

**BEXAR COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. TEN**

8601 MIDCROWN  
SAN ANTONIO, TEXAS 78239-2445

REGULAR BOARD MEETING MINUTES  
DECEMBER 12, 2019

- I. CALL REGULAR BOARD MEETING TO ORDER AND TAKE ATTENDANCE AND PLEDGE OF ALLEGIANCE: The Regular Board Meeting of December 12, 2019, was called to order at 5:02 p.m. by the President of the Board, Ms. Alexander, at the City of Windcrest Council Chambers, 8601 Midcrown Drive, Windcrest, Texas, for the purpose of considering the following agenda. The Board's President determined that a quorum was present. Board members present were Ms. Alexander, Mr. Richards and Mr. Guerrero. Also, in attendance were Ruben Barrera, Attorney, Leonard Young, Engineer and David Wallace, General Manager. Ms. Scheibler and Ms. Snead were absent.
- II. ANNOUNCEMENTS: THE BOARD OF DIRECTORS OF THE BEXAR COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 10 WILL, DURING THE MEETING, CLOSE THE MEETING AND HOLD AN EXECUTIVE SESSION PURSUANT TO AND IN ACCORDANCE WITH CHAPTER 551 OF THE TEXAS OPEN MEETINGS ACT. THE BOARD OF DIRECTORS MAY, AT ANY TIME DURING THE MEETING, CLOSE THE MEETING AND HOLD AN EXECUTIVE SESSION FOR CONSULTATION WITH ITS ATTORNEYS CONCERNING ANY OF THE MATTERS TO BE CONSIDERED DURING THE MEETING PURSUANT TO CHAPTER 441 OF THE TEXAS OPEN MEETINGS ACT.
- III. READ, CORRECT/AMEND, AND APPROVE THE REGULAR BOARD MEETING MINUTES OF NOVEMBER 21, 2019. Mr. Guerrero made a motion to approve the minutes as written. This was seconded by Mr. Richards. Motion Passes.

3 YES 0 ABSTAIN 0 NO 2 ABSENT

- IV. ACCEPT VISITOR COMMENTS (STRICT 5 MINUTE TIME LIMIT PER VISITOR). VISITORS THAT WISH TO SPEAK MUST SIGN IN ON THE SIGN-UP SHEET LOCATED AT THE DOORWAY. VISITORS MUST SIGN IN BEFORE THE MEETING BEGINS. VISITOR COMMENTS WILL NOT BE ALLOWED / ACCEPTED AFTER THIS TIME. No public comments.

**PUBLIC COMMENT STANDARD STATEMENT**

*The Board will now open the floor to members of the public for public comment. Individuals will be called in the order they registered on the sign-in sheet prior to the beginning of the meeting. While the Board welcomes comments and participation from the public, please be advised of the following guidelines:*

- 1. Comments may relate to general matters involving the District or a specific item(s) on the Board's agenda.*
- 2. Comments shall be limited to five (5) minutes per individual.*
- 3. Comments relating to general matters involving the District shall be presented during the Public Comment Session at the beginning of the meeting.*
- 4. Comments relating to a specific item(s) on the Board's agenda may be presented either (a) during the Public Comment Session at the beginning of the meeting; or (b) during consideration of the specific agenda item(s).*
- 5. An individual shall register (by including name and address) on the sign-in sheet prior to the beginning of the meeting his/her choice to either comment (a) during the Public Comment Session at the beginning of the meeting or (b) during consideration of each specific agenda item(s).*
- 6. At the Board's discretion, if five (5) or more individuals desire to comment on a specific item, such comments shall be limited to two (2) minutes per individual.*

7. **No individual shall transfer his/her allotted time to comment to another individual.**
8. **If (a) an individual needs a translator to translate his/her public comments, and (b) the Board is not providing translation equipment that allows the Board to hear translated public comments simultaneously, the comments of an individual using a translator shall be limited to ten (10) minutes per individual.**
9. **Comments should be directed to the entire Board and not to one individual member of the Board.**
10. **The Board strives to maintain open, courteous and respectful communications with the public. Please extend the same courtesy to the Board when addressing your comments.**
11. **While individuals are free to express their opinions, whether positive or critical of any act, omission, policy, procedure, program, or service of the District and/or the Board, the Board does expect that all individuals shall exercise decorum during the conduct of the meeting. Any individual engaging in disruptive behavior, including shouting, the use of vulgar language or gestures, or derogatory comments and statements intended to incite a breach of the peace, and/or preventing, interfering, or otherwise obstructing a lawfully called meeting, may be asked to leave the meeting.**

**Pursuant to Section 551.042 of the Texas Open Meetings Act, the Board may not deliberate or decide on any inquiry or concern raised by a member of the public or member of the Board that has not been posted on the agenda. The Board may, however, consider a proposal to place the subject on the agenda for a future meeting, or respond to a question presented to the Board if the response is limited to either a statement of specific factual information or a recitation of existing policy.**

V. CONSENT ITEMS:

A. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION RATIFYING THE GENERAL MANAGER'S PAYMENT TO PEERLESS EQUIPMENT IN THE AMOUNT OF \$40,524.95 FOR WORK COMPLETED ON THE WELL #2 / STANDPIPE WHICH IS INCLUDED IN THE DISTRICT'S 2018 - 2019 CAPITAL IMPROVEMENTS PLAN. (DISTRICT CIP)

B. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION RATIFYING THE GENERAL MANAGER'S PAYMENT TO QRO MEX CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$120,427.85 FOR THEIR FOURTH PAYMENT FOR WORK ON THE DISTRICT'S PHASE 1 PROJECT WHICH IS INCLUDED IN THE DISTRICT'S 2018-2019 CAPITAL IMPROVEMENTS PLAN. (REVENUE NOTE CIP)

C. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION RATIFYING THE GENERAL MANAGER'S PAYMENT TO PRONTO SANDBLASTING AND COATINGS INC. IN THE AMOUNT OF \$59,138.54 FOR THEIR SIXTH AND FINAL PAYMENT FOR WORK ON THE DISTRICT'S EAGLECREST, CRESTWAY AND SHADY CREEK PROJECT WHICH IS INCLUDED IN THE DISTRICT'S 2018 - 2019 CAPITAL IMPROVEMENTS PLAN. (REVENUE NOTE CIP)

D. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION APPROVING RECAPITULATION CHANGE ORDER NO. 1 IN THE DECREASED AMOUNT OF \$22,950.98 TO BE CREDITED TO THE CONSTRUCTION CONTRACT WITH PRONTO SANDBLASTING AND COATINGS INC. IN CONNECTION WITH THE DISTRICT'S EAGLECREST, CRESTWAY & SHADY CREEK PROJECT; AUTHORIZING AND DIRECTING THE DISTRICT'S GENERAL MANAGER TO TAKE ALL ACTIONS AND EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO CLOSE THE CONSTRUCTION CONTRACT WITH PRONTO SANDBLASTING & COATINGS INC. IN CONNECTION WITH THE DISTRICT'S EAGLECREST,

CRESTWAY AND SHADY CREEK PROJECTS. Mr. Richards made a motion to approve the Consent Items. This was seconded by Ms. Alexander. Motion Passes.

3 YES 0 ABSTAIN 0 NO 2 ABSENT

VI. ITEMS FOR INDIVIDUAL CONSIDERATION:

A. A PRESENTATION BY THE GENERAL MANAGER AND THE DISTRICT'S ENGINEER REGARDING THE DISTRICT'S 2018 AND 2019 CAPITAL IMPROVEMENTS PLAN; AND BOARD DELIBERATION REGARDING THE DISTRICT'S 2018 AND 2019 CAPITAL IMPROVEMENTS PLAN.

Ms. Snead joined the meeting at 5:05 p.m.

B. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION TO AUTHORIZE THE GENERAL MANAGER TO NOTIFY THE EDWARDS AQUIFER AUTHORITY (EAA) THAT THE DISTRICT WILL COMMIT 1320, ACRE-FEET OF WATER RIGHTS FOR THE YEAR 2020. Ms. Snead made a motion to approve. This was seconded by Mr. Guerrero. Motion Passes.

4 YES 0 ABSTAIN 0 NO 1 ABSENT

C. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION ACCEPTING THE BID OF AND, AWARDDING AND APPROVING A CONTRACT FOR THE PURCHASE OF A 2020 FORD F350 TRUCK FOR THE DISTRICT FROM THE BIDDER WHOSE BID IS DEEMED TO BE THE MOST ADVANTAGEOUS TO THE DISTRICT; AUTHORIZING AND DIRECTING THE DISTRICT'S GENERAL MANAGER TO NEGOTIATE, FINALIZE AND SIGN A CONTRACT AND ANY OTHER REQUIRED DOCUMENTS INVOLVING THE PURCHASE OF A 2020 FORD F350 TRUCK FOR THE DISTRICT FROM THE BIDDER WHOSE BID IS DEEMED TO BE THE MOST ADVANTAGEOUS TO THE DISTRICT, AND TO CARRY OUT ALL OF THE DISTRICT'S OBLIGATIONS UNDER THE CONTRACT. Mr. Guerrero made a motion to approve Silsbee Ford's bid for \$42,482.00. This was seconded by Ms. Snead. Motion Passes.

4 YES 0 ABSTAIN 0 NO 1 ABSENT

D. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION DECLARING THAT THE DISTRICT'S EXISTING TRUCK DESCRIBED AS A 2011 CHEVY SILVERADO PICKUP TRUCK ("EXISTING TRUCK) IS DESIGNATED AS SURPLUS PROPERTY AS IT IS NO LONGER NEEDED FOR THE DISTRICT'S PURPOSES; ORDERING THAT THE EXISTING TRUCK BE DISPOSED OF IN A PRIVATE SALE IN ACCORDANCE WITH SECTION 49.226 OF THE TEXAS WATER CODE; AUTHORIZING AND DIRECTING THE DISTRICT'S GENERAL MANAGER TO PROCEED TO DISPOSE OF THE DISTRICT'S EXISTING TRUCK IN A PRIVATE SALE IN ACCORDANCE WITH SECTION 49.226 OF THE TEXAS WATER CODE. Mr. Richards made a motion to approve. This was seconded by Ms. Snead. Motion Passes.

4 YES 0 ABSTAIN 0 NO 1 ABSENT

E. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION (I) AUTHORIZING AND APPROVING THE TRANSFER OF \$418,937.10 FROM THE DISTRICT'S CIP ACCOUNT (FUNDED WITH THE PROCEEDS FROM THE ISSUANCE OF THE REVENUE NOTES) TO THE DISTRICT'S OPERATING ACCOUNT TO REIMBURSE THE DISTRICT FOR COSTS THAT WERE PAID BY THE DISTRICT FOR A PORTION OF THE APPROVED CIP PROJECTS THAT WERE STARTED PRIOR TO THE ISSUANCE OF THE REVENUE NOTES;

AND (II) AUTHORIZING AND DIRECTING THE DISTRICT'S GENERAL MANAGER TO TAKE ALL ACTIONS DEEMED NECESSARY TO TRANSFER \$418,937.10 FROM THE DISTRICT'S CIP ACCOUNT TO THE DISTRICT'S OPERATING ACCOUNT TO REIMBURSE THE DISTRICT FOR COSTS THAT WERE PAID BY THE DISTRICT FOR A PORTION OF THE APPROVED CIP PROJECTS THAT WERE STARTED PRIOR TO THE ISSUANCE OF THE REVENUE NOTES. Ms. Snead made a motion to approve. This was seconded by Mr. Richards. Motion Passes.

4 YES 0 ABSTAIN 0 NO 1 ABSENT

F. THE BOARD WILL DISCUSS AND MAY TAKE ACTION AUTHORIZING THE GENERAL MANAGER AND THE DISTRICT'S ENGINEER TO MEET WITH THE CITY OF WINDCREST ("CITY") REPRESENTATIVES REGARDING THE INSTALLATION OF A CANOPY FOR THE DISTRICT'S EQUIPMENT LOCATED AT THE CITY'S MAINTENANCE YARD; FURTHER AUTHORIZING AND DIRECTING THE GENERAL MANAGER AND THE DISTRICT'S ATTORNEY TO BRING BACK TO THE BOARD ANY RECOMMENDED AMENDMENTS TO THE INTERLOCAL AGREEMENT BETWEEN THE DISTRICT AND THE CITY TO ADDRESS THE INSTALLATION OF A CANOPY FOR THE DISTRICT'S EQUIPMENT LOCATED AT THE CITY'S MAINTENANCE YARD. Mr. Richards made a motion to approve. This was seconded by Ms. Snead. Motion Passes.

4 YES 0 ABSTAIN 0 NO 1 ABSENT

G. THE BOARD WILL DISCUSS AND MAY TAKE ACTION AUTHORIZING THE GENERAL MANAGER AND THE DISTRICT'S ATTORNEY TO MEET WITH THE CITY OF WINDCREST ("CITY") REPRESENTATIVES TO DISCUSS THE AMOUNT OF WATER SUPPLIED BY THE DISTRICT TO THE CITY UNDER THE INTERLOCAL AGREEMENT BETWEEN THE DISTRICT AND THE CITY; FURTHER AUTHORIZING AND DIRECTING THE GENERAL MANAGER AND THE DISTRICT'S ATTORNEY TO BRING BACK TO THE BOARD ANY RECOMMENDED AMENDMENTS TO THE INTERLOCAL AGREEMENT BETWEEN THE DISTRICT AND THE CITY TO ADDRESS ANY CHANGES TO THE AMOUNT OF WATER SUPPLIED BY THE DISTRICT TO THE CITY. Ms. Snead made a motion to approve. This was seconded by Mr. Guerrero. Motion Passes.

4 YES 0 ABSTAIN 0 NO 1 ABSENT

VII. BRIEFING SESSION

A. STATEMENT OF OPERATIONS AND INVESTMENT REPORT. SUMMARY OF INCOME AND EXPENSES FOR PREVIOUS MONTH. IN-DEPTH REPORT ON AREAS THAT EXPERIENCED SIGNIFICANTLY HIGHER OR LOWER LEVELS THAN EXPECTED. UPDATE ON INVESTMENTS, INCLUDING BALANCES, RATES OF RETURN, MATURITY DATES, AND MARKET CONDITIONS.

1.	STATEMENT OF OPERATIONS:	NOVEMEBER 2019
	a. Operating Revenue:	\$ 176,837.76
	b. Operating Expenses:	\$ 188,058.65
	c. Operating Income	\$ 13,789.95
	d. Non-Operating Income	\$ 4,135.38 (Interest Income)
	e. Total Income	\$ (7,085.51)
2.	INVESTMENT REPORT:	
	a. Operating Account Balance	\$ 620,489.92
	b. Investments:	\$ 756,033.46
	c. Grand Total	\$4,993,475.50

B. MANAGER'S REPORT. SUMMARY OF SIGNIFICANT ACTIVITY THAT AFFECTED OPERATIONS OR HAS POTENTIAL OF AFFECTING OPERATIONS. INCLUDES PERSONNEL UPDATE, SIGNIFICANT EXPENDITURES, WEATHER CONDITIONS, CAPITAL IMPROVEMENT PROJECT STATUS, OPERATIONAL STATISTICS, AND RESPONSES TO INQUIRIES FROM THE BOARD AND / OR VISITORS.

1. SIGNIFICANT EXPENDITURES: (OVER \$5,000)

SAWS	Sewer Service / November 2019	\$65,056.54
EAA	Management / Program Fee	\$ 7,830.58
2. Water Usage Update: Our current pumpage for November 2019 was 26,285,000 gals, Total pumpage for the year is 671.25 acre/ft. The District's total Edwards permit is 1625.00 acre/ft. The Edwards Aquifer is currently around 675.2 ft. We are in NORMAL RESTRICTIONS. We are currently pumping 780,000 gal/per/day.
3. We are still replacing old water meters that no longer function. This will be a normal operational procedure. The meter change-out program is on schedule to replace 200 residential meters this year. Still replacing bad curb-stops on meter change outs.
4. Working with the Engineers, Financial Advisors and Bond Counsel on 2019 Capital Improvement Project plans.
5. Both Contractors are working in the District and doing well. They are on schedule. We will keep Qro Mex working in the alleys only until January 1, 2020.

VIII. THE REGULAR SESSION OF THE DECEMBER 12, 2019, REGULAR BOARD MEETING IS HEREBY RECESSED TO HOLD AN EXECUTIVE SESSION AND DISCUSS THE MATTERS LISTED BELOW PURSUANT TO SECTIONS 551.071, 552.072 AND 552.074 OF THE TEXAS OPEN MEETINGS ACT. The Board did not go into Executive Session.

IX. EXECUTIVE SESSION

A. TO DELIBERATE THE EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF THE DISTRICT'S EMPLOYEES, AS AUTHORIZED BY TEXAS GOVERNMENT CODE 551.074.

B. THE BOARD WILL CONSULT WITH THE DISTRICT'S LEGAL COUNSEL IN A CLOSED SESSION, AS AUTHORIZED BY TEXAS GOVERNMENT CODE § 551.071(2), TO DISCUSS AND SEEK ADVICE UPON ONE OR MORE MATTER(S) IN WHICH THE DUTY OF THE ATTORNEY TO THE DISTRICT UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

\*\*As Used Herein, "Closed Meeting" Shall Have The Definition Ascribed To That Term By Texas Government Code § 551.001. As Required By Texas Government Code § 551.102, The Final Action, Decision, Or Vote On A Matter Deliberated In A Closed Meeting Will Be Made In An Open Meeting\*\*

X. THE REGULAR SESSION OF THE REGULAR BOARD MEETING OF DECEMBER 12, 2019, IS HEREBY RECONVENED.

XI. OTHER BUSINESS BROUGHT BEFORE THE BOARD. (NO DELIBERATIONS AND / OR DECISION WILL OCCUR EXCEPT TO PLACE THE SUBJECT ON THE AGENDA FOR THE NEXT SCHEDULED BOARD MEETING AND GIVE STAFF TIME TO EVALUATE AND MAKE

RECOMMENDATIONS. District's Engineer stated that he would have Change Orders for Phase 1 for Board's deliberation at the January Board Meeting.

XII. ADJOURNMENT. The Bexar County Water Control and Improvement District No. 10 Board of Directors Meeting of December 12, 2019 is hereby adjourned at 5:43 p.m.

  
FERNANDO RICHARDS, JR., Secretary

  
BERTIE S ALEXANDER, President

Date: 1/16/2020