

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

8601 MIDCROWN  
SAN ANTONIO, TEXAS 78239-2445

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REGULAR BOARD MEETING MINUTES  
APRIL 20, 2017

- I. CALL REGULAR BOARD MEETING TO ORDER AND TAKE ATTENDANCE AND PLEDGE OF ALLEGIANCE: The Regular Board Meeting of April 20, 2017, was called to order at 6:30 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, Ms. Snead and Ms. Scheibler, Mr. Fagin and Mr. Reese. Also in attendance were Ruben Barrera, Attorney, Leonard Young, Engineer 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 March 16, 2017. Ms. Alexander asked that the statement made by Mr. Gerrow during the "Visitor Comments" be fully documented. The Office Manager stated that this would be completed. A Motion was made by Ms. Snead to accept the minutes of March 16, 2017 with corrections. This was seconded by Ms. Scheibler. 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 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:

Irv Gerrow, 642 Candleglo, commended the Board on their decision to stop construction of the building at 5507 Randolph Boulevard, San Antonio, Texas.

The Board President varied from the agenda and went to item:

VIII. THE REGULAR SESSION OF THE APRIL 20, 2017, REGULAR BOARD MEETING IS HEREBY RECESSED AT 6:40 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 MATTER DELIBERATED IN A CLOSED MEETING WILL BE MADE IN AN OPEN MEETING\*\*.

X. THE REGULAR SESSION OF THE REGULAR BOARD MEETING OF APRIL 20, 2017, IS HEREBY RECONVENED AT 7:08 P.M.

V. CONSENT AGENDA ITEMS:

None At This Time.

VI. ITEMS FOR INDIVIDUAL CONSIDERATION:

A. AUDITORS, BAKER TILLY VIRCOW KRAUSE, LLP WILL PRESENT THE DISTRICT'S 2016 AUDIT REPORT.

B. THE BOARD WILL DISCUSS AND MAY TAKE ACTION TO APPROVE THE 2016 AUDIT REPORT. Motion was made by Ms. Scheibler to table this item. This was seconded by Ms. Snead.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

C. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE AMOUNT OF \$5,585.00 AS THE FINAL COSTS FOR TERMINATION OF THE AGREEMENT BETWEEN THE DISTRICT AND HELMKE + ASSOCIATES, LLC ("HELMKE") FOR THE CONSTRUCTION OF THE DISTRICT'S MAINTENANCE FACILITY DATED NOVEMBER 3, 2016 ("PROJECT AGREEMENT") WITH PAYMENT OF THE \$5,585.00 TO HELMKE CONTINGENT ON NEGOTIATION, APPROVAL AND EXECUTION OF A FINAL RELEASE, INDEMNITY AND SETTLEMENT AGREEMENT ("SETTLEMENT AGREEMENT"); AUTHORIZING AND DIRECTING THE DISTRICT'S GENERAL MANAGER AND THE DISTRICT'S ATTORNEY TO NEGOTIATE THE TERMS OF THE SETTLEMENT AGREEMENT AND BRING BACK SUCH SETTLEMENT AGREEMENT TO THE DISTRICT'S BOARD FOR ITS CONSIDERATION AND ACTION. Ms. Scheibler made a motion to approve this Resolution. This was seconded by Mr. Reese. Motion passed.

4 YES 0 ABSTAIN 1 NO 0 ABSENT

D. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON THE REVISION OF ITEM III, "FIRE HYDRANTS" IN THE INTERLOCAL COOPERATION CONTRACT BETWEEN THE DISTRICT AND THE CITY OF WINDCREST. Mr. Reese made a motion that the board authorize the General Manager and the District's Legal Council to work with the City of Windcrest to update the Interlocal Cooperation Contract between the District and the City of Windcrest. This was seconded by Ms. Snead.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

E. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION APPROVING A FINAL PAYMENT IN THE AMOUNT OF \$9,493.50 TO SUNBELT ENGINEERS ("SUNBELT") AND \$5,670.00 TO L.K. TRAVIS & ASSOCIATES, INC. ARCHITECT ("TRAVIS") AS A RESULT OF THE TERMINATION OF THE AGREEMENT BETWEEN THE DISTRICT AND HELMKE + ASSOCIATES, LLC ("HELMKE") FOR THE CONSTRUCTION OF THE DISTRICT'S MAINTENANCE FACILITY DATED NOVEMBER 3, 2016 ("PROJECT AGREEMENT") WITH PAYMENT OF THE \$9,493.50 TO SUNBELT AND \$5,670.00 TO TRAVIS CONTINGENT ON (1) RECEIVING ALL STUDIES, REPORTS, SKETCHES, DRAWINGS, MAPS, CONTRACTS, PLANS, SPECIFICATIONS, PROPOSALS AND OTHER DOCUMENTS ("DOCUMENTS") INCLUDING, BUT NOT LIMITED TO DOCUMENTS FOR WORK COMPLETED ON THE PROPOSED CONSTRUCTION OF THE DISTRICT'S MAINTENANCE FACILITY ON THE DISTRICT'S PROPERTY LOCATED AT 5507 RANDOLPH BLVD, SAN ANTONIO, TEXAS FROM SUNBELT AND TRAVIS, AS APPLICABLE, (2) PROVIDING ALL SUCH DOCUMENTS TO THE DISTRICT'S ENGINEER BY SUNBELT AND TRAVIS, AS APPLICABLE AND (3) PAYMENT OF ALL SUBCONTRACTORS OF SUNBELT AND TRAVIS BY SUNBELT AND TRAVIS, AS APPLICABLE; AUTHORIZING AND DIRECTING THE DISTRICT'S GENERAL MANAGER TO PAY \$9,493.50 TO SUNBELT AND \$5,670.00 TO TRAVIS AFTER CONFIRMING COMPLIANCE WITH ALL THREE CONDITIONS SPECIFIED ABOVE. Ms. Snead made a motion to approve this Resolution. This was seconded by Ms. Scheibler.

4 YES 0 ABSTAIN 1 NO 0 ABSENT

F. THE BOARD WILL DISCUSS AND MAY TAKE ACTION TO AUTHORIZE THE GENERAL MANAGER TO WORK WITH THE DISTRICT ENGINEER ON DEVELOPING A LONG-TERM CIP FOR REPLACEMENT OF WATER AND SEWER MAINS WITHIN THE DISTRICT. Ms. Scheibler made a motion to authorize the General Manager to work with the District's Engineer to develop a long-term CIP plan. This was seconded by Ms. Snead. Motion passed.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

G. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION AUTHORIZING THE GENERAL MANAGER TO PURCHASE A SERVER FOR THE ADMINISTRATION OFFICE, TO HOUSE THE BILLING AND FINANCIAL DATA BASES. Mr. Reese made the motion to approve this Resolution. This was seconded by Ms. Snead. 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: MARCH 2017
  - a. Operating Revenue: \$140,685.69
  - b. Operating Expenses: \$181,669.40
  - c. Operating Income \$(40,983.71)
  - d. Non-Operating Income \$865.93 (Interest Income)
  - e. Total Income \$(40,117.78)
  
2. INVESTMENT REPORT:
  - a. Operating Account Balance \$240,630.15
  - b. Investments: \$1,009,126.60
  - c. Grand Total \$1,339,165.38

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)
 

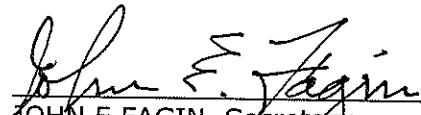
SAWS	Sewer Service / January 2017	\$58,336.41
EAA	Management / Program Fee	\$ 9,275.00
  
2. Water Usage Update: We are now in Normal Water Restrictions. Our current pumpage for March 2017 was 20,310,000 gals, Total pumpage for the year was 163.30 acre/ft. Total Edwards permit 1625.00 acre/ft. The Edwards Aquifer is currently around 684 ft. 24 ft. above STAGE 1 Restrictions.
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.

4. We are replacing some of our outdated SCADA system. This is needed to maintain operation of our wells and water storage facility. We did have some antenna damage due to the high winds we received.
5. We are replacing grass on Windrock and other areas where construction was done.

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. Ms. Scheibler asked that the General Manager have the "Needs Assessment" available for the Board to review at the next meeting.

XII. ADJOURNMENT. The Bexar County Water Control and Improvement District No. 10 Board of Directors Meeting of April 20, 2017 is hereby adjourned at 7:53 p.m.

  
JOHN E FAGIN, Secretary

 Date: 5/18/17  
BERTIE S ALEXANDER, President