

**Benbrook Water Authority**  
**1121 Mercedes Street**  
**Benbrook, TX 76126**  
**Remote Meeting**  
**July 7, 2020**  
**4:00 p.m.**

The Board of Directors for the Benbrook Water Authority met in a regular meeting on July 7, 2020 with the following Directors present:

President David W. Hafer (on site)  
Vice President Nick Dons  
Secretary Karen Henderson  
Director Rick Whitehurst  
Director David Clark

Also Present:

David Smith, General Manager (on site)  
Sheila Rushing, Recording Secretary (on site)  
Brad Hill, \development \ Capital Improvements Manager

Others Present:

Adam LanCarte, Vice President Hilltop Securities Inc. (on site)  
Tim Chovanec, Attorney  
Travis Clegg  
Casey Stevenson  
Kent Williams  
Raymon George

President Hafer called the meeting to order at 4:03 p.m. and gave the invocation.

**Opening Remarks from President of the Board Regarding Remote Meeting Format**

On March 16, 2020, Governor Greg Abbott granted the Office of the Attorney General's request to temporarily suspend a limited number of Texas open meetings statutes. This temporary suspension allows for telephonic or videoconference meetings of governmental bodies that are accessible to the public to reduce in-person meetings.

We are meeting by use of the Zoom software application which allows two-way communication for members of the Board of Directors and the public who wish to join us.

**Citizen Comments on any Agenda Item**

There were no Citizen Comments.

### **Consent Agenda**

1. Minutes of the Special Meeting June 11, 2020
2. Snow Garrett Williams – 2020 Annual Audit Agreement

After a brief discussion, motion was made by Director Clark, second by Vice-President Dons 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.

### **Reports of Manager**

Mr. Smith gave a brief report on the following:

1. 2011 Bond Refunding
2. COVID-19 – Update
3. Public Relations

Adam LanCarte with Hilltop Securities informed the Board of a potential opportunity to reduce future debt service liability through refunding of the 2011 Bond Series.

There was much discussion and it was the consensus of the entire Board that interest rates are continuing to drop, therefore they asked Mr. LanCarte to report back in 30 days.

### **New Business**

1. Consider, Discuss and Possibly Take Action on Board of Directors Meeting Times.

Director Clark stated that he asked this item to be placed on the agenda because now that BWA is streamlining the Board Meetings and the citizens can watch live or at their leisure, he believes changing both meeting dates to 3:00 p.m. would be a reasonable thing to do. By changing the meeting time, it would allow Staff and any other person required to be at the meeting to be home at a decent time.

Vice- President Dons stated he disagrees with changing the meeting time to 3:00 p.m. He stated that even though people can watch the meeting online, attending a meeting and viewing it are two separate goals. He stated BWA serves the public, therefore meetings need to be held at times that citizens can attend if they so wish. He stated he could support changing both meeting times to 5:30 p.m.

Mr. Hafer stated he is opposed to the 3:00 time as well. He stated most citizens work outside the home and accessibility is key. He stated he could not support changing the time to 3:00 p.m.

Motion was made by Director Clark, second by Director Whitehurst to change the BWA Board of Directors meeting time to 3:00 p.m. for both monthly meetings.

Vote on motion.

Ayes: Secretary Henderson, Director Clark and Director Whitehurst.

Noes: Vice-President Dons, and President Hafer.

Motion carries.

2. Consider, Discuss, and Possibly Approve Interlocal Agreement for Refuse and Stormwater Billing and Payment Collection Services with the City of Benbrook.

Mr. Smith advised the Board that the City of Benbrook contracts with BWA to place the refuse and stormwater charges on the monthly water bills. BWA bills and collects the fees for the City each month. Part of the agreement for this service is that the City does not charge BWA any stormwater fees.

The current cost is \$0.4958 cents per bill and staff proposes to maintain this cost.

Motion was made by Director Whitehurst, second by Director Clark to approve the Interlocal Agreement with the City of Benbrook for Refuse and Stormwater Billing and Payment Collection Services.

Vote on motion.

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

Noes: None.

Motion carries.

3. Consider, Discuss and Possibly Approve Interlocal Agreement for Street Repair Services with the City of Benbrook.

Mr. Smith advised the Board that BWA currently has an agreement with the City of Benbrook for the repair of pavement following BWA repairs of water and / or wastewater mains or services. This agreement benefits BWA by reducing staff coordination time and requires the City to coordinate repairs with its street repair company. The current cost is

\$8.91 per square foot and is proposed to remain the same.

Motion was made by Director Whitehurst, second by Secretary Henderson to approve the Interlocal Agreement with the City of Benbrook for street repairs at a cost of \$8.91 per square foot.

Vote on motion.

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

Noes: None.

Motion carries.

4. Consider, Discuss and Possibly Approve Developer Authority Agreement No. 2020-5120 with SJ Dominion Development, LP for Whitestone Heights-Phase II

The Developer, SJ Dominion Development, LP, and its contractor, Conatser Construction, have submitted a Developer-Authority Agreement. BWA has reviewed the reports, plans, specifications, and contract documents prepared by the Developer's Engineer and have confirmed the submittals are in general conformance with BWA's Policies and Procedures, with one minor exception. The Engineer has requested a variance to BWA's Policies and Procedures to accept its current professional liability insurance coverage limits (\$3,000,000) in lieu of the \$2M/\$4M limits currently required. BWA Staff and BWA's Attorney recommend approval of this variance.

After a brief discussion, motion was made by Director Whitehurst, second by Director Clark to approve the Developer Authority Agreement 2020-5120 as presented and to approve the variance to the insurance limits currently provided by the Developer's Engineer.

Vote on motion.

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

Noes: None.

Motion carries.

5. Consider, Discuss and Possibly Approve Developer Authority Agreement No. 2020-5130 with GBR Realty, LP for Whitestone Crest – Phase II

Mr. Smith noted that this item would be discussed in Executive Session.

## **Public Comment**

There were no Public comments.

## **Director / Staff Comment**

Secretary Henderson stated she had the opportunity to view the video provided on the website from the last Board Meeting and the quality and sound appear to be good. In addition, she stated the layout is easy to navigate through and she is very pleased with the turnout.

Director Whitehurst stated he agrees with Secretary Henderson with regards to the video provided on the website.

Director Whitehurst asked that if in the future, any Board Meetings are considered being conducted via Zoom, he would like all Board Members to be polled to see if everyone agrees of conducting the meeting in this manner.

Vice-President Dons noted, he believes the General Manager should be the one to make final decision and that the Board should trust his judgement.

President Hafer closed the Open Meeting at 5:02 p.m.

## **Executive Session (5:03 p.m.)**

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 (5:53 p.m.)**

1. Take Any Action Necessary from Executive Session

Motion was made by Director Clark, seconded by Vice-President Dons to approve Developer Authority Agreement No. 2020-5130, with GBR Realty, LP and Conatser Construction along with Amendment No. 1 discussed in closed session and to accept the variance insurance limits provided by the Developer's Engineer.

Vote on motion.

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

Noes: None.

Motion carries.

There being no further business, the meeting adjourned at 5:54 p.m.

---

Board President

---

Date

---

Recording Secretary