

**Benbrook Water Authority**  
**1121 Mercedes Street**  
**Benbrook, TX 76126**  
**March 29, 2022**  
**3:00 p.m.**

The Board of Directors for the Benbrook Water Authority met in a regular meeting on March 29, 2022, with the following Directors present:

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

Also Present:

David Smith, General Manager  
Jessica McDowell, Recording Secretary  
Rhett Clark, Finance Manager  
Willie Sutton, Operations Manager  
Brad Hill, CIP Manager  
Brian Sledge, Attorney  
Brian Newby, Attorney  
Bill McCallum, Cowtown Amateur Radio Club  
Bud Leavell, Cowtown Amateur Radio Club  
Jessica Brown, Freese & Nichols  
Kristin Williamson, Freese & Nichols  
Reba Long, Snow Garrett Williams  
Lindsey Kennimer, Snow Garrett Williams  
Gary Snow, Snow Garrett Williams

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

**Director Discussion of Agenda Format**

President Henderson opened the floor for any Director comments relevant to the format of the agenda. There were no comments.

**Consent Agenda**

1. Minutes of the Regular Meeting March 1, 2022
2. Minutes of the Special Meeting March 10, 2022
3. Financial Statement for February 2022

Motion was made by Secretary Whitehurst, seconded by Vice-President Dons to accept the Consent Agenda as presented.

Motion passed (5-0)

**Snow Garrett Williams**

1. 2021 Annual Audit Presentation
2. Acceptance and Authorization of President to file the 2021 Audit with TCEQ

Ms. Kennimer stated that Snow Garrett Williams audited the financial statements of the governmental activities and each major fund of BWA as of and for the year ended December 31, 2021.

Ms. Long noted the audit was conducted in accordance with auditing standards generally accepted in the United States and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States.

After briefing the board on various aspects of the audit, Ms. Long stated it was the opinion of Snow, Garrett Williams, that the financial statements for BWA present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of BWA, as of December 31, 2021, and the respective changes in financial position for the year then ended in conformity with accounting principles generally accepted in the United States.

After a brief discussion motion was made by Director Whitehurst, second by Vice-President Dons to accept and authorize the Board President to file the 2021 Annual Audit with TCEQ.

Motion passed (5-0)

**Reports of Sledge Law Group PLLC**

- Review of Final Amendments to the BWA Rules Governing Water Well Drilling and Completion

Mr. Sledge briefed the Board on the final amendments to the BWA Water Well Rules. A few of the changes include the following:

- Eliminate dual permits
- Include agricultural irrigation as exempt
- Revising spacing requirements and establishing a minimum tract requirement for new wells
- Clarifying the GM's authority to make certain decisions without going before the Board

Mr. Sledge stated the red lined version was posted to the BWA Website for review and if the Board adopts these amendments, a posting will be placed for two (2) consecutive weeks in the local newspaper and the rules will become effective five (5) days after the last posting.

Mr. Sledge thanked staff for their efforts in helping obtain certain information to prepare

the amendments as presented.

Motion was made by Secretary Whitehurst, seconded by Director Clark to approve and adopt Resolution 2022-1 pertaining to the BWA Water Well Rule amendments as presented.

Director Hafer informed President Henderson she had overlooked the Citizen Comment section of the agenda and stated this might be a good time to allow any citizens to speak on the matter.

There were no comments made.

Mr. Smith stated that the Resolution adopting these amendments is on the agenda under New Business.

Mr. Sledge stated that it is acceptable to pull this item from New Business and act upon it at this time.

Motion passed (5-0)

### **General Manager Reports and Updates**

Mr. Smith included a report in the packets for the Board's review and focused on the following:

1. Miscellaneous
  - Basin 7 East Sanitary Sewer Evaluation Survey, 2021 Water & Wastewater Master Plan Update, Wastewater Rates / Winter Quarter Averaging, and Well Application 510 Council Drive

There was discussion pertaining to the Well Application at 510 Council Drive and clarification was made for what procedures would be followed at the April 19<sup>th</sup> meeting pertaining to such application.

### **Freese & Nichols, Inc.**

1. Presentation of BWA Master Plan Updates

Ms. Brown stated the purpose of this study is to evaluate the existing water and wastewater systems needs and plan for the future with focus on:

- Water / Wastewater System Capacity
- Water / Wastewater System Condition
- Compliance with TCEQ Requirements
- Environmental Protection
- Population
- Water Demands / Wastewater Loads
- Model Update
- Field Pressure Testing and Model Calibration
- Existing System Analysis

- Future System Analysis
- Capital Improvement Plan

There was some discussion and the Board thanked Ms. Brown for the presentation and it was noted that this item would be presented at a future Board Meeting for approval.

### **New Business**

1. Resolution 2022-1 Of The Board Of Directors For The Benbrook Water Authority To Adopt Amendments To The Authority's Water Well Rules

President Henderson noted this item had been previously considered and approved.

2. Consider And Act Upon Amendment No. 1 With Tank Industry Consultants For BWA Project No. 2017-113 – South Elevated Water Storage Tank

Mr. Smith stated that BWA requested a proposal from TIC to update the project scope and fees with the understanding that additional efforts will be required due to the project site changes, additional surveying and engineering services not previously addressed in the original agreement, and changes to billing rates which have occurred since the original contract was executed. If approved, the not to exceed contract amount is \$362,806.

Motion was made by Secretary Whitehurst, seconded by Director Hafer to approve Amendment No. 1 to the Standard Agreement for Professional Services with Tank Industry Consultants for the project as proposed.

Director Hafer stated that the additional increase in the contract amount \$161,906.

Motion passed (5-0)

3. Consider Purchase Of 1.257 Acres Of Land With Permanent Easement For BWA Project No. 2017-113 – South Elevated Water Storage Tank

Mr. Smith stated that on November 16, 2021, the BWA Board of Directors authorized the purchase of 1.257 Acres of Land with a permanent easement located within the J. Wilburn Survey, Abstract No. 1680, Tarrant County, Texas, for the purpose of constructing the new elevated water storage tank. Terms of the easement and deed have been negotiated and are ready for final approval for a cost of \$310,000.

Motion was made by Secretary Whitehurst, seconded by Vice-President Dons to approve the Final Agreement with deed for the purchase of 1.257 Acres of Land in fee simple, together with a permanent waterline easement for a cost of \$310,000. subject to final approval by BWA Attorney.

Motion passed (5-0)

4. Consider Purchase Of 1.52 Acres Of Land In Shady River Estates For The Purpose Of Accommodating Future Improvements To The Benbrook Water Treatment Plant

Mr. Newby stated that based on the BWA Master Plan, there is a need for future plant expansion likely within the next five to ten years and acquiring additional property will be necessary to accommodate those plans. He stated that at the direction of the Board in Executive Session at a previous meeting, negotiations have been made with the current owner for the purchase of Lots 24 and 25 of Block 1, Shady River Estates Addition for a total price of \$420,000 subject to approval by the Board.

Motion was made by Secretary Whitehurst, seconded by Vice-President Dons to approve the purchase in fee simple of Block 1, Lots 24 & 25 of the Shady River Estates Addition for a total price of \$420,000, in total comprising approximately 1.52 Acres of Land for the purpose of accommodating future improvements to the BWA Treatment Plant.

Director Hafer expressed his concerns that there had not been a Market Value Analysis done on the property before making an offer.

Motion passed (4-1).

5. Consider Approval Of Cowtown Amateur Radio Club Tower Lease Agreement

A previous Board of Directors had authorized the CARC to place equipment on the North Elevated Tank in efforts to ensure reliable radio coverage in western Tarrant County, providing general communication capabilities to club member and other amateur radio operators, also providing backup repeater operation for emergency management in Tarrant County as well as municipalities outside Tarrant County. The club presented an overview of its history and public services they provide at the Board of Directors meeting held on March 1, 2022.

The previous agreement for access had been made informally. Both BWA and CARC recognize that a more formal agreement which addresses matters related to site access, safety, security, and liability is appropriate.

Mr. McCallum stated he was very pleased at the amount of support BWA has shown to the Amateur Radio club and they appreciate it very much.

Motion was made by Secretary Whitehurst, seconded by Director Clark to approve the Tower Lease Agreement with the CARC, LLC as presented and discussed.

Director Hafer stated he was enthusiastic and delighted that BWA could offer support for the Amateur Radio Club because they offer public service for severe weather events along with support for first responders.

Motion passed (5-0)

**Public Comment**

There were no Public Comments.

**Director / Staff Comment**

Secretary Whitehurst asked that staff look at the emergency door located in the Board Room and try to make repairs so that it will not rattle during the meetings.

There being no further business, the meeting adjourned at 4:36 p.m.

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Board President

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Date

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Recording Secretary