

Benbrook Water Authority
1121 Mercedes Street
Regular Meeting
April 3, 2018
2:30 p.m.

The Board of Directors for the Benbrook Water Authority met in a regular meeting on April 3, 2018 with the following Directors present:

President Rick Whitehurst
Director Robert Cook
Director David Hafer
Vice-President Dunkin
Secretary David Clark

Also Present:

David Wasson, General Manager
David Smith, Assistant General Manager
Sheila Rushing, Recording Secretary
Crystal Ramsey, Director of Administration
Tim Chovanec, Attorney
Cathy Morris, Benbrook EDC
Hillary Cromer, Benbrook EDC
Tammi Cauthen, Pinnacle Bank
Anita Grogan, Pinnacle Bank
Brandon Boehure, Benbrook Carwash
Ronnie Smithson, Benbrook Carwash
David Corley, Kestra
Kent Williams

President Whitehurst called the meeting to order at 2:30 p.m. and Mr. Wasson gave the invocation.

Reports of Manager

1. Pinnacle Bank Matters
2. Board of Director Email Matters
3. TCEQ Rulemaking Update

Mr. Wasson reported that item 1 would be discussed in Executive Session.

Mr. Chovanec reported that he had received a response from Pinnacle Bank with regards to the matter at hand and was pleased with the response and timeliness in which it was handled. He noted further discussion would be handled in Executive Session.

Mr. Wasson advised the board that the all emails have been set up for the Board using the

BWA address and those email addresses will be placed on the website. In addition, the emails will also be automatically routed to the BWA Administration address. By doing this, staff will be able to monitor and handle questions or concerns that come across accordingly.

There was some discussion regarding the Memorandum from SledgeLaw Group concerning the update on TCEQ Rulemaking, Project Number 2017-034-295-OW.

Unfinished Business

1. Consider, Discuss and Possibly Approve Retirement Plan Consulting Services Agreement with Kestra Advisory Services.

This item was tabled at the March 20 meeting to allow staff to gather additional information.

As requested by the Board, Principal was contacted regarding their cost for providing the services that are in the proposed agreement with Kestra/Gus Bates. Principal has advised that they would not offer those services to a plan of our size.

Additionally, staff incorrectly interpreted how the asset based charge would be calculated in the proposed agreement with Kestra/Gus Bates. The actual annual cost would be 75 basis points of the plan assets. Current plan assets are approximately \$135,000, so the annual fee would be approximately \$1012, which would be paid in monthly payments of approximately \$85. Staff originally interpreted the agreement to be a payment of 75 basis points per month. This charge can be paid from the 457 Plan or BWA can choose to pay this charge

After a brief discussion, motion was made by Vice-President Dunkin, second by Secretary Clark to approve the Retirement Plan Consulting Services Agreement with Kestra Advisory Services with an annual asset based charge of 75 basis points of plan assets, to be paid in monthly installments, by the Plan.

Vote on motion.

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

Noes: Director Hafer.

Motion carries.

New Business

1. Resolution 2018-01, authorizing the General Manager to Release City of Benbrook Abandoned or Encroached Public Utility Easements.

Mr. Smith noted that at a previous meeting, the Board directed staff to prepare a resolution clarifying the Authority's policy regarding approval of requested easement encroachments, particularly those that involve easements not specifically dedicated to BWA and which have no likelihood of future use by the Authority.

After a brief discussion motion was made by Vice-President Dunkin, second by Secretary Clark to adopt Resolution 2018-01 as presented.

Vote on motion.

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

Noes: None.

Motion carries.

2. Consider the Encroachment of a Water and Sanitary Sewer Easement for the Purpose of Replacing an Existing Monument Sign at 9238 Benbrook Blvd. (Benbrook Full Service Car Wash).

Mr. Smith noted that BWA received a request from Benbrook Full Service Car Wash located at 9238 Benbrook Blvd. to confirm no objection to a permit to reconstruct a monument sign that is currently located within an existing water and sanitary sewer easement along the property frontage with Benbrook Blvd. The applicant was informed by the City of Benbrook when they applied for the permit that changes had been made in the right-of-way along US377 and the location of the sign was in compliance and would need to be relocated approximately 5 feet west of its existing location.

If the new sign is constructed as proposed, it would still be located over the same existing water main but does not appear to create additional challenges to the Authority in terms of maintenance of the water distribution system.

Motion was made by Vice-President Dunkin, second by Director Cook to authorize the relocation of the sign as proposed, subject to the owner executing a Covenant prepared by BWA's Attorney and also subject to the approval of the covenant by Staff.

Vote on motion.

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

Motion carries.

Public Comment

Tammi Cauthen expressed her appreciation of BWA for everything they do for the community.

Executive Session (2:42 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 Open Meeting (3:00 p.m.)

1. Take any action necessary from Executive Session.

Motion was made by Vice-President Dunkin, second by Secretary Clark to direct staff with the BWA Attorney’s assistance to prepare a letter to Pinnacle Bank requesting that going forward, only individuals at BWA listed as signatories and who are also staff be granted online access to BWA’s account information.

Vote on motion.

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

Noes: None.

Motion carries.

There being no further business, the meeting adjourned at 3:04 p.m.

Board President

Date

Recording Secretary