

Benbrook Water Authority
1121 Mercedes Street
Regular Meeting
March 17, 2020
6:00 p.m.

The Board of Directors for the Benbrook Water Authority met in a regular meeting on March 17, 2020 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
Crystal Ramsey, Director of Administration
Brian Sledge, Attorney

Others Present:

Kent Williams
Dan Tully
Andy Weeter
Rianna Lester
Samuel Sapina

President Hafer called the meeting to order at 6:00 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 4, 2020
2. Minutes of the Regular Meeting February 18, 2020
3. Financial Statement for February 2020
 - 1) Revenues \$734,149.49
 - 2) Expenditures \$899,384.91
4. Disbursements for February 2020
 - 1) Deposits & Credits \$673,720.23
 - 2) Disbursements \$841,370.78

Motion was made by Vice-President Dons, second by Secretary Henderson to approve the

consent agenda as presented.

Vote on motion.

Ayes: Director Whitehurst, Vice-President Dons, President Hafer, Secretary Henderson and Director Clark.

Noes: None.

Motion carries.

Request to Appear Before Board

Mr. Kent Williams addressed the Board with concerns about a previous meeting he attended where there had been significant pieces of equipment up for consideration and two (2) motions made without any discussion or information other than the Agenda Line Item read. He stated he believes the motion and 2nd were approved and voted on in the dark without proper information given to the public.

In addition, he noted that the latest minutes on the BWA Website are from January 2020. He stated he is very familiar with how things work, and he is glad that the BWA Attorney was in attendance and perhaps he can guide the Board on some transparency rules. He stated he is well versed when it comes to open meetings and knows there should not be side discussion amongst Members of the Board and that type of discussion is considered negotiation and violates the Open Meetings Act. He stated he hopes that the BWA Board has had proper Open Meetings Training and noted that he takes it every year. He reiterated that he is well versed in this subject and he has been to several BWA Board Meetings and what takes place at the meetings is not legal.

Report from Sledge Law Group PLLC

1. Receive advice from legal counsel regarding statutory and other legal requirements applicable to BWA, its rules, policies, procedures, governance, financing, management, administration and operations.

Mr. Sledge noted this item would be discussed in Executive Session.

Reports of Manager

Mr. Smith gave a brief report on the following:

1. Miscellaneous Updates
 - Upcoming Professional Development Events (Conferences); FM2871 Widening Project; April Meeting Schedule; and IT Update
2. Development Updates (ongoing / future)
3. Studies
4. 2016 Bond Fund Projects

5. 2019 Bond Fund Projects
6. COVID-19

New Business

1. Consider, Discuss and Possibly Approve a Professional Services Agreement with Carollo Engineers for the 2020 Cost of Service and Rate Study.

BWA Staff has worked with Carollo Engineers to develop an appropriate scope of services for a cost of service and rate study and has subsequently received a fee proposal for the project. Generally, the scope of services involves a review of the Authority's financials and customer usage characteristics, provides an analysis of the cost of service and includes the development of recommendations regarding water and wastewater rates. Presentation of findings to the Board and/or other stakeholders as necessary is also planned. Carollo is a firm highly qualified to assist public utility owners in a range of management support services, including financial management and cost of service rate studies and has been selected by Staff due to their qualifications.

After a brief discussion, motion was made by Director Whitehurst, second by Vice-President Dons to approve the proposal from Carollo Engineers for the Cost of Service and Rate Study as proposed for a not -to-exceed amount of \$73,892 and authorize the General Manager to execute the agreement.

Vote on motion.

Ayes: Vice-President Dons, President Hafer, Secretary Henderson, Director Clark and Director Whitehurst.

Noes: None.

Motion carries.

2. Consider, Discuss and Possibly Approve SAPES Project No. 2020-113 with Dunaway Associates, L.P. for 2020 Sanitary Sewer Renewals.

Staff has negotiated a Standard Agreement for Professional Engineering Services (SAPES) with Dunaway Associates, L.P. to provide design, bid phase and construction phase engineering services for the project. The project will consist primarily of manhole and sanitary sewer main rehabilitation and replacements in Basin 1 in order to prevent future wastewater collection system overflows. Funding for these services is available from 2019 Bond proceeds.

Engineering services during the design phase will be provided on a lump sum fee basis, not-to-exceed \$63,300. Construction phase services will be provided on an hourly basis, not-to-exceed \$16,500. The total Engineering Fee will not exceed \$79,800 without written authorization by BWA.

After a brief discussion, motion was made by Director Whitehurst, second by Secretary Henderson to approve the Standard Agreement for Professional Engineering Services with

Dunaway Associates, L.P. for the referenced project as presented and authorize the General Manager to execute the Agreement.

Vote on motion.

Ayes: President Hafer, Secretary Henderson, and Director Clark, Director Whitehurst, and Vice-President Dons.

Noes: None.

Motion carries.

Public Comment

There were no Public comments.

Director / Staff Comment

Vice-President Dons stated that he campaigned on the premise of opening up transparency in the organization and he wanted to note that the two (2) pieces of equipment referenced earlier in the meeting were discussed during the budget process and publicly bid.

Secretary Henderson stated she wanted to clarify why the last set of minutes posted on the website were from January 2020. She stated that the minutes have to be voted on and approved before they are posted and the minutes from February were just approved at this meeting.

Mr. Hafer suggested staff put a note on the Website as to when the minutes for each meeting would be posted.

President Hafer closed the open meeting at 6:46 p.m.

Executive Session

1. 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

Re-Convene Executive Session (8:06 p.m.)

1. Take Any Action Necessary from Executive Session

Motion was made by Secretary Henderson, second by Director Whitehurst to authorize the General Manager to take action in accordance of advice given by counsel in Executive Session.

There being no further business, the meeting adjourned at 8:08 p.m.

Board President

Date

Recording Secretary