

BEXAR COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. TEN

8601 MIDCROWN
SAN ANTONIO, TEXAS 78239-2445

SPECIAL BOARD MEETING MINUTES
October 27, 2014

I. CALL SPECIAL BOARD MEETING TO ORDER AND TAKE ATTENDANCE: The Special Board Meeting of October 27, 2014, was called to order at 6:00 p.m. by President of the Board, Mr. Melroy Brandt, at City Hall, Council Chambers, 8601 Midcrown Drive, Windcrest, Texas, for the purpose of considering the following agenda. The Board members present were Mssrs. Brandt, Greenwood, Chevalier, and Mr. Perry. Also in attendance were Adam Telfer, General Manager, Trey Wilson, Attorney and Lyn Cruz, Office Manager.

II. TAKE ATTENDANCE TO CERTIFY THE PRESENCE OF A QUORUM. Quorum present.

III. EXECUTIVE / CLOSED SESSION. THE BOARD WILL HOLD A CLOSED MEETING AS AUTHORIZED BY SUBCHAPTER E, CHAPTER 551, TEXAS GOVERNMENT CODE, FOR THE FOLLOWING PURPOSES:

A. TO 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 OF ITS LEGAL COUNSEL 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.

B. TO CONSULT WITH THE DISTRICT'S LEGAL COUNSEL IN A CLOSED SESSION, AS AUTHORIZED BY TEXAS GOVERNMENT CODE § 551.0712(1)(A), TO DISCUSS AND SEEK ADVICE OF ITS LEGAL COUNSEL UPON PENDING LITIGATION INITIATED AGAINST THE DISTRICT BY THE CITY OF WINDCREST.

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.

The Board convened into Executive / Closed Session at 6:02 p.m.

IV. THE BOARD WILL RECONVENE IN AN OPEN MEETING. Board reconvened into Open Session at 6:43 p.m.

V. OPEN FORUM – CITIZENS TO BE HEARD – A TIME LIMIT OF 3 MINUTES PER INDIVIDUAL ADDRESSING THE BOARD WILL BE STRICTLY ENFORCED AND EACH PERSON DESIRING TO ADDRESS THE BOARD MUST REGISTER PRIOR TO THE MEETING BEING CALLED TO ORDER. A SIGN-IN SHEET WILL BE AVAILABLE AT THE MEETING LOCATION.

VI. POSSIBLE ACTION ITEMS. THE BOARD WILL DISCUSS, DELIBERATE, AND POSSIBLY TAKE ACTION ON THE FOLLOWING ITEMS.

A. CONSIDERATION AND POSSIBLE APPROVAL OF AN AGREEMENT TO SETTLE AND COMPROMISE LITIGATION INITIATED BY THE CITY OF WINDCREST, TEXAS AGAINST THE DISTRICT, AND PENDING UNDER CAUSE NO. 2014-CI-16206 IN THE 57TH DISTRICT COURT OF BEXAR COUNTY, TEXAS. Mr. Brandt read the proposed offer for Settlement between the Bexar County W.C.I.D. #10 and the City of Windcrest. Litigation Items are as follows:

The District hereby conditionally accepts the offer in compromise made by the City through its attorneys to settle all claims, causes or actions, counter claims, third party claims as follows:

A. The District and the City will mutually release one another and one another's officials, employees, attorneys, agents and/or representatives from any and all claims or causes of action that were asserted or which could have been asserted in this lawsuit.

B. The District and the City will on or before October 30, 2014 jointly petition the court for the entry agreed "Take Nothing Judgment" in the lawsuit.

C. The District will take no action in furtherance of its purchase of real property described as Lots 1-4, Block 1, Lots 14-19, Block 1, New City Block 13750 Bexar County Subdivision, City of San Antonio, County of Bexar Texas regarding to the plat recorded in volume 2805, page 25 deed and plat records of Bexar County, Texas, until such time as the Directors of the District elected during the November 4, 2014 election have taken office.

D. All meetings of the District will be conducted pursuant to the Texas Open Meetings Act including the provision of section 551.054 Texas Government Code.

E. The District will reimburse the City for reasonable cost including attorney's fees to the total amount of \$5,000.00 within five (5) business days following the agreed "Take Nothing Judgment" in the lawsuit.

Mr. Brandt asked Trey Wilson, Attorney to comment on items B (conditional approval) and A (mutual release).

Motion was made by Mr. Perry to approve Resolution 2014-07 with the hand written changes. This was seconded by Mr. Greenwood.

Comments made by Mr. Chevalier. The president asked that Board members respond individually for the record:

Members voted as follows: Chevalier (Nay), Perry (Yes), Greenwood (Yes), Brandt (Yes).

Resolution 2014-07 passed.

VII. ADJOURN. The meeting was adjourned at 6:42 p.m.


MARK J. PERRY, Secretary

 Date: 20 Nov 2014
MELROY I. BRANDT, President