

**Benbrook Water Authority**  
**1121 Mercedes Street**  
**Regular Meeting**  
**August 21, 2018**  
**2:30 p.m.**

The Board of Directors for the Benbrook Water Authority met in a regular meeting on August 21, 2018 with the following Directors present:

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

Also Present:

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

Others Present:

Jessica Brown, Freese & Nichols  
Tina Hanson, Garver  
Tim Chovanec, Attorney  
Brian Newby, Attorney

President Whitehurst called the meeting to order at 2:31 p.m. and Director Hafer gave the invocation.

**Consent Agenda**

1. Minutes of the Regular July 17, 2018, 2018
2. Financial Statement for July 2018
  - 1) Revenues \$1,433,472.54
  - 2) Expenditures \$621,298.28
3. Disbursements for July 2018
  - 1) Deposits & Credits \$1,365,966.96
  - 2) Disbursements \$570,275.26

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

Vote on motion.

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

Noes: None.

Motion carries.

### **Reports of Manager**

1. Staff Reports
2. Development Updates
  - Brookside IV; Vista Way Extension; Aura Benbrook; Hawkins Business Center; and Jerry Dunn Parkway Extension
3. Capital Improvements
  - Northwest Winscott Addition Sanitary Sewer; UPRR 12 inch Waterline Relocation; Williams Road Pump Station Improvements; Western Hills Booster Pump Station;
4. 2016 Bond Issue Update
5. Aquifer Storage and Recovery
6. Letter from AT&T
7. Cancel September 4, 2018 Board Meeting
8. WaterSmart

The WaterSmart item was taken off Manager Reports to discuss in Executive Session.

Motion was made by Secretary Clark, second by Vice-President Dunkin to cancel the regularly scheduled meeting on the 4<sup>th</sup> of September and move it to September 11, 2018.

Vote on motion.

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

Noes: Director Hafer.

Motion carries.

### **Reports of Engineer**

#### **Freese & Nichols**

Jessica Brown gave a brief update on the following:

1. General Engineering Services
2. Under Separate Contract
  - Ridglea Country Club Drive Water Line Project( SAPES 2011-112)
  - NW Winscott Addition (SAPES 2016-112)

#### **Garver**

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

- BWA 2016-111 UPRR Waterline Relocation

**New Business**

1. Consider, Discuss and Possibly Approve Amendment No. 3, with T-Mobile for Tower / Ground Lease Agreement at 305 Sexton Lane.

The last amendment for this tower was in April 2015 for a large equipment upgrade. The proposed amendment will increase the rent by \$1,800.00 per year. The new proposed rent for this site would be \$43,892.40 per year, with a 3% escalation per year.

After a brief discussion, motion was made by Director Cook, second by Secretary Clark to approve the amendment with T-Mobile for the Tower / Ground Lease Agreement at 305 Sexton as presented and authorize the General Manager or his designee to execute the document.

Vote on motion.

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

Noes: None.

Motion carries.

**Public Comment**

No comments.

**Director / Staff Comment**

Vice –President Dunkin inquired about a memo that was sent out by the BWA Attorney regarding an Executive Session Question.

Mr. Newby stated that at a previous meeting, Director Hafer asked a question about the wording for the Executive Sessions and the memo was addressing that question. He noted that he did not bill BWA for responding to this question.

President Whitehurst closed the open meeting at 2:46.

**EXECUTIVE SESSION (2:47 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 to Deliberate the Purchase, Exchange, Lease or Value of Real Property, or on Matters in Which the Duty of the Attorney to the BWA, under the Texas Disciplinary Rules of Professional Conduct, Clearly Conflict with Chapter 551, Texas Government Code.

- Richard Mahoney v. Benbrook Water Authority, Civil Action NO. 4:17-cv-00548-Y, United States District Court for the Northern District of Texas
- Any other item set forth in any section of this notice/agenda

**RE-CONVENE IN OPEN MEETING (4:25 p.m.)**

1. Take Any Action Necessary from Executive Session

Motion was made by Director Hafer, second by Vice-President Dunkin to approve the contract with WaterSmart subject to modifications of the BWA Attorney.

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 4:30 p.m.

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Board President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Recording Secretary