

BEXAR COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. TEN

8601 MIDCROWN
SAN ANTONIO, TEXAS 78239-2445

REGULAR BOARD MEETING MINUTES
FEBRUARY 22, 2017

- I. **CALL REGULAR BOARD MEETING TO ORDER AND TAKE ATTENDANCE AND PLEDGE OF ALLEGIANCE:** The Regular Board Meeting of February 22, 2017, was called to order at 6:29 p.m. by the President of the Board, Ms. Sue 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, Snead, Scheibler, Mr. Fagin and Mr. Reese. 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 January 19, 2017.** Motion was made by Ms. Snead to accept the minutes of January 19, 2017 with corrections. This was seconded by Mr. Fagin. Motion passes.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

THE BOARD PRESIDENT WENT TO AGENDA ITEM V. *CONSENT AGENDA ITEMS:*

V. **CONSENT AGENDA ITEMS:**

A. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION AUTHORIZING A FINAL PAYMENT TO BLACK CASTLE GENERAL CONTRACTOR FOR WORK PERFORMED ON THE DISTRICT'S WATER MAIN REPLACEMENT 2016 PROJECT IN ACCORDANCE WITH THE PROJECT CONTRACT AND BASED ON THE RECOMMENDATIONS OF THE DISTRICT'S ENGINEER AND THE DISTRICT'S GENERAL MANAGER.

Ms. Scheibler made a motion to approve the Consent Agenda. This was seconded by Ms. Snead. Motion passed.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

VI. **ITEMS FOR INDIVIDUAL CONSIDERATION:**

A. ROBERT COOLBAUGH, 6214 HICKORY HOLLOW, WINDCREST; REQUESTING AN ADDITIONAL WATER CREDIT TO HIS ACCOUNT FOR SPRINKLER SYSTEM MALFUNCTION IN SEPTEMBER 2016. DISTRICT CREDITED HIM \$15.00 ON SEPTEMBER 26, 2016. The General Manager made the recommendation that no other adjustment be given. Ms. Scheibler made a motion to accept the General Managers recommendation, that no further adjustment be given. This was seconded by Ms. Alexander. Motion passed

5 YES 0 ABSTAIN 0 NO 0 ABSENT

B. PRESENTATION AND DISCUSSION ON AN UPDATE OF THE DISTRICT'S 2016 CIP MAINTENANCE BUILDING PROJECT LOCATED AT 5507 RANDOLPH BOULEVARD, SAN ANTONIO, TEXAS. The General Manager stated that Mr. Frazor would not be here tonight so he would be giving the presentation. Mr. Wallace stated that all the permits have been approved. We are just waiting on the City of San Antonio to process the building permit.

C. THE BOARD WILL HOLD A DISCUSSION ON A PRESENTATION BY THE GENERAL MANAER ON THE PROECESS THAT WAS TAKEN TO PURCHASE THE PROPERTY AT 5507 RANDOLPH BOULEVARD, SAN ANTONIO, TEXAS AND THE OTHER PROPERTIES THAT WERE CONSIDERED PRIOR TO THE PURCHASE OF THIS PROEPRTY.

D. PRESENTATION AND DISCUSSION BY PORTER TILLMAN, ARCHITECT ON THE COST OF CONSTRUCTING A 2,400 SQ.FT. MAINTENANCE BUILDING TO BE LOCATED AT 9319 JIM SEAL DRIVE.

E. THE GENERAL MANAGER WILL PROVIDE AN UPDATE ON HIS MEETING WITH THE WINDCREST CITY MANAGER REGARDING A POSSIBLE LEASE AGREEMENT BETWEEN THE DISTRICT AND THE CITY OF WINDCREST TO LEASE PROPERTY AT 9319 JIM SEAL DRIVE, WINDCREST, TEXAS TO BUILD A MAINTENANCE BUILDING.

THE BOARD PRESIDENT WENT TO AGENDA ITEM IV. *ACCEPT VISITOR COMMENTS:*

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 COMMENT WILL NOT BE ALLOWED / ACCEPTED AFTER THIS TIME.

ANNOUNCEMENT REGARDING PUBLIC COMMENT SESSION OF MEETING

The Board will now open the floor to members of the public for the "Open Form - Citizens to be Heard" portion of our meeting. 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. Remarks shall be limited to five (5) minutes per individual.
2. Remarks or comments should be directed to the entire Board and not to one individual member of the Board.
3. The Board strives to maintain open, courteous and respectful communications with the public. Please extend the same courtesy to the Board when addressing your remarks.

The Board further expects that all members of the public 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, 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 item 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.

VISITOR SPEAKERS:

1. Roy Huff, 417 Faircrest, commented that the District needs to have property outside the City to preclude the City of Windcrest from taking over the District.
2. Liz Dick, 601 Balfour, commented that the website email addresses need to be looked at. Proceed with the Maintenance facility on Randolph Blvd.
3. Paul Greenwood, 6110 Windy Knoll, commented that one of the jobs of this Board is to give the employees of the District the space they need to do their job. The process of looking for a place to put a building began in 2008. Proceed with the contract to build on Randolph Blvd.
4. Howard Lurker, 406 Candleglo, commented that the Board needs to follow through with their commitment and proceed with the Randolph Blvd. property. Protect the employees and give them the space.
5. Rita Davis, 701 Fenwick Drive, asked a question of the District's Legal Counsel, regarding "Petitioning Against a Project". Mr. Barrera responded, that according his understanding of the Texas Water Code there is no process to do this. The decision lies strictly with the Board. If the rate payers don't like what the Board does, the remedy would be at the next election.
6. Judy Victory, 409 Faircrest, our Water Department is excellent. Let them have the property to build a Maintenance Building.
7. Marilee Seal, 6203 Meadow Grove, apposed, to building on Randolph Blvd. It's not a good area.
8. Ronald Armes, 1941 Walter Raleigh, apposed, to building on Randolph Blvd. and suggested that the property be put up for sale. To go forward with building at 5507 Randolph Blvd. would be irresponsible.
9. Gary Elmore, 9218 Windview, commented, that the size of the building has gone from 6,000, 4,000, 3,200 and now 2,400. Why do we keep downsizing? Is this 2,400 sq. ft. size adequate for what the District needs? At this time, we have a contract and the land, proceed with the construction on Randolph Blvd.
10. Gini Newton, 629 Weatherly, commented that when you look at Bexar County Appraisal the amount listed is for tax purposes only, it's not what the property would sell for. Go forward with building on Randolph Blvd.
11. Cheryl Bristow, 8706 Golden Point, commented that the Water District should stay separate from the City. You were elected to protect the rate payers and the District. You can do this by moving forward with the project on Randolph Blvd.
12. Joseph Swisher, 8714 Teal Way, commented that the infrastructure needs to be addressed.

THE BOARD PRESIDENT WENT TO AGENDA ITEM VIII. AND WENT INTO EXECUTIVE SESSION.

VIII. THE REGULAR SESSION OF THE FEBRUARY 22, 2017, REGULAR BOARD MEETING IS HEREBY RECESSED AT 7:50 P.M. 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.

IX. EXECUTIVE SESSION

A. TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY AND WATER RIGHTS AS AUTHORIZED BY TEXAS GOVERNMENT CODE § 551.072.

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

C. 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 MATER DELIBERATED IN A CLOSED MEETING WILL BE MADE IN AN OPEN MEETING.

X. THE REGULAR SESSION OF THE REGULAR BOARD MEETING OF FEBRUARY 22, 2017, IS HEREBY RECONVENED AT 8:17 P.M.

THE BOARD PRESIDENT WENT TO AGENDA ITEM VI. F. ITEMS FOR INDIVIDUAL CONSIDERATION:

VI. F. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION TO (1) DELAY OR STOP CONSTRUCTION OF THE DISTRICT'S MAINTENANCE BUILDING LOCATED AT THE DISTRICT'S PROPERTY AT 5507 RANDOLPH BLVD., SAN ANTONIO, TEXAS; AND / OR (2) BUILD THE DISTRICT'S MAINTENANCE BUILDING AT A DIFFERENT LOCATION; AND / OR (3) TO DEFUND THE MAINTENANCE BUILDING PROJECT IN THE 2016 CIP. Ms. Scheibler made a motion to STOP construction of the maintenance building located at 5507 Randolph Blvd. and direct the General Manager and, if needed, the Districts Legal Counsel to negotiate the terms of ending the contract and bring that back to the Board for approval, and also to direct the General Manager to do a needs analysis of the maintenance requirements. This was seconded by Ms. Snead. Motion Passed.

3 YES 0 ABSTAIN 2 NO 0 ABSENT

G. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON THE SELECTION OF THE COMMITTEE'S RECOMMENDATION ON THE HIRING OF AN ENGINEERING FIRM FOR THE 2017 YEAR, SUBJECT TO NEGOTIATION OF AN ACCEPTABLE LETTER OF ENGAGEMENT. A Motion was made by Mr. Reese to engage River City Engineering for the 2017 year. This was seconded by Mr. Fagin. Motion Failed.

2 YES 0 ABSTAIN 3 NO 0 ABSENT

Ms. Scheibler made a motion that the Board select Young & Associates as the Districts 2017 Engineer. This was seconded by Ms. Snead. Motion Passed.

3 YES 0 ABSTAIN 2 NO 0 ABSENT

H. THE GENERAL MANAGER WILL PROVIDE AN UPDATE ON HIS MEETING WITH THE CITY MANAGER. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A REVISION TO ITEM III, "FIRE HYDRANTS" IN THE INTERLOCAL COOPERATION CONTRACT IN ORDER TO CLARIFY THE FOLLOWING ITEMS: (1) WHO OWNS THE FIRE HYDRANTS IN WINDCREST; (2) WHO IS RESPONSIBLE FOR HYDRANT INSPECTION; (3) HOW FREQUENTLY WILL THE HYDRANTS BE INSPECTED, AND; (4) HOW WILL THESE INSPECTIONS BE RECORDED. Mr. Reese made the motion to give the General Manager and Legal Counsel the authority to work on this. This was seconded by Ms. Alexander. Motion Passed.

5 YES 0 ABSTAIN 0 NO 0 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: JANUARY 2017
 - a. Operating Revenue: \$191,131.24
 - b. Operating Expenses: \$171,525.59
 - c. Operating Income \$19,605.65
 - d. Non-Operating Income \$1,124.19 (Interest Income)
 - e. Total Income \$20,729.84
2. INVESTMENT REPORT:
 - a. Operating Account Balance \$369,873.82
 - b. Investments: \$1,007,399.00
 - c. Grand Total \$1,459,275.56

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)

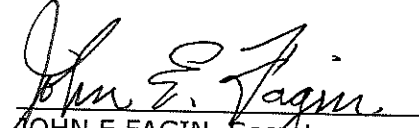
SAWS	Sewer Service / December 2016	\$58,919.30
EAA	Management / Program Fee	\$ 9,275.00


2. Water Usage Update: We are now in Normal Water Restrictions. Our current pumpage for January 2017 was 19,210,000 gals, Total pumpage for the year was 48.54 acre/ft. Total Edwards permit 1625.00 acre/ft. The Edwards Aquifer is currently around 685 ft. 25 ft. above STAGE 1 Restrictions. We are currently pumping 650,000 gal / per / day.

3. We are still replacing old water meters that no longer function. This will be a normal operational procedure. Large Commercial meters are being installed. The meter change-out program is on schedule to replace 400 residential meters this year. We are still replacing bad curb-stops on meter change outs. We replaced 358 meters in 2016. The crew was short 42 meters.
4. We are replacing some of our outdated SCADA system. This is needed to maintain operations of our wells and water storage facility. We did have some antenna damage due to the high winds we received.
5. We purchased the new sewer jetting machine.

XI. OTHER BUSINESS BROUGHT BEFORE THE BOARD. (NO DELIBERATIONS AND / OR DECISION WILL OCCUR EXCEPT TO SCHEDULE AT NEXT SCHEDULED BOARD MEETING IN ORDER TO PLACE SUBJECT ON AGENDA 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 22, 2017 is hereby adjourned at 9:12 p.m.


JOHN E FAGIN, Secretary

 Date: 4/20/17
BERTIE S ALEXANDER, President