

BEXAR COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. TEN

8601 MIDCROWN
SAN ANTONIO, TEXAS 78239-2445

SPECIAL BOARD MEETING MINUTES
MARCH 4, 2020

- I. CALL SPECIAL BOARD MEETING TO ORDER AND TAKE ATTENDANCE AND PLEDGE OF ALLEGIANCE: The Special Board Meeting of March 4, 2020, was called to order at 12: p.m. by the President of the Board, Ms. 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, Mr. Richards, Ms. Scheibler and Mr. Guerrero. 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. 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.

IV. ITEMS FOR INDIVIDUAL CONSIDERATION:

A. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION ACCEPTING A BID FOR THE PHASE II AREA NO. 3 UTILITY IMPROVEMENTS PROJECT INCLUDED IN THE DISTRICT'S 2019 - 2020 CAPITAL IMPROVEMENTS PLAN (CIP); AWARDDING THE PROJECT TO THE SELECTED BIDDER; AWARDDING A CONTRACT TO THE SELECTED BIDDER FOR THE 2019 - 2020 CIP PHASE II AREA NO. 3 UTILITY IMPROVEMENTS PROJECT; APPROVING A CONTRACT BETWEEN THE DISTRICT AND THE SELECTED BIDDER FOR THE 2019 - 2020 CIP PHASE II AREA NO. 3 UTILITY IMPROVEMENTS PROJECT; AUTHORIZING AND DIRECTING THE DISTRICT'S GENERAL MANAGER TO NEGOTIATE, FINALIZE AND EXECUTE A CONTRACT AND ANY OTHER REQUIRED DOCUMENTS INVOLVING THE 2019 - 2020 CIP PHASE II AREA NO. 3 UTILITY IMPROVEMENTS PROJECT, AND TO CARRY OUT ALL OF THE DISTRICT'S OBLIGATIONS UNDER THE CONTRACT. The recommendation of the District's Engineer and General Manager was to approve the bid of Pronto Sandblasting & Coatings, Inc. in the amount of \$415,619.00 with this contract. Ms. Snead made a motion to approve the recommendation of the District Engineer and General Manager to award Pronto Sandblasting & Coatings, Inc. with the Phase II Area No. 3 Utility Project contract. This was seconded by Mr. Richards. Motion Passes

5 YES 0 ABSTAIN 0 NO 0 ABSENT

The District's Engineer asked that Item V.B. be skipped at this time and move forward to Item V.C. The Board President concurred.

C. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION ACCEPTING A BID FOR THE PHASE II WATER IMPROVEMENTS WINFIELD TO RICHFIELD PROJECT; AWARDDING THE PROJECT TO THE SELECTED BIDDER; AWARDDING A CONTRACT TO THE SELECTED BIDDER FOR THE 2019 - 2020 CIP PHASE II WATER IMPROVEMENTS WINFIELD TO RICHFIELD PROJECT; APPROVING A CONTRACT BETWEEN THE DISTRICT AND THE SELECTED BIDDER FOR THE 2019 - 2020 CIP PHASE II WATER IMPROVEMENTS WINFIELD TO RICHFIELD PROJECT; AUTHORIZING AND DIRECTING THE DISTRICT'S GENERAL MANAGER TO NEGOTIATE, FINALIZE AND EXECUTE A CONTRACT AND ANY OTHER REQUIRED DOCUMENTS INVOLVING THE 2019 - 2020 CIP PHASE II WATER IMPROVEMENTS WINFIELD TO RICHFIELD PROJECT, AND TO CARRY OUT ALL OF THE DISTRICT'S OBLIGATIONS UNDER THE CONTRACT. The Recommendation of the

District's Engineer and General Manager was to approve the bid of RL Jones, LP in amount of \$1,324,122.50. Mr. Guerrero made a motion to approve the recommendation of the District's Engineer and General Manager to award RL Jones, LP with the Phase II Water Improvements Winfield To Richfield Project contract. This was seconded by Ms. Scheibler. Motion Passes.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

B. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION ACCEPTING A BID FOR THE PHASE II WATER IMPROVEMENTS EAGLECREST BLVD PROJECT INCLUDED IN THE DISTRICT'S 2019 - 2020 CAPITAL IMPROVEMENTS PLAN (CIP); AWARDED TO THE SELECTED BIDDER; AWARDED A CONTRACT TO THE SELECTED BIDDER FOR THE 2019 - 2020 CIP PHASE II WATER IMPROVEMENTS EAGLECREST BLVD PROJECT; APPROVING A CONTRACT BETWEEN THE DISTRICT AND THE SELECTED BIDDER FOR THE 2019 - 2020 CIP PHASE II WATER IMPROVEMENTS EAGLECREST BLVD PROJECT; AUTHORIZING AND DIRECTING THE DISTRICT'S GENERAL MANAGER TO NEGOTIATE, FINALIZE AND EXECUTE A CONTRACT AND ANY OTHER REQUIRED DOCUMENTS INVOLVING THE 2019 - 2020 CIP PHASE II WATER IMPROVEMENTS EAGLECREST BLVD PROJECT, AND TO CARRY OUT ALL OF THE DISTRICT'S OBLIGATIONS UNDER THE CONTRACT. The recommendation of the District's Engineer and General Manager was to reject all bids for the Phase II Water Improvements Eaglecrest Blvd Project as the bids were too high. The District's Engineer will design different packages for contractors to bid on. Ms. Scheibler made a motion to approve the recommendation of the District's Engineer and General Manager to reject all bids for the Phase II Water Improvements Eaglecrest Blvd. Project. This was seconded by Mr. Richards. Motion Passes

5 YES 0 ABSTAIN 0 NO 0 ABSENT

V. THE REGULAR SESSION OF THE MARCH 4, 2020, SPECIAL 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 did not go into Executive Session.

VI. 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 SPECIAL BOARD MEETING OF MARCH 4, 2020, 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 The Board President stated that we will be holding our Regular Board Meeting on Wednesday, March 25, 2020 at 1:00 p.m. We will be having a presentation of the District's 2019 Audit.

XII. ADJOURNMENT. The Bexar County Water Control and Improvement District No. 10 Board of Directors Meeting of March 4, 2020 is hereby adjourned at 12:27 p.m.


FERNANDO RICHARDS, JR., Secretary


BERTIE S ALEXANDER, President

Date: 4/18/2020