

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

REGULAR BOARD MEETING MINUTES
FEBRUARY 25, 2021

- I. CALL REGULAR BOARD MEETING TO ORDER AND TAKE ATTENDANCE AND PLEDGE OF ALLEGIANCE: The Regular Board Meeting of February 25, 2021, was called to order at 1:02 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 and 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 FEBRUARY 25, 2021. Ms. Tuttle made a motion to approve the minutes as written. This was seconded by Ms. Snead. 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. 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 \$2,609.35 FOR THE PURCHASE OF STRZ FIRE HYDRANT FITTINGS FOR THE DISTRICT'S FIRE HYDRANTS TO BENEFIT THE DISTRICT'S WATER UTILITY SYSTEM 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 FERGUSON WATERWORKS IN THE AMOUNT OF \$1,144.68 FOR THE PURCHASE OF FIRE HYDRANT PARTS AND SUPPLIES FOR THE DISTRICT'S FIRE HYDRANTS TO BENEFIT THE DISTRICT'S WATER UTILITY SYSTEM 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 R.L. JONES, LP IN THE AMOUNT OF \$5,602.50 FOR ITS EIGHT PAYMENT FOR WORK ON THE DISTRICT'S PHASE II WINFIELD BOULEVARD TO RICHFIELD DRIVE WATER IMPROVEMENTS PROJECT WHICH IS INCLUDED IN THE DISTRICT'S 2019-2020 CAPITAL IMPROVEMENTS PLANS. (REVENUE NOTE 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 \$24,188.21 FOR ITS FIFTH PAYMENT AND RETAINER PAYMENT FOR WORK ON THE DISTRICT'S PHASE II EAGLECREST BOULEVARD CROSSINGS WATER IMPROVEMENTS PROJECT WHICH IS INCLUDED IN THE DISTRICT'S 2019-2020 CAPITAL IMPROVEMENTS PLANS. (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 SIGNATORIES WITH FIRST MARK FEDERAL CREDIT UNION; AND AUTHORIZING AND DIRECTING THE GENERAL MANAGER TO PRESENT THIS RESOLUTION TO FIRST MARK FEDERAL CREDIT UNION, EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO CARRY OUT THE CHANGES DIRECTED BY THIS RESOLUTION AND ENSURE THAT ALL CHANGES DIRECTED BY THIS RESOLUTION BE COMPLETED.

F. 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 SIGNATORIES WITH TEXPOOL; AND AUTHORIZING AND DIRECTING THE GENERAL MANAGER TO PRESENT THIS RESOLUTION TO TEXPOOL, EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO CARRY OUT THE CHANGES DIRECTED BY THIS RESOLUTION AND ENSURE THAT ALL CHANGES DIRECTED BY THIS RESOLUTION BE COMPLETED.

G. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION RESCINDING RESOLUTION 2020-56 THAT APPROVED 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 FEDERAL CREDIT UNION; AND AUTHORIZING AND DIRECTING THE GENERAL MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR RESCINDING 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 FEDERAL CREDIT UNION.

Ms. Tuttle made a motion to approve the Consent Agenda Item Resolutions. This was seconded by Mr. Richards. Motion Approved.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

VI. ITEMS FOR INDIVIDUAL CONSIDERATION:

Board President deviated from the agenda and went to agenda item VI.E.

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 PURCHASE OF A CERTIFICATE OF DEPOSIT IN THE AMOUNT OF \$123,265.00 FOR ONE (1) YEAR WITH FIRST MARK FEDERAL CREDIT UNION; AND AUTHORIZING AND DIRECTING THE GENERAL MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR THE PURCHASE OF A CERTIFICATE OF DEPOSIT IN THE AMOUNT OF \$123,265.00 FOR ONE (1) YEAR WITH FIRST MARK FEDERAL CREDIT UNION. Ms. Snead made a motion to approve this Resolution. This was seconded by Mr. Richards. Motion Passes.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

C. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE WITHDRAWAL IN THE AMOUNT OF \$305,268.00 FROM THE DISTRICT'S TEXPOOL ACCOUNT AND DEPOSITING THE AMOUNT OF \$305,268.00 INTO THE DISTRICT'S OPERATING ACCOUNT WITH FROST BANK; AND AUTHORIZING AND

DIRECTING THE GENERAL MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR THE WITHDRAWAL OF THE AMOUNT OF \$305,268.00 FROM THE DISTRICT'S TEXPOOL ACCOUNT AND DEPOSITING THE AMOUNT OF \$305,268.00 INTO THE DISTRICTS OPERATING ACCOUNT WITH FROST BANK. Mr. Richards made a motion to approve this Resolution. This was seconded by Ms. Snead. Motion Passes.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

D. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION TO APPROVE A RATE INCREASE OF (1) THE DISTRICT'S SEWER (WASTEWATER) RATES FOR RESIDENTIAL CUSTOMERS FROM \$13.86 FOR THE MONTHLY SERVICE AVAILABILITY CHARGE TO \$15.26 FOR THE MONTHLY SERVICE AVAILABILITY CHARGE EFFECTIVE FEBRUARY 23, 2021; AND (2) THE DISTRICT'S SEWER (WASTEWATER) RATES FOR COMMERCIAL CUSTOMERS FROM \$14.31 FOR THE MONTHLY SERVICE AVAILABILITY CHARGE TO \$15.71 FOR THE MONTHLY SERVICE AVAILABILITY CHARGE EFFECTIVE FEBRUARY 23, 2021. Ms. Snead made a motion to approve this Resolution. This was seconded by Mr. Richards. Motion Passes.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

E. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON POSSIBLE ADJUSTMENTS TO CUSTOMER WATER AND SEWER BILLS INCURRED DURING THE INCLEMENT WEATHER EXPERIENCED IN FEBRUARY 2021. Mr. Richards made a motion that the Board approve amending the District's sewer averaging policy (for purposes of calculating the sewer bill for the rest of 2021) on a one-time basis during (2021-2022) from using the three months of December 2020, January 2021 and February 2021 to two months of December 2020 and January 2021. This was seconded by Ms. Snead. Motion Passes.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

Mr. Richards made a motion that the Board approve amending the District's policy involving leak adjustments arising from the snow storm during the week of February 14, 2020 through February 18, 2020 on a one-time basis during 2021 by awarding the customer a credit equal to the amount of the difference between the average amount of the customers water bills for the last 8 years and the current water bill for the month of February 2021. This was seconded by Ms. Snead. Motion Passes.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

F. DISCUSSION AND UPDATE ON THE DISTRICT'S PERSONNEL POLICY MEETING. Ms. Alexander mentioned that the Board will be meeting routinely the fourth Thursday of each month to review and update the District's personnel policy.

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>JANUARY 2021</u>
	a. Operating Revenue:	\$ 205,687.93
	b. Operating Expenses:	\$ 209,723.58

c. Operating Income	\$ (4,035.65)
d. Non-Operating Income	\$ 467.86
e. Total Income	\$ (3,567.79)

2. INVESTMENT REPORT:

a. Operating Account Balance	\$1,345,039.27
b. Investments:	\$ 640,739.04
c. Grand Total	\$2,356,458.13

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>JANUARY 2021</u> |
| SAWS Sewer Service / | \$73,014.80 |
| EAA Management / Program Fee | \$ 0.00 |
- Water Usage Update: Our current pumpage for January 2021 was 25,641,000 gals, Total pumpage for the year is 25.64 acre/ft. The District's total Edwards permit is 1625.00 acre/ft. The Edwards Aquifer is currently around 663.5 ft. We are in NORMAL STAGE . We are currently pumping 650,000 gal/per/day.
 - 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. 9 meters were replaced this month.
 - Working with the Engineers, Financial Advisors and Bond Counsel on 2020 - 2021 Capital Improvement Project plans.
 - Contractors have completed the Capital Improvement Projects.

The General Manager updated the Board on discussions with the City of Windcrest to update the Interlocal Agreement between the District and the City.

VIII. THE REGULAR SESSION OF THE FEBRUARY 25, 2021, REGULAR BOARD MEETING IS HEREBY RECESSED TO HOLD AN EXECUTIVE SESSION AND DISCUSS THE MATTERS LISTED BELOW PURSUANT TO SECTIONS 551.071 AND 552.074 OF THE TEXAS OPEN MEETINGS ACT. The Board did not recess into executive session.

IX. EXECUTIVE SESSION

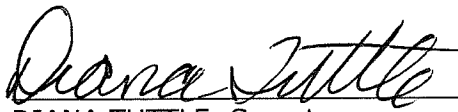
A. TO DELIBERATE THE EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF THE DISTRICT'S EMPLOYEES, AS AUTHORIZED BY TEXAS GOVERNMENT CODE § 551.074.


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 FEBRUARY 25, 2021, 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
- XII. ADJOURNMENT. The Bexar County Water Control and Improvement District No. 10 Board of Directors Meeting of February 25, 2021 is hereby adjourned at 2:16 p.m.


DIANA TUTTLE, Secretary


BERTIE S ALEXANDER, President

Date: 3/18/2021