

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

8601 MIDCROWN  
SAN ANTONIO, TEXAS 78239-2445

REGULAR BOARD MEETING MINUTES  
AUGUST 27, 2020

- I. CALL REGULAR BOARD MEETING TO ORDER AND TAKE ATTENDANCE AND PLEDGE OF ALLEGIANCE: The Regular Board Meeting of August 27, 2020, was called to order at 6:00 p.m. by the President of the Board, Ms. Alexander, at the City of Windcrest's 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, Ms. Snead, Mr. Richards, and Mr. Guerrero. Also, in attendance were Ruben Barrera, Attorney, Leonard Young, Engineer, and David Wallace, General Manager. Ms. Scheibler was absent. Mr. Richards made a motion to excuse Ms. Scheibler from the meeting. This was seconded by Ms. Snead. Motion Passes.

4 YES 0 ABSTAIN 0 NO 1 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 July 16, 2020. Mr. Guerrero made a motion to approve the minutes as written. This was seconded by Mr. Richards. Motion Passes.

4 YES 0 ABSTAIN 0 NO 1 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 RL JONES, LP IN THE AMOUNT OF \$57,055.95 FOR ITS SECOND PAYMENT FOR WORK ON THE DISTRICT'S PHASE II WINFIELD TO RICHFIELD WATER IMPROVEMENT PROJECT WHICH IS INCLUDED IN THE DISTRICT'S 2019-2020 CAPITAL IMPROVEMENTS PLAN. *(REVENUE NOTE CIP)*

B. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION RATIFYING THE GENERAL MANAGER'S PAYMENT TO RL JONES, LP IN THE AMOUNT OF \$327,181.95 FOR ITS THIRD PAYMENT FOR WORK ON THE DISTRICT'S PHASE II WINFIELD TO RICHFIELD WATER IMPROVEMENT PROJECT WHICH IS INCLUDED IN THE DISTRICT'S 2019-2020 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 CORE & MAIN IN THE AMOUNT OF \$698.88 FOR THE PURCHASE OF METER BOXES FOR THE DISTRICT WHICH IS INCLUDED IN THE DISTRICT'S 2019-2020 CAPITAL IMPROVEMENTS PLAN. *(REVENUE NOTE CIP)*

D. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION RATIFYING THE GENERAL MANAGER'S PAYMENT TO PRONTO SANDBLASTING & COATINGS, INC. IN THE AMOUNT OF \$14,465.93 FOR ITS SECOND PAYMENT FOR WORK ON THE DISTRICT'S PHASE II WINDROCK DRIVE & ROUGHRIDER SEWER PROJECT WHICH IS INCLUDED IN THE DISTRICT'S 2019-2020 CAPITAL IMPROVEMENTS PLAN. *(REVENUE NOTE CIP)*

E. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION RATIFYING THE GENERAL MANAGER'S PAYMENT TO PRONTO SANDBLASTING & COATINGS, INC. IN THE AMOUNT OF \$62,319.21 FOR ITS THIRD PAYMENT FOR WORK ON THE DISTRICT'S PHASE II AREA #3 UTILITY IMPROVEMENTS PROJECT WHICH IS INCLUDED IN THE DISTRICT'S 2019-2020 CAPITAL IMPROVEMENTS PLAN. (*REVENUE NOTE CIP*) Ms. Snead made a motion to approve the Consent Agenda Items as written. This was seconded by Mr. Guerrero. Motion Passes.

4 YES 0 ABSTAIN 0 NO 1 ABSENT

VI. ITEMS FOR INDIVIDUAL CONSIDERATION:

A. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION TO ACCEPT THE RESIGNATION OF GALE SCHEIBLER AS BOARD TREASURER AND BOARD DIRECTOR. Mr. Guerrero made a motion to approve Ms. Scheibler's Resignation letter. This was seconded by Mr. Richards. Motion Passes.

4 YES 0 ABSTAIN 0 NO 1 ABSENT

B. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION TO FILL THE VACANT BOARD OF DIRECTOR POSITION. Ms. Snead nominated Ms. Diana Tuttle to fill the vacant board of Director position. This was seconded by Mr. Guerrero. Motion Passes.

4 YES 0 ABSTAIN 0 NO 1 ABSENT

C. OATH OF OFFICE – SWEAR IN THE APPOINTED CANDIDATE TO FILL THE VACANT BOARD OF DIRECTOR POSITION.

D. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION CANCELING THE DISTRICT'S NOVEMBER 3, 2020 ELECTION FOR TWO BOARD OF DIRECTOR SEATS; ACCEPTING THE CERTIFICATION OF DAVID WALLACE, THE DISTRICT'S GENERAL MANAGER AND ELECTIONS ADMINISTRATOR, THAT FERNANDO RICHARDS, JR. AND DIANA TUTTLE ARE UNOPPOSED IN THE ELECTION FOR THE TWO BOARD OF DIRECTOR SEATS; DECLARING THE UNOPPOSED CANDIDATES ELECTED TO THE OFFICES OF THE TWO BOARD OF DIRECTOR SEATS; PROVIDING THAT THE DISTRICT'S NOVEMBER 3, 2020 ELECTION FOR TWO BOARD OF DIRECTOR SEATS SHALL NOT BE HELD; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT THEREWITH; AND AUTHORIZING AND DIRECTING DAVID WALLACE TO NOTIFY THE BEXAR COUNTY ELECTIONS ADMINISTRATOR OF THE DISTRICT'S CANCELLATION OF THE NOVEMBER 3, 2020 ELECTION FOR TWO BOARD OF DIRECTOR SEATS AND PROVIDING FOR OTHER MATTERS IN CONNECTION WITH THE CANCELLATION OF THE DISTRICT'S NOVEMBER 3, 2020 ELECTION. Mr. Richards made a motion to approve as written. This was seconded by Ms. Snead. Motion Passes.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

***THE BOARD PRESIDENT DIVEATED FROM THE AGENDA AND WENT INTO EXECUTIVE SESSION ITEM VIII, IX and X.***

VIII. THE REGULAR SESSION OF THE AUGUST 27, 2020, 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 went into Executive Session at 6:11 p.m.

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 AUGUST 27, 2020, IS HEREBY RECONVENED. The Board reconvened into regular session at 6:29 p.m.

**RETURNED TO ITEM VI:**

E. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE AMENDMENT OF SECTIONS 4.04.A.5 AND 4.04.B.15. OF THE DISTRICT'S POLICY AND PROCEDURES MANUAL TO PROVIDE THAT THE WATER RIGHTS FEE SHALL BE SET AT AN AMOUNT TO BE DETERMINED BY AND APPROVED BY THE BOARD; AND FURTHER REPEALING ANY PRIOR INCONSISTENT PROVISIONS IN SECTIONS 4.04.A.5. AND 4.04.B.15 OF THE DISTRICT'S POLICY AND PROCEDURES MANUAL. Mr. Guerrero made a motion to approve as written. This was seconded by Mr. Richards. Motion Passes

5 YES 0 ABSTAIN 0 NO 0 ABSENT

F. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION REPEALING RESOLUTION NO. 2020-31; APPROVING THE SALE OF 15 ACRE-FEET OF WATER TO WATERSHED CARWASH AT A WATER RIGHTS FEE PER ACRE-FOOT OF WATER AS DETERMINED BY AND APPROVED BY THE DISTRICT'S BOARD OF DIRECTORS; AUTHORIZING AND DIRECTING THE GENERAL MANAGER TO NEGOTIATE AND EXECUTE A WATER SUPPLY AGREEMENT WITH WATERSHED CARWASH FOR THE SALE OF 15 ACRE- FEET OF WATER BY THE DISTRICT TO WATERSHED CARWASH AT A WATER RIGHTS FEE PER ACRE-FOOT OF WATER AS DETERMINED BY AND APPROVED BY THE DISTRICT'S BOARD OF DIRECTORS. Mr. Richards made a motion to approve as written. This was seconded by Ms. Snead. Motion Passes.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

G. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE SALE OF 8 ACRE- FEET OF WATER TO COMPASS ROSE ACADEMY AT A WATER RIGHTS FEE PER ACRE-FOOT OF WATER AS DETERMINED BY AND APPROVED BY THE DISTRICT'S BOARD OF DIRECTORS; AUTHORIZING AND DIRECTING THE GENERAL MANAGER TO NEGOTIATE AND EXECUTE A WATER SUPPLY AGREEMENT WITH COMPASS ROSE ACADEMY FOR THE SALE OF 8 ACRE- FEET OF WATER BY THE DISTRICT TO COMPASS ROSE ACADEMY AT A WATER RIGHTS FEE PER ACRE-FOOT OF WATER AS DETERMINED BY AND APPROVED BY THE DISTRICT'S BOARD OF DIRECTORS. Ms. Snead

made a motion to approve Resolution 2020 – 40 with an amount of \$5,600.00 per acre-foot and with a total amount of \$44,800.00. This was seconded by Mr. Richards. Motion Passes.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

H. PRESENTATION BY THE GENERAL MANAGER AND THE DISTRICT’S ENGINEER REGARDING THE DISTRICT’S 2019 AND 2020 CAPITAL IMPROVEMENTS PLAN; AND BOARD DELIBERATION REGARDING THE DISTRICT’S 2019 AND 2020 CAPITAL IMPROVEMENTS PLAN.

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 AMOUNTS THAN EXPECTED. UPDATE ON INVESTMENTS, INCLUDING BALANCES, RATES OF RETURN, MATURITY DATES, AND MARKET CONDITIONS.

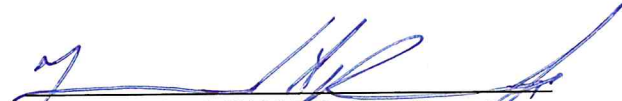
1.	STATEMENT OF OPERATIONS:	<u>JULY 2020</u>
	a. Operating Revenue:	\$ 232,899.48
	b. Operating Expenses:	\$ 192,053.75
	c. Operating Income	\$ 40,845.73
	d. Non-Operating Income	\$ 715.04
	e. Total Income	\$ 41,560.77
2.	INVESTMENT REPORT:	
	a. Operating Account Balance	\$1,042,477.40
	b. Investments:	\$ 456,116.57
	c. Grand Total	\$3,636,643.61

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.

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| 1. | SIGNIFICANT EXPENDITURES: (OVER \$5,000) | <u>JULY 2020</u> |
|    | SAWS Sewer Service /                     | \$67,858.59      |
|    | EAA Management / Program Fee             | \$11,377.28      |
2. Water Usage Update: Our current pumpage for July 2020 was 40,676 gals, Total pumpage for the year is 581.62 acre/ft. The District’s total Edwards permit is 1625.00 acre/ft. The Edwards Aquifer is currently around 655 ft. We are in STAGE I RESTRICTIONS. We are currently pumping 1,400,000 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 1970 age meters. We have replaced 10 meters this month.
  4. Working with the Engineers, Financial Advisors and Bond Counsel on 2019 Capital Improvement Project plans.
  5. Contractor is working in the District and doing well. They are on schedule. Qro Mex is on schedule with their work. Will keep Qro Mex working in the alleys and they added another crew. Pronto is doing final clean-up and RL Jones is approximately 65% complete and doing well. Qro Mex crew will start Eaglecrest next week.

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.

XII. ADJOURNMENT. The Bexar County Water Control and Improvement District No. 10 Board of Directors Meeting of August 27, 2020 is hereby adjourned at 7:08 p.m.

  
FERNANDO RICHARDS, JR., Secretary

  
BERTIE S ALEXANDER, President

Date: 09/17/2020