

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

***** THIS IS A PUBLIC MEETING AND ANYONE IS WELCOME TO ATTEND. IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE DISTRICT OFFICE AT (214) 343-7200. IF YOU WISH TO COMMENT, PLEASE CONTACT THE DISTRICT OFFICE AT (214) 343-7200. IF YOU WISH TO REQUEST A PUBLIC COMMENT, PLEASE CONTACT THE DISTRICT OFFICE AT (214) 343-7200. *****

REGULAR BOARD MEETING MINUTES
AUGUST 15, 2024

CALL REGULAR BOARD MEETING TO ORDER AND TAKE ATTENDANCE AND PLEDGE OF ALLEGIANCE: The Regular Board Meeting of August 15, 2024, 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 Leonard Young and Ruben Barrera, Attorney.

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 JULY 18, 2024.

Ms. Arnicar made a motion to approve the minutes as written. Ms. Snead 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. Maloy addressed 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.

IV. CONSENT ITEMS:

A. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE RATIFICATION OF THE DISTRICT GENERAL MANAGER'S PAYMENT TO FERGUSON WATERWORKS IN THE AMOUNT OF \$5,698.53 FOR PARTS AND SUPPLIES FOR THE DISTRICT'S FIRE HYDRANT REPLACEMENT AT BANK OF AMERICA (5101 WALZEM ROAD) THAT WILL BECOME PART OF THE DISTRICT'S WATER UTILITY SYSTEM AND WHICH IS INCLUDED IN THE DISTRICT'S 2024 - 2025 CAPITAL IMPROVEMENTS PLAN. (BCWCID10 CIP)

B. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE RATIFICATION OF THE DISTRICT GENERAL MANAGER'S PAYMENT TO FERGUSON WATERWORKS IN THE AMOUNT OF \$5,802.46 FOR PARTS AND SUPPLIES FOR THE DISTRICT'S SPANISH MOSS, GOLDEN VIEW AND PINTAIL POINT WATER PROJECTS THAT WILL BECOME PART OF THE DISTRICT'S WATER UTILITY SYSTEM AND WHICH IS INCLUDED IN THE DISTRICT'S 2024 - 2025 CAPITAL IMPROVEMENTS PLAN. (BCWCID10 CIP)

C. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE RATIFICATION OF THE DISTRICT GENERAL MANAGER'S PAYMENT TO CORE & MAIN IN THE AMOUNT OF \$797.00 FOR PARTS AND SUPPLIES FOR THE DISTRICT'S SPANISH MOSS, GOLDEN VIEW AND PINTAIL POINT WATER PROJECTS THAT WILL BECOME PART OF THE DISTRICT'S WATER UTILITY SYSTEM AND WHICH IS INCLUDED IN THE DISTRICT'S 2024 - 2025 CAPITAL IMPROVEMENTS PLAN. (BCWCID10 CIP)

D. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE RATIFICATION OF THE DISTRICT GENERAL MANAGER'S PAYMENT TO ACT PIPE & SUPPLY IN THE AMOUNT OF \$2,126.37 FOR PARTS AND SUPPLIES FOR THE DISTRICT'S SPANISH MOSS, GOLDEN VIEW AND PINTAIL POINT WATER PROJECTS THAT WILL BECOME PART OF THE DISTRICT'S WATER UTILITY SYSTEM AND WHICH IS INCLUDED IN THE DISTRICT'S 2024 - 2025 CAPITAL IMPROVEMENTS PLAN. (BCWCID10 CIP)

E. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE RATIFICATION OF THE DISTRICT GENERAL MANAGER'S PAYMENT TO CORE & MAIN IN THE AMOUNT OF \$4,507.37 FOR PARTS AND SUPPLIES FOR THE DISTRICT'S PINTAIL POINT AND GOLDEN VIEW WATER PROJECTS THAT WILL BECOME PART OF THE DISTRICT'S WATER UTILITY SYSTEM AND WHICH IS INCLUDED IN THE DISTRICT'S 2024 - 2025 CAPITAL IMPROVEMENTS PLAN. (BCWCID10 CIP)

F. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE RATIFICATION OF THE DISTRICT GENERAL MANAGER'S PAYMENT TO G.E.M. MATERIALS IN THE AMOUNT OF \$3,444.03 FOR PARTS & SUPPLIES FOR THE DISTRICT'S PINTAIL POINT AND GOLDEN VIEW WATER PROJECTS THAT WILL BECOME PART OF THE DISTRICT'S WATER UTILITY SYSTEM AND WHICH IS INCLUDED IN THE DISTRICT'S 2024 - 2025 CAPITAL IMPROVEMENTS PLAN. (BCWCID10 CIP).

G. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE RATIFICATION OF THE DISTRICT GENERAL MANAGER'S PAYMENT TO AJ'S PAVING, LLC IN THE AMOUNT OF \$24,500.00 FOR WORK COMPLETED ON THE DISTRICT'S 8" WATER MAIN & NEW SERVICE IMPROVEMENTS ON SPANISH MOSS THAT WILL BECOME PART OF THE DISTRICT'S WATER UTILITY SYSTEM AND WHICH IS INCLUDED IN THE DISTRICT'S 2024 - 2025 CAPITAL IMPROVEMENTS PLAN. (BCWCID10 CIP)

H. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE RATIFICATION OF THE DISTRICT GENERAL MANAGER'S PAYMENT TO M&M TRUCKING & EXCAVATION IN THE AMOUNT OF \$24,950.00 FOR WORK COMPLETED ON THE DISTRICT'S GOLDEN VIEW WATER IMPROVEMENTS PROJECT THAT WILL BECOME PART OF THE DISTRICT'S WATER UTILITY SYSTEM AND WHICH IS INCLUDED IN THE DISTRICT'S 2024 - 2025 CAPITAL IMPROVEMENTS PLAN. (BCWCID10 CIP)

I. THE BOARD WILL DISCUSS AND MAY TAKE ACTION ON A RESOLUTION AUTHORIZING AND APPROVING THE RENEWAL OF A CERTIFICATE OF DEPOSIT IN THE AMOUNT OF \$100,000.00 (AS OF JULY 31, 2024) WITH SECURITY SERVICE FEDERAL CREDIT UNION FOR THIRTEEN (13) MONTHS OR LESS, WHICHEVER IS MOST ADVANTAGEOUS FOR THE DISTRICT AND ITS RATEPAYERS; AUTHORIZING AND DIRECTING THE GENERAL MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR THE RENEWAL OF A CERTIFICATE OF DEPOSIT IN THE AMOUNT OF \$100,000.00 (AS OF JULY 31, 2024) WITH SECURITY SERVICE FEDERAL CREDIT UNION FOR THIRTEEN (13) MONTHS OR LESS, WHICHEVER IS MOST ADVANTAGEOUS FOR THE DISTRICT AND ITS RATEPAYERS.

Mr. Cockerham made a motion to approve the Consent agenda items. This was seconded by Ms. Snead. Motion carried.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

V. ITEMS FOR INDIVIDUAL CONSIDERATION:

A. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A REQUEST FROM ROBERT LOPEZ AT 430 BALFOUR DRIVE, WINDCREST, TEXAS TO BE REINSTATED ON THE DISTRICT'S AUTOMATED BILL PAYMENT PLAN.

Mr. Richards made a motion to deny Mr. Lopez's request. This was seconded by Mr. Cockerham. Motion carried.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

B. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A REQUEST FROM ROBERT MALOY AT 246 FENWICK DRIVE, WINDCREST, TEXAS FOR REIMBURSEMENT OF COSTS ARISING FROM DAMAGE TO HIS VEHICLE.

Mr. Cockerham made a motion to deny Mr. Maloy's request. This was seconded by Mr. Richards. Motion carried.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

C. A PRESENTATION BY THE DISTRICT'S GENERAL MANAGER AND THE DISTRICT'S ENGINEER REGARDING THE DISTRICT'S 2024 AND 2025 CAPITAL IMPROVEMENTS PLAN; AND BOARD DELIBERATION REGARDING THE DISTRICT'S 2024 AND 2025 CAPITAL IMPROVEMENTS PLAN.

D. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION REGARDING THE IMPACT TO THE SECURITY OF THE DISTRICT'S 100 ELEVATED STORAGE TANK AND SITE LOCATED AT CB 5474A BLK 28 LOT 5, WINDCREST, TEXAS ARISING FROM THE PROXIMITY OF A STRUCTURE ON 510 CRESTWAY DRIVE, WINDCREST, TEXAS TO THE ELEVATED STORAGE TANK AND SITE. No action taken.

E. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION REGARDING THE IMPACT TO THE SECURITY OF THE DISTRICT'S 100 ELEVATED STORAGE TANK AND SITE LOCATED AT CB 5474A BLK 28 LOT 5, WINDCREST, TEXAS ARISING FROM THE PROXIMITY OF A PROPOSED STRUCTURE ON 506 CRESTWAY DRIVE, WINDCREST, TEXAS TO THE ELEVATED STORAGE TANK AND SITE BASED ON A NOTICE FROM THE CITY OF WINDCREST'S BOARD OF ADJUSTMENT FOR A RESPONSE FROM THE DISTRICT REGARDING A REQUEST BY THE PROPERTY OWNER OF 506 CRESTWAY DRIVE, WINDCREST, TEXAS FOR A VARIANCE FOR THE PROPOSED STRUCTURE.

Mr. Richards made a motion to authorize the General Manager to reiterate to the City that the water tanks in the City are owned by the District. To complete the City's Board of Adjustment request for input involving 506 Crestway Drive variance request. To sign the Board of adjustment form and indicate on the form that the District has no objection. Seconded by Ms. Snead. Motion carried.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

F. THE BOARD WILL DELIBERATE AND MAY TAKE ACTION ON A RESOLUTION APPROVING THE ORDER OF A GENERAL ELECTION ON NOVEMBER 5, 2024, FOR THE PURPOSE OF ELECTING TWO (2) DIRECTORS TO THE BOARD OF DIRECTORS OF THE DISTRICT; APPROVING A CONTRACT WITH THE BEXAR COUNTY ELECTIONS ADMINISTRATOR ("JOINT ELECTION CONTRACT"); AUTHORIZING AND DIRECTING THE DISTRICT'S GENERAL MANAGER TO SIGN THE JOINT ELECTION CONTRACT; MAKING PROVISIONS FOR THE CONDUCT OF SUCH ELECTION AND RESOLVING

OTHER MATTERS RELATED TO THE CONDUCT OF SUCH ELECTION; AUTHORIZING, DESIGNATING AND APPOINTING THE DISTRICT'S GENERAL MANAGER AS THE EARLY VOTING CLERK.

Ms. Snead made a motion to approve. This was seconded by Mr. Richards. Motion carried.

5 YES 0 ABSTAIN 0 NO 0 ABSENT

V. 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>JULY 2024</u>
a. Operating Revenue:	\$ 290,241.08
b. Operating Expenses:	\$ 196,107.75
c. Operating Income	\$ 94,133.33
d. Non-Operating Income	\$ 6,070.02
e. Total Income	\$ 100,203.35
2. INVESTMENT REPORT:	
a. Operating Account Balance	\$ 424,271.21
b. Investments:	\$1,447,730.15
c. Grand Total	\$2,058,046.15

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) JULY 2024
SAWS Sewer Service /July \$ 65,678.67
EAA Management / Program Fee \$ 11,919.05
2. Water Usage Update: Our current pumpage for July 2024 was 28,208,000 gals, Total pumpage for the year is 533.90 acre/ft. The District's total Edwards permit is 1625.00 acre/ft. The Edwards Aquifer is currently around 632.40 ft. We are in STAGE III Restrictions. We are currently pumping 1,000,000 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 2024-2025 Capital Improvement Projects.

VI. THE REGULAR SESSION OF AUGUST 15, 2024, 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 6:07 p.m.

VII. EXECUTIVE SESSION

A. THE BOARD WILL (1) 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; AND (2) CONSULT WITH THE DISTRICT'S LEGAL COUNSEL REGARDING LEGAL ISSUES INVOLVING 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 § 551.071(2)

B. CONSULTATION WITH THE DISTRICT'S ATTORNEY REGARDING LEGAL ISSUES INVOLVING A REQUEST FROM ROBERT LOPEZ AT 430 BALFOUR DRIVE, WINDCREST, TEXAS TO BE REINSTATED ON THE DISTRICT'S AUTOMATED BILL PAYMENT PLAN AS AUTHORIZED BY SECTION 551.071 OF THE TEXAS GOVERNMENT CODE.

C. CONSULTATION WITH THE DISTRICT'S ATTORNEY REGARDING LEGAL ISSUES INVOLVING A REQUEST FROM ROBERT MALOY AT 246 FENWICK DRIVE, WINDCREST, TEXAS FOR REIMBURSEMENT OF COSTS ARISING FROM DAMAGE TO HIS VEHICLE AS AUTHORIZED BY SECTION 551.071 OF THE TEXAS GOVERNMENT CODE.

D. CONSULTATION WITH THE DISTRICT'S ATTORNEY REGARDING LEGAL ISSUES INVOLVING THE IMPACT TO THE SECURITY OF THE DISTRICT'S 100 ELEVATED STORAGE TANK AND SITE LOCATED AT CB 5474A BLK 28 LOT 5, WINDCREST, TEXAS ARISING FROM THE PROXIMITY OF A STRUCTURE ON 510 CRESTWAY DRIVE, WINDCREST, TEXAS TO THE ELEVATED STORAGE TANK AND SITE AS AUTHORIZED BY SECTION 551.071 OF THE TEXAS GOVERNMENT CODE.

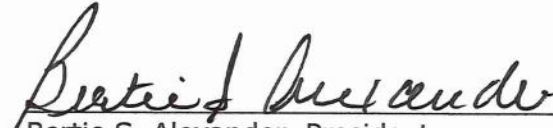
E. CONSULTATION WITH THE DISTRICT'S ATTORNEY REGARDING LEGAL ISSUES INVOLVING THE IMPACT TO THE SECURITY OF THE DISTRICT'S 100 ELEVATED STORAGE TANK AND SITE LOCATED AT CB 5474A BLK 28 LOT 5, WINDCREST, TEXAS ARISING FROM THE PROXIMITY OF A PROPOSED STRUCTURE ON 506 CRESTWAY DRIVE, WINDCREST, TEXAS TO THE ELEVATED STORAGE TANK AND SITE BASED ON A NOTICE FROM THE CITY OF WINDCREST'S BOARD OF ADJUSTMENT FOR A RESPONSE FROM THE DISTRICT REGARDING A REQUEST BY THE PROPERTY OWNER OF 506 CRESTWAY DRIVE, WINDCREST, TEXAS FOR A VARIANCE FOR THE PROPOSED STRUCTURE AS AUTHORIZED BY SECTION 551.071 OF THE TEXAS GOVERNMENT CODE.

F. 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

VIII. THE REGULAR SESSION OF THE REGULAR BOARD MEETING OF AUGUST 15, 2024, IS HEREBY RECONVENED. The Board returned to its regular meeting at 6:36 p.m.

- IX. 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.
- X. ADJOURNMENT. The Bexar County Water Control and Improvement District No. 10 Board of Directors Meeting of August 15, 2024, is hereby adjourned at 7:07 p.m.


Bertie S. Alexander, President


Ann Marie Arnicar, Secretary

Date: 19 Sept 2024