewater to an existing ten-inch (10") gravity sanitary sewer line and a twelve-inch (12") force main; and 4) rehabilitate an existing abandoned wastewater line on Kenney Street. Dr. Clay stated that the cost of such project will be the responsibility of RQ Homes. Dr. Clay then reported that RQ Homes will owe an impact fee of \$3,142.00.

Dr. Clay next reminded the Board that it previously consented to DMZ Property, LLC's ("DMZ") replat of a 12.609-acre tract of land known as The Reserves at Brookshire. Dr. Clay reported that he is now reviewing the plans for such development previously submitted by DMZ.

Dr. Clay then reported that he is reviewing the District's Asset Management Plan, which is required by the TWDB when applying for grant funds.

Dr. Clay next reported that no development inquiries were received within the past month.

Mrs. Pierre then reminded the Board that Imperial Consulting, LLC ("Imperial") is developing a one (1)-story office building at 803 Cooper Street. Mrs. Pierre explained that the land use of such development is changing from retail to office space. Mrs. Pierre reported that Imperial submitted an application for water and wastewater service to such development. Mrs. Pierre stated that there are three (3) water meters serving such development; however, Imperial is the sole occupant of such development.

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

## **6. Amend Rate Order**

Mr. Barner then reminded the Board that it adopted amended impact fees at the March 18, 2024 Board meeting. Mr. Barner presented to the Board an amended Rate Order reflecting the new impact fees. Upon a **motion** by Director Connor, seconded by Director Jackson, after full discussion and with all Directors present voting aye, the Board approved the amended Rate Order, effective as of March 18, 2024, the date on which the District's amended impact fees were adopted.

7. **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 SSO Program, the District is required to address certain deficiencies in its wastewater collection systems. Mr. Taylor further reminded the Board that by September 1, 2024, the District is required to televise and repair certain portions of the District's wastewater lines.

8. **Waller County (the "County") Hazard Mitigation Assistance Grants**

Mrs. Pierre reminded the Board that last month, Director Green attended a meeting hosted by the County regarding the availability of hazard mitigation assistance grants. Director Green requested that Dr. Clay and MOC provide the Board with recommendations regarding items that can be utilized to mitigate potential hazards related to the District's facilities, for which the District can apply to obtain grant funds, such as a new generator for the District's water plant.

9. **Attorney's Report**

Mr. Barner then explained that one (1) of the propositions to be included in the May 4, 2024 Defined Area Election requests authority from the voters of Defined Area No. 1 to issue bonds for the purpose of developing parks and recreational facilities within such defined area. Mr. Barner further explained that in order to request voter authorization for the issuance of such bonds, the District must develop a plan that outlines the estimated costs of such facilities ("Park Plan"). Upon a **motion** by Director Jackson, seconded by Director Connor, after full discussion and with all Directors present voting aye, the Board approved the Park Plan for Defined Area No. 1.

10. **Approve Minutes of Prior Meetings**

The Board then considered approval of the minutes from the special meeting of January 25, 2024, and the regular meeting of March 4, 2024. It was the consensus of the Board to postpone approval of the minutes, as such minutes were not included in their Board documents prior to the meeting.

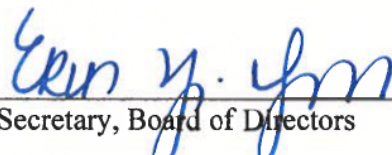
11. **Adjournment**

There being no further business to come before the Board, the Board meeting was adjourned at 7:28 p.m.

PASSED, APPROVED and ADOPTED this the 6<sup>th</sup> day of May, 2024.



(DISTRICT SEAL)

  
Secretary, Board of Directors