

**BEXAR COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. TEN**  
8601 MIDCROWN  
SAN ANTONIO, TEXAS 78239-2445

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REGULAR BOARD MEETING MINUTES  
NOVEMBER 19, 2020

- I. CALL REGULAR BOARD MEETING TO ORDER AND TAKE ATTENDANCE AND PLEDGE OF ALLEGIANCE: The Regular Board Meeting of November 19, 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, Mr. Guerrero, and Ms. Tuttle. Also, in attendance were Ruben Barrera, Attorney, Leonard Young, Engineer, David Wallace, General Manager.
- 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 OCTOBER 15, 2020. Mr. Guerrero made a motion to approve the minutes as written. This was seconded by Mr. Richards. Motion Passes.

5 YES    0 ABSTAIN    0 NO    0 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. OATH OF OFFICE: SWEAR IN ELECTED BOARD MEMBERS FROM THE NOVEMBER 3, 2020 ELECTION. The Oath Of Office was given to Fernando Richards, Jr., and Diane Tuttle.

VI. BOARD MEMEBERS WILL CONDUCT AN ELECTION OF DISTRICT OFFICERS. DIRECTORS WILL NOMINATE AND VOTE FOR:

A. PRESIDENT, Mr. Richards nominated Sue Alexander to fill the President position on the Board. Nomination Closed. Mr. Richards made a motion to Approve this nomination. This was seconded by Ms. Snead. Board Approved.

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5 YES 0 ABSTAIN 0 NO 0 ABSENT

B. VICE PRESIDENT, Ms. Tuttle nominated Fernando Richards, Jr. to fill the Vice President position on the Board. Nomination Closed. Ms. Tuttle made a motion to Approve this nomination. This was seconded by Ms. Snead. Board Approved.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

C. SECRETARY, Ms. Snead nominated Diane Tuttle to fill the Secretary position on the Board. Nomination Closed. Ms. Snead made a motion to Approve this nomination. This was seconded by Mr. Guerrero. Board Approved.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

D. TREASURER, Mr. Guerrero nominated Eugenia Snead to fill the Treasurer position on the Board. Nomination Closed. Mr. Guerrero made a motion to Approve this nomination. This was seconded by Mr. Richards. Board Approved.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

VII. CONSENT ITEMS:

A. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION RATIFYING THE GENERAL MANAGER'S PAYMENT TO FERGUSON WATERWORKS IN THE AMOUNT OF \$4,183.52 FOR THE PURCHASE OF TWO (2) FIRE HYDRANTS FOR THE DISTRICT FOR INSTALLATION AT FENWICK DRIVE & MIDCROWN DRIVE AND CANDLEGLO DRIVE & MIDCROWN DRIVE WHICH IS INCLUDED IN THE DISTRICT'S 2019-2020 CAPITAL IMPROVEMENTS PLAN. (BCWCID10 CIP)

B. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION RATIFYING THE GENERAL MANAGER'S PAYMENT TO R.L. JONES, LP IN THE AMOUNT OF \$9,000.00 FOR PAYMENT FOR THE FIRST PHASE OF WORK ON THE DISTRICT'S CIP FIRE HYDRANT PROJECT FOR INSTALLATION OF FIRE HYDRANTS AT FENWICK DRIVE & MIDCROWN DRIVE AND CANDLEGLO DRIVE & MIDCROWN DRIVE WHICH IS INCLUDED IN THE DISTRICT'S 2019-2020 CAPITAL IMPROVEMENTS PLAN. (BCWCID10 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 \$1,532.50 FOR THE PURCHASE OF A NEW 2-INCH WATER METER FOR THE DISTRICT THAT WAS INSTALLED AT 6001 MONTGOMERY DRIVE WHICH IS INCLUDED IN THE DISTRICT'S 2019-2020 CAPITAL IMPROVEMENTS PLAN. (BCWCID10 CIP)

D. 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 \$223,987.86 FOR ITS SECOND PAYMENT FOR WORK ON THE DISTRICT'S PHASE II EAGLECREST BOULEVARD CROSSINGS WATER IMPROVEMENT 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 DESIGNATING THE DISTRICT'S OFFICERS AND EMPLOYEES AUTHORIZED TO CONDUCT BUSINESS AND SERVE AS OFFICIAL FINANCIAL INSTITUTION SIGNATORIES; AUTHORIZING AND DIRECTING THE GENERAL MANAGER TO PRESENT THIS RESOLUTION TO THE BANK AND ENSURE THAT ALL CHANGES DIRECTED BY THIS RESOLUTION BE COMPLETED.

F. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE RENEWAL OF A CERTIFICATE OF DEPOSIT IN THE AMOUNT OF \$122,725.57 (AS OF OCTOBER 31, 2020) FOR TWO (2) YEARS WITH FIRST MARK CREDIT UNION; AND AUTHORIZING AND DIRECTING THE GENERAL MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR THE RENEWAL OF THE CERTIFICATE OF DEPOSIT WITH FIRST MARK CREDIT UNION.

G. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION TO APPROVE THE 2021 DISTRICT HOLIDAY SCHEDULE.

Ms. Snead made a motion to approve Consent Items minus items H. and I. as the Board will discuss these. This was seconded by Mr. Guerrero. Board Approved

5 YES 0 ABSTAIN 0 NO 0 ABSENT

Ms. Snead made a motion to discuss the following items from the Consent Items. Items VII. H. and VII. I. This was seconded by Mr. Guerrero. Motion Passes.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

H. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE DISTRICT'S COMMITMENT TO ONLY WITHDRAW 1,320 ACRE-FEET OF GROUNDWATER FROM THE EDWARDS AQUIFER DURING THE YEAR 2021 OUT OF 1,625.325 ACRE-FEET OF GROUNDWATER THE DISTRICT IS PERMITTED TO ANNUALLY WITHDRAW FROM THE EDWARDS AQUIFER UNDER EDWARDS AQUIFER AUTHORITY (EAA) PERMIT NO. 100-053 (BE00028); AND AUTHORIZING AND DIRECTING THE GENERAL MANAGER TO NOTIFY THE EAA OF THE DISTRICT'S COMMITMENT TO ONLY WITHDRAW 1,320 ACRE-FEET OF GROUNDWATER FROM THE EDWARDS AQUIFER DURING THE YEAR 2021. The Board discussed this item and after deliberation decided that the District would adjust the withdraw amount from 1,320 acre-feet to 1,370 acre-feet. Ms. Snead made a motion to approve this Resolution with the adjusted 1,370 acre-feet. This was seconded by Mr. Richards. Motion Approved.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

I. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION APPROVING A GROUNDWATER TRUST TRANSFER CONTRACT BETWEEN THE DISTRICT AND THE EDWARDS AQUIFER AUTHORITY (EAA) PROVIDING THAT THE DISTRICT WILL TRANSFER 305 ACRE-FEET OF GROUNDWATER OUT OF 1,625.325 ACRE-FEET OF GROUNDWATER THE DISTRICT IS PERMITTED TO ANNUALLY WITHDRAW FROM THE EDWARDS AQUIFER UNDER EAA PERMIT NO. 100-053 (BE00028) TO THE EAA FOR ITS GROUNDWATER TRUST FOR THE YEAR 2021; AND AUTHORIZING AND DIRECTING THE GENERAL MANAGER TO EXECUTE THE GROUNDWATER TRUST TRANSFER CONTRACT BETWEEN THE DISTRICT AND THE EAA. The Board discussed this item and after deliberation decided that the District would adjust the transfer of 305 acre-feet to 255.325 acre-feet of ground water to the EAA. Ms. Snead made a motion to approve this Resolution with the adjusted 255.325 acre-feet. This was seconded by Mr. Guerrero. Motion Approved.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

VIII. ITEMS FOR INDIVIDUAL CONSIDERATION:

A. A 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.

B. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE RATE WITH THE TEXAS COUNTY DISTRICT RETIREMENT SYSTEM FOR THE DISTRICT'S EMPLOYEE RETIREMENT PLAN FOR 2021. Mr. Richards made a motion to approve this resolution. This was seconded by Mr. Guerrero. Motion Approved.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

**THE BOARD PRESIDENT WENT INTO EXECUTIVE SESSION AT THIS TIME.**

IX. THE REGULAR SESSION OF THE NOVEMBER 19, 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 recessed into executive session at 6:29 p.m.

X. 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\*\***

XI. THE REGULAR SESSION OF THE REGULAR BOARD MEETING OF NOVEMBER 19, 2020, IS HEREBY RECONVENED. The Board reconvened into open meeting at 7:00 p.m.

**THE BOARD PRESIDENT RETURNED TO AGENDA ITEM VIII. ITEMS FOR INDIVIDUAL CONSIDERATION.**

C. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION APPROVING AND ADOPTING THE DISTRICT'S 2021 BUDGET. Ms. Snead made a motion that the Board table this item until the next meeting. This was seconded by Mr. Richards. Motion Approved.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

D. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE 2020 SUSTAINED SUPERIOR PERFORMANCE (SSP) AWARDS FOR THE DISTRICT'S EMPLOYEES AS DETERMINED BY THE DISTRICT'S GENERAL MANAGER; AUTHORIZING AND DIRECTING THE GENERAL MANAGER TO PAY SUCH SUSTAINED SUPERIOR PERFORMANCE (SSP) AWARDS TO THE DISTRICT'S EMPLOYEES. Ms. Tuttle made a motion to approve the SSP's for District employees and determined by the General Manager and the Board of Directors. This was seconded by Ms. Snead. Motion Approved.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

IV. 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.

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|-----------------------------|---------------------|
| 1. STATEMENT OF OPERATIONS: | <u>OCTOBER 2020</u> |
| a. Operating Revenue:       | \$ 220,741.44       |
| b. Operating Expenses:      | \$ 187,512.89       |
| c. Operating Income         | \$ 33,228.55        |
| d. Non-Operating Income     | \$ 688.43           |
| e. Total Income             | \$ 33,916.98        |

2. INVESTMENT REPORT:
- |                              |                |
|------------------------------|----------------|
| a. Operating Account Balance | \$1,222,880.51 |
| b. Investments:              | \$ 762,720.86  |
| c. Grand Total               | \$2,738,112.55 |

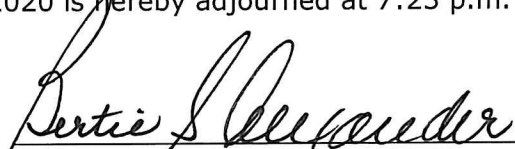
B. MANAGER'S REPORT. SUMMARY OF SIGNIFICANT ACTIVITY THAT AFFECTED OPERATIONS OR HAS POTENTIAL OF AFFECTING OPERATIONS. INCLUDES PERSONNEL UPDATE, SIGNIFICANT EXPENDITURES, WEATHER CONDITIONS, CAPITAL IMPROVEMENT PROJECT STATUS, OPERATIONAL STATISTICS, AND RESPONSES TO INQUIRIES FROM THE BOARD AND /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

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|---|---------------------|
| 1. SIGNIFICANT EXPENDITURES: (OVER \$5,000) | <u>OCTOBER 2020</u> |
| SAWS Sewer Service /                        | \$68,588.84         |
| EAA Management / Program Fee                | \$11,377.28         |
2. Water Usage Update: Our current pumpage for October 2020 was 33,579 gals, Total pumpage for the year is 895.70 acre/ft. The District's total Edwards permit is 1625.00 acre/ft. The Edwards Aquifer is currently around 660.0 ft. We are in NORMAL STAGE . We are currently pumping 950,000 gal/per/day.
  3. We are still replacing old water meters that no longer function. This will be a normal operational procedure. We are starting replacement of broken and old gate valves throughout the system. Still replace bad curb-stops on meter change outs. 12 meters were replaced this month.
  4. Working with the Engineers, Financial Advisors and Bond Counsel on 2020 - 2021 Capital Improvement Project plans.
  5. Contractor is working in the District and doing well. They are on schedule. Qro Mex has finished and left the City. RL Jones is approximately 99% complete and doing final cleanup.

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. Ms. Alexander mentioned that our December Board Meeting will be early due to the Holiday's. Our Board Meeting is scheduled for Thursday, December 10, 2020 at 6:00 p.m. Just a reminder that we are in Sewer Averaging now. If you have any questions, please contact the District office.

XII. ADJOURNMENT. The Bexar County Water Control and Improvement District No. 10 Board of Directors Meeting of November 19, 2020 is hereby adjourned at 7:23 p.m.

  
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 DIANE TUTTLE, Secretary

  
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 BERTIE S ALEXANDER, President

Date: 12/10/20