

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

The Board of Directors for the Benbrook Water Authority met in a regular meeting on August 3, 2021, with the following Directors present:

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

Also Present:

David Smith, General Manager
Sheila Rushing, Recording Secretary
Rhett Clark, Finance Manager
Willie Sutton, Operations Division Manager
Crystal Ramsey, Administration Division Manager
Brad Hill, Capital Development Manager
Tim Chovanec, Attorney
Ty C. Riebe, Garver

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.

General Manager – Project Updates

1. Basin 7 Central Wastewater Improvements
2. 2020 Waterline Renewal Project

Consent Agenda

1. Minutes of the Regular Meeting July 13, 2021
2. Semi-Annual Progress Report from Capital Improvements Advisory Committee

President Hafer noted a correction in the previously prepared minutes and stated the correction had been made to exclude the language of “Reports of Sledge Law Group, PLLC”.

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

Unfinished Business

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

Mr. Smith stated this item was tabled at the July 13, 2021 meeting. He advised the Board of the current practice within the boundaries of the Interlocal Agreement. He stated that when BWA cuts an asphalt street to make repairs, upon completion, BWA crews will backfill the trench and prepare it for the City Crews to complete. At this point, the repair becomes the City's responsibility and any calls received about the repair, BWA refers them to the City's Street Department.

Director Whitehurst expressed his concerns with regards to the quality of the repairs being made and that the repairs do not last long.

Mr. Smith stated the most important task of BWA crews with respect to the quality and longevity of street repair is to ensure the ditch is backfilled and properly compacted. BWA Staff believe that changing the management of the street repair process from the City to the Water Authority has little or no benefit for the Authority or its customers.

Director Whitehurst stated for the record " BWA is not going to do anything to improve the quality of street repairs in Benbrook. I don't understand why BWA has to accept inferior work from the City just because they will complain if we don't let them do it".

Mr. Smith stated that the maintenance of the street is the responsibility of the City of Benbrook.

President Hafer stated that the infrastructure under the street belongs to BWA and the Street belongs to the City of Benbrook; therefore he believes it best for BWA not to try and take responsibility for the street repairs.

After much discussion, motion was made by Director Whitehurst, second by Vice-President Dons to approve the Interlocal Agreement with the City of Benbrook for Street Repair Services as presented.

Motion passed (5-0).

Secretary Henderson thanked Mr. Smith for providing a memo explaining the overall process of the street repair services.

New Business

1. Consider, Discuss and Possibly Approve Developer Authority Agreement No. 2020-5150 with GBR Realty, LP and Conatser Construction for Construction of Water and Wastewater Improvements to Serve the Whitestone Point Development.

Mr. Smith advised the Board that BWA has reviewed the plans, reports, 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 accept its current professional liability insurance coverage limits (\$3,000,000) in lieu of the \$2M/\$4M limits currently required.

BWA has required the Developer to plan to construct a portion of the 16-inch main that is noted in the 2016 Master Plan within its project limits. The Engineer has submitted a request for BWA to consider contributing to the construction cost of that portion of the project requiring oversizing of the water main.

After some discussion, motion was made by Director Whitehurst, second by Secretary Henderson to approve the following:

1. Developer-Authority Agreement with GBR Realty, LP and Conatser Construction for the construction of water and wastewater improvements to serve the Whitestone Point Development.
2. The corresponding Amendment No. 1 to the Agreement, providing for the Authority's participation in funding the oversizing of water mains in accordance with BWA's Policies & Procedures and in accordance with the Authority's Water & Wastewater Master Plan; and
3. A variance to the BWA's Policies & Procedures for this project, accepting the insurance coverage limits currently in place which the Developer's Engineer provided.

Motion passed (5-0)

2. Consider, Discuss and Possibly Approve Developer Authority Agreement No. 2021-5110 with Basis Texas Charter Schools, Inc., and Novel Builders, LLC for the Construction of Water and Wastewater Improvements to Serve the Basis Charter School.

Mr. Smith advised the Board that Staff have reviewed submittals required of the Developer, Developer's Engineer and Contractor for general compliance with the Authority's Policies and Procedures.

Motion was made by Director Whitehurst, second by Director Clark to approve the Developer Authority Agreement No. 2021-5110 with Basis Texas Charter Schools, Inc.,

and Novel Builders, LLC as presented.

Motion passed (5-0).

3. Discuss, consider, and take action to adopt Resolution 2021-3, Order of Election for the November 2, 2021, General Election of Directors.
(Discutir, considerar y tomar medidas para adoptar la Resolución 2021-3, Orden de Elección para la Elección General de Directores del 2 de noviembre de 2021.)
(Thảo luận, xem xét và hành động để thông qua Nghị quyết 2021-3, Trình tự bầu cử Tổng tuyển cử ngày 02 tháng 11 năm 2021.)

President Hafer stated the Resolution included in the Board's packet had contained the wrong hours of operation for the Water Authority. The correction had been made and the Resolution that would be approved had the correct hours on it.

Motion was made by Director Whitehurst, second by Secretary Henderson to approve Resolution 2021-3, Order of Election for the November 2, 2021, General Election of Directors as corrected.

Motion passed (5-0).

Public Comment

There were no Public Comments.

Director / Staff Comment

Mr. Smith advised the Board there might be a need for a Special Meeting later in August to consider Employee Benefits.

President Hafer closed the open meeting at 3:33 p.m.

Executive Session (3:34 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 (4:30 p.m.)

Take any action Necessary from Executive Session.

No formal action was taken.

There being no further business, the meeting adjourned at 4:31 p.m.

Board President

Date

Recording Secretary