

Benbrook Water Authority
1121 Mercedes Street
Benbrook, TX 76126
March 2, 2021
3:00 p.m.

The Board of Directors for the Benbrook Water Authority met in a regular meeting on March 2, 2021 with the following Directors present:

President David W. Hafer
Vice-President Nick Dons
Secretary Karen Henderson
Director Rick Whitehurst
Director David Clark

Also Present:

David Smith, General Manager
Sheila Rushing, Recording Secretary
Rhett Clark, Finance Manager
Crystal Ramsey, Customer Support Manager
Brian Sledge, Attorney
Tim Chovanec, Attorney

President Hafer called the meeting to order at 3:00 p.m. and gave the invocation.

Citizen Comments on any Agenda Item

There were no Citizen Comments.

Consent Agenda

1. Minutes of the Regular Meeting February 2, 2021
2. Financial Statement for January 2021

President Hafer asked if there were any objections to the Consent Agenda as presented and hearing no objections, the Consent Agenda was approved by unanimous consent.

Reports of Manager

Mr. Smith gave a brief report on the following:

1. Operations Update
 - February Severe Weather Day
 - Van Deman Sanitary Sewer
2. Development Update
 - Whitestone Point
 - Boulevard Office Park Addition

- Brookside V
- Whitestone Heights Phase 2
- Whitestone Crest Phase 2

Mr. Smith gave a presentation on the events that took place during the Ice/Snowstorm place in February and the damages such storm caused.

Mr. Smith, along with the Board of Directors commended BWA Employees for their valiant efforts to keep the Citizens of Benbrook informed and up to date on the boil water notice, the WTP Employees that worked to maintain the pumps and pressure levels, and the employees that were working in the sub-zero weather repairing water mains and responding to calls from customers that had pipes burst in their homes. It was noted that BWA Employees went the extra mile and it was very appreciated and did not go unnoticed.

Reports of Sledge Law Group PLLC

1. Discussion of Water Rights Certificate of Adjudication No. 08-3365
2. Legislative Updates

Mr. Sledge stated he would reserve these items for discussion in Executive Session.

New Business

1. Consider, discuss, and possibly approve Developer Authority Agreement with SW Blvd., LLC and Excel Coring and Concrete Cutting, Inc., and corresponding amendment No. 1 for the Boulevard Office Park Development (Project No. 2020-5140).

The SW Blvd., LLC and its contractor, Excel Coring and Concrete Cutting, Inc. have submitted a Developer-Authority Agreement and BWA has reviewed the plans, reports, specifications, and contract documents prepared by the Developer's Engineer and confirmed the submittals are in general conformance with BWA's Policies and Procedures with one exception. The engineer has requested a variance to accept the current professional liability insurance coverage limits (\$1M) in lieu of the (\$2M) limit currently required. Due to the small size of the project, BWA Staff and BWA's Attorney have reviewed the request and recommend approval.

Motion was made by Director Whitehurst, second by Director Clark to approve the DAA with SW Boulevard, LLC and Excel Coring and Concrete Cutting, Inc for the construction of water and wastewater improvements to serve the Boulevard Office Park Development. To approve the corresponding Amendment No. 1, providing for the Authority's participation in funding the extension of water mains beyond what would have been required for the development; and to approve a variance to the BWA's Policies and Procedures for this project, accepting the insurance coverage limits currently in place which the Developer's Engineer provided.

Motion passes (5-0)

Public Comment

There were no comments.

Director / Staff Comment

There were no comments.

Consider and Discuss Upcoming Meeting Schedules

President Hafer stated that the next regular meeting scheduled is for Tuesday, March 16 and there will be 2 Board Members unable to attend the meeting. Due to the nature of what will likely be on the agenda, it would be important for all members to be in attendance. Staff is requesting the Board consider changing the next meeting to be Tuesday, March 23rd.

After a brief discussion, the meeting was changed to Tuesday, March 23rd by unanimous consent.

President Hafer closed the open meeting at 3:47 p.m.

Executive Session (3:48 p.m.)

Conduct Closed Executive Session Pursuant to Government Code Section 551.071, to Consult with the BWA Attorney Regarding Pending or Contemplated Litigation, Settlement Offers, or on Matters in Which the Duty of the Attorney to the BWA under the Texas Disciplinary Rules of Professional Conduct Clearly Conflicts with Chapter 551, Government Code.

- Any other item set forth in any section of this notice/agenda.
- Section 551.072, to discuss real estate / real property transaction

Reconvene Open Meeting (6:44 p.m.)

Take any action Necessary from Executive Session.

There was no formal action taken.

There being no further business, the meeting adjourned at 6:45 p.m.

Board President

Date

Recording Secretary