

**Benbrook Water Authority**  
**1121 Mercedes Street**  
**Regular Meeting**  
**March 21, 2017**  
**5:30 p.m.**

The Board of Directors for the Benbrook Water Authority met in a regular meeting on March 21, 2017 with the following Directors present:

President Dennis G. Lindgron  
Vice President Patricia Dunkin  
Secretary Rick Whitehurst  
Director Robert Cook  
Director David Clark

Also Present:

David Wasson, General Manager  
David Smith, Assistant General Manager  
Sheila Rushing, Recording Secretary  
Jessica Williams, Assistant Recording Secretary

Others Present:

Shauna Fitzsimmons, Attorney  
Brian Newby, Attorney  
Bill Boomer, Civil Solution  
Cathy Morris, City of Benbrook  
Tina Hanson, Garver  
Dan Tulley  
Dusty Sanders  
Mica Reynolds

President Lindgron called the meeting to order at 5:30 p.m. and Secretary Whitehurst gave the invocation.

**Consent Agenda**

1. Minutes of the Regular Meeting February 7, 2017
2. Minutes of the Regular Meeting February 21, 2017
3. Financial Statement for February 2017
  - 1) Revenues \$900,789.15
  - 2) Expenditures \$832,104.99
4. Disbursements for February 2017
  - 1) Deposits & Credits \$833,880.88
  - 2) Disbursements \$699,929.43

5. Consider and Approve Semi-Annual Report from the Capital Improvements Advisory Committee with regards to the Land Use Assumptions

Motion was made by Director Clark, second by Vice-President Dunkin to approve the consent agenda as presented.

Vote on motion.

Ayes: Director Cook, Secretary Whitehurst, President Lindgron, Vice-President Dunkin, and Director Clark

Noes: None.

Motion carries.

### **Citizen Presentation**

1. Benbrook Heights, Dusty Sanders and Mica Reynolds – Billing Concerns

Ms. Reynolds addressed the board with concerns of BWA's billing process. She noted that the Benbrook Heights Apartment Complex had recently sold and the previous owners were billed a final bill which they passed on to the tenants and the new owners were billed within the same 30 days and in turn passed that bill on to the tenants. She stated that because BWA bills in a 15 day time frame for new service, the tenants received 2 bills in a 30 day period and they had not used any more water than a normal 30 day period. She requested that the board make an adjustment or refund for the new service bill and put it on a 30 day billing cycle.

President Lindgron noted that he understands their concern; however, BWA stands behind its billing policy and policy states if a new service has been in effect for 15 or more days, the account will be billed at its regular billing cycle. He thanked Ms. Reynolds and Ms. Sanders for taking time to address the board and hopes they understand the boards stance on the billing policy.

### **Reports of Attorney Brian Sledge, Sledgelaw Group, PLLC**

1. Receive briefing and legal analysis of legislation relevant to BWA in the 85<sup>th</sup> Regular Session of the Texas Legislature and consider, discuss and possibly take action to direct the BWA attorney to take certain actions in supporting, monitoring or opposing legislation.

Due to legislative business, Ms. Fitzsimmons came in place of Mr. Sledge and advised the board that she would discuss this item in executive session.

## **Reports of Manager**

Mr. Wasson gave a brief report on the following:

1. Staff Reports
  - Included in Board packets for review and discussion.
2. Development Updates
  - Whitestone Crest; Villas at Boston Heights; Vista Way Extension; Palomino Estates; Phase III and Westpark Lot 3 Block B- Sherwin Williams
3. Capital Improvements / Renewals
  - US 377 Utility Adjustments; Aquifer Storage and Recovery; Northwest Winscott Addition Sanitary Sewer; UPPR 12 inch Waterline Relocation; 2016 Bond Issue Update; Mary's Creek Waterline Crossing; Williams Road Pump Station Improvements; and Western Hills Booster Pump Station

## **Reports of Engineer**

### **Freese & Nichols**

A status report was included in the packets for the Boards review:

1. General Engineering Services
  - Updated RMP Offsite Consequence Analysis for WTP.
2. Under Separate Contract
  - Ridglea Country Club Drive Water Line Project( SAPES 2011-112)
  - NW Winscott Addition (SAPES 2016-112)
  - Chlorine Dioxide Procurement Assistance (SAPES 2016-116)

### **Garver**

Ms. Hanson gave a brief update on the status of the following project:

- BWA 2016-111 UPPR Waterline Relocation

## **New Business**

1. Consider, Discuss and Possibly Approve Developer Authority Agreement 2017-5110 with Palomino Associates, LLC.

After a brief discussion, motion was made by Director Cook, second by Director Clark to approve the Developer Authority Agreement 2017-5110 with Palomino Associates, LLC as presented.

Vote on motion.

Ayes: President Lindgron, Vice-President Dunkin, Director Clark, and Director Cook.

Noes: None.

Abstain: Secretary Whitehurst.

Motion carries.

2. Consider, Discuss and Possibly Approve Contract Renewal No. 3, with DPC Industries for Annual Requirements Contract for Liquid Chlorine

After a brief discussion, motion was made by Director Clark, second by Vice-President Dunkin to approve the contract renewal No. 3 with DPC for Liquid Chlorine and to authorize the General Manager or his designee to execute the document.

Vote on motion.

Ayes: President Lindgron, Vice-President Dunkin, Director Clark, Director Cook, and Secretary Whitehurst.

Noes: None.

### **Public Comment**

There was no public comment.

President Lindgron closed the open meeting at 6:02 p.m.

### **Executive Session (6:03 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-Convvene Open Session (8:24 p.m.)**

1. Take any necessary action from Executive Session

No formal action was taken.

There being no further business the meeting adjourned at 8:25 p.m.

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Board President

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Date

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Recording Secretary