

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

REGULAR BOARD MEETING MINUTES
OCTOBER 19, 2023

CALL REGULAR BOARD MEETING TO ORDER AND TAKE ATTENDANCE AND PLEDGE OF ALLEGIANCE: The Regular Board Meeting of October 19, 2023, was called to order at 6:00 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. Cockerham and Ms. Arnicar. Also, in attendance was David Wallace, General Manager, Ruben Barrera, Attorney and Leonard Young, Engineer.

- I. 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.
- II. READ, CORRECT/AMEND, AND APPROVE THE REGULAR BOARD MEETING MINUTES OF SEPTEMBER 21, 2023.

Ms. Arnicar made a motion to approve the minutes as written. Mr. Richards seconded this motion. Motion carried.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

- 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.

Mr. Robert Rohleder spoke to the Board.

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.

THE BOARD WENT INTO EXECUTIVE SESSION.

IV. CONSENT ITEM:

A. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE RATIFICATION OF THE DISTRICT GENERAL MANAGER'S PAYMENT TO YOUNG PROFESSIONAL RESOURCES IN THE AMOUNT OF \$16,350.00 FOR ENGINEERING SERVICES AND RELATED WORK COMPLETED ON THE DISTRICT'S MIDCROWN ELEVATED STORAGE TANK PAINTING PROJECT WHICH IS INCLUDED IN THE DISTRICT'S 2023 - 2024 CAPITAL IMPROVEMENTS PLAN. (BCWCID10 CIP)

Mr. Richards made a motion to approve the Consent Agenda Item. Ms. Snead seconded this motion. Motion carried.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

V. ITEMS FOR INDIVIDUAL CONSIDERATION:

A. PRESENTATION BY THE DISTRICT'S GENERAL MANAGER AND THE DISTRICT'S ENGINEER REGARDING THE DISTRICT'S 2023 AND 2024 CAPITAL IMPROVEMENTS PLAN; AND BOARD DELIBERATION REGARDING THE DISTRICT'S 2023 AND 2024 CAPITAL IMPROVEMENTS PLAN.

B. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A REQUEST FROM MR. ARTHUR BRADY REGARDING HIS WATER UTILITY SERVICE BILLING ISSUE.

Mr. Brady addressed the Board. The Board President stated that Mr. Brady would be added to the November Board Meeting agenda.

C. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION ACCEPTING THE BID FROM A CONTRACTOR TO BE SELECTED BY THE BOARD OF DIRECTORS ("BOARD") FOR THE DISTRICT'S MIDCROWN ELEVATED STORAGE TANK PAINTING PROJECT ("PROJECT") INCLUDED IN THE DISTRICT'S 2023-2024 CAPITAL IMPROVEMENTS PLAN (CIP); AWARDED THE PROJECT TO A CONTRACTOR TO BE SELECTED BY THE BOARD; AWARDED A CONTRACT TO A CONTRACTOR TO BE SELECTED BY THE BOARD FOR THE PROJECT; APPROVING A CONTRACT BETWEEN THE DISTRICT AND A CONTRACTOR TO BE SELECTED BY THE BOARD TO PERFORM THE PROJECT WORK ("PROJECT CONTRACT"); AUTHORIZING AND DIRECTING THE DISTRICT'S GENERAL MANAGER TO NEGOTIATE, FINALIZE AND EXECUTE THE PROJECT CONTRACT AND ANY OTHER REQUIRED DOCUMENTS WITH A CONTRACTOR TO BE SELECTED BY THE BOARD INVOLVING THE PROJECT, AND CARRY OUT ALL OF THE DISTRICT'S OBLIGATIONS UNDER THE PROJECT CONTRACT.

Ms. Snead approved the contract with Tankez Coatings, Inc. in the amount of \$210,750.00. This was seconded by Ms. Arnicar. Motion carried.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

D. THE BOARD WILL DISCUSS THE EDWARDS AQUIFER AUTHORITY ("EAA") ANNUAL TRANSFER OF A PORTION OF THE DISTRICT'S GROUNDWATER PERMIT RIGHTS, THE TRANSFER OF A PORTION OF THE DISTRICT'S EAA GROUNDWATER PERMIT RIGHTS FROM MUNICIPAL USE TO IRRIGATION USE WITH THE RIGHT TO WITHDRAW AND OTHER RELATED EAA/DISTRICT GROUNDWATER PERMIT MATTERS.

E. THE BOARD WILL DISCUSS A PROPOSED WATER AND WASTEWATER (SEWER) UTILITY SERVICE RATE INCREASE FOR 2024.

F. THE BOARD WILL DISCUSS THE PROPOSED 2024 DISTRICT BUDGET

VI. 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>SEPTEMBER 2023</u>
	a. Operating Revenue:	\$ 274,495.73
	b. Operating Expenses:	\$ 203,637.15
	c. Operating Income	\$ 70,858.58
	d. Non-Operating Income	\$ 786.36
	e. Total Income	\$ 71,811.60
2.	INVESTMENT REPORT:	
	a. Operating Account Balance	\$1,083,561.34
	b. Investments:	\$1,122,302.57
	c. Grand Total	\$2,346,926.29

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) | <u>SEPTEMBER 2023</u> |
| | SAWS Sewer Service /August | \$ 68,223.48 |
| | EAA Management / Program Fee | \$ 9,102.27 |
2. Water Usage Update: Our current pumpage for September 2023 was 33,693,000 gals, Total pumpage for the year is 783.53 acre/ft. The District's total Edwards permit is 1625.00 acre/ft. The Edwards Aquifer is currently around 632.50 ft. We are in STAGE III Restrictions. We are currently pumping 860,000 gal/per/day.
3. 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 replacing bad curb-stops on meter change outs.
4. Working with the Engineers, on 2023-2024 Capital Improvement Projects.

VII. THE REGULAR SESSION OF SEPTEMBER 21, 2023, 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 went into Executive Session at 6:04 p.m.

VIII. EXECUTIVE SESSION

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

B. THE BOARD WILL CONSULT WITH THE DISTRICT'S LEGAL COUNSEL REGARDING LEGAL ISSUES INVOLVING THE TRANSFER OF A PORTION OF THE DISTRICT'S EDWARDS AQUIFER AUTHORITY (EAA) GROUNDWATER PERMIT RIGHTS FROM MUNICIPAL USE TO IRRIGATION USE WITH THE RIGHT TO WITHDRAW AS AUTHORIZED BY TEXAS GOVERNMENT CODE § 551.071(2).

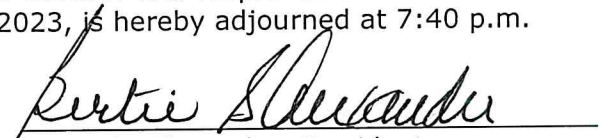
C. THE BOARD WILL CONSULT WITH THE DISTRICT'S LEGAL COUNSEL REGARDING LEGAL ISSUES INVOLVING THE BIDS FOR THE DISTRICT'S MIDCROWN ELEVATED STORAGE TANK PAINTING PROJECT AS AUTHORIZED BY TEXAS GOVERNMENT CODE § 551.071(2),

D. 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****

- IX. THE REGULAR SESSION OF THE REGULAR BOARD MEETING OF SEPTEMBER 21, 2023, IS HEREBY RECONVENED. The Board reconvened into Regular Session at 6:16 p.m.
- X. 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 mentioned that the November Board meeting will be on Monday, November 13, 2023 at 6:00 p.m. Just a reminder that we are going into Sewer Averaging beginning November 19, 2023 and it runs through February 23, 2024. If you have any questions, please call the Office at (210) 655-2888.
- XI. ADJOURNMENT. The Bexar County Water Control and Improvement District No. 10 Board of Directors Meeting of October 19, 2023, is hereby adjourned at 7:40 p.m.


Ann Marie Arnica, Secretary


Bertie S. Alexander, President

Date: 13 NOV 2023