

# AGENDA

## MEETING OF THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES

Tuesday, April 7, 2009, 9:00 A.M.

6th Floor Board Room #609

Administrative Offices

2800 U. S. 281 North

San Antonio, Texas

1. MEETING CALLED TO ORDER.
2. Announcements.
  - A. The San Antonio Water System Board of Trustees 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 Trustees 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 551 of the Texas Open Meetings Act.
3. Minutes.
  - A. Approval of the Minutes of the San Antonio Water System Board of Trustees Regular Meeting of March 3, 2009.
  - B. Approval of the Minutes of the San Antonio Water System Board of Trustees Policy and Planning Meeting of February 16, 2009.
  - C. Approval of the Minutes of the San Antonio Water System Board of Trustees Special Board/Water Supply Task Force Workshop of February 23, 2009.
4. Ceremonial Items.
  - A. Recognition of appreciation from the Governor's Division of Emergency Management, through the Texas Engineering Extension Service, for the System's support during Hurricanes Dolly and Ike. (STEVE CLOUSE)
5. Citizens to be Heard.

## CONSENT AGENDA ITEMS

Items 6– 28

### ITEMS CONCERNING THE PURCHASE OF EQUIPMENT, MATERIALS AND SUPPLIES

**SAN ANTONIO WATER SYSTEM  
HANDICAPPED ACCESSIBILITY STATEMENT**

The San Antonio Water System building and meeting rooms are handicapped accessible. Individuals with disabilities that may require special accommodations are requested to contact the Board Administrator at 210.233.3859 for assistance.

**6. A Resolution accepting recommendations regarding the contracting for certain services, equipment, materials, and supplies, and authorizing the acceptance of bids as follows: (DOUG EVANSON - VICK GARMON)**

**A. Award of Contracts for the Purchase of Materials, Equipment and Services.**

- 1. Acceptance of the bid of Sigma Solutions to provide: Network Storage Switch Equipment, Bid No. 09-9002, for a total of \$112,841.00. (This contract will be utilized for the purchase of storage switch technology that provides a Fibre Channel connection between SAWS enterprise servers and the storage array).**
- 2. Acceptance of the bid of Freightliner of SA, Ltd., to provide: Four (4) each - 66,000 GVWR Cab Chassis with 10 cubic yard truck mounted combination jet/vacuum machine (single cab), Bid No. 09-9001, for a total of \$1,284,324.00. (These units are part of the vehicle equipment replacement program and will be assigned to various SAWS locations).**
- 3. Acceptance of the bid of Grande Truck Center to provide One (1) each - 34,000 GVWR (minimum)low-pro, cab chassis with 2,000 pound rail power lift gate mounted on a platform bed and Three (3) each - 65,000 GVWR cab chassis with installed 20 ton truck mounted hydraulic crane, Bid No. 09-9005, for a total of \$920,100.00. (These units are part of the vehicle equipment replacement program and will be assigned to various SAWS locations).**

**(SBE)**

- 4. Acceptance of the bid of Santex Truck Center, Ltd., to provide: Thirty two (32) each - 50,000 GVWR cab chassis with mounted hydraulic dump body and other equipment, Bid No. 09-9005, for a total of \$2,668,384.00. (These units are part of the vehicle equipment replacement program and will be assigned to various SAWS locations).**

**B. Award of Annual Service and Supply Contracts. Estimated annual purchases are based on unit prices bid. Actual totals may vary from estimate.**

- 1. Acceptance of the bid of Chemical Lime to provide: Hydrated Lime, Bid No. 09-9009, for a total of \$80,000.00. (This contract will be utilized to deliver of Type A Hydrated Lim for use in the treatment of potable water supplies at the Twin Oaks ASR Treatment Facility. This contract will be effective Date of Award (April 7, 2009) through August 31, 2009.)**

**(SBE)**

- 2. Acceptance of the bid of Guthrie Landscape., to provide: Lawn Maintenance Services for Water Recycling Centers, Bid No. 08-0712, for a total of \$106,593.00. (This contract will be utilized to perform routine and non-routine landscaping and lawn maintenance services at the Water Recycling Centers and other SAWS properties. This contract will be effective (Date of Award) April 7, 2009 through December 31, 2009.)**

**C. Authorization to Utilize the City of San Antonio's Competitive Bidding Process for Annual Contracts. Estimated annual purchases are based on unit prices bid. Actual totals may vary from estimate.**

**No items for this Meeting.**

- D. Authorization to Utilize the City of San Antonio's Competitive Bidding Process for Biennial Contracts. Estimated annual purchases are based on unit prices bid. Actual totals may vary from estimate.

No items for this Meeting.

- E. Award of Biennial Service and Supply Contracts. Estimated annual purchases are based on unit prices bid. Actual totals may vary from estimate.

1. Acceptance of the bid of Corrpro Companies, Inc., to provide: Cathodic Protection Systems Inspections, Testing and Maintenance. Bid No. 09-0343, for a total of \$73,175.00. (This contract will be utilized to perform detailed inspection, evaluation and minor preventive maintenance of the cathodic protection systems at various SAWS locations. This contract will be effective Date of Award (April 7, 2009) through December 31, 2013.)

## CAPITAL IMPROVEMENT CONTRACTS

### PROJECTS INVOLVING IMPROVEMENTS, EXTENSIONS AND ADDITIONAL CAPACITY

#### Developer Customer Contracts

7. A Resolution approving Utility Service Agreements to provide water and/or wastewater service to the tracts listed below which are located over the Edwards Aquifer Recharge or Contributing Zone and within the 5-mile Awareness Zone of Camp Bullis. (KELLEY NEUMANN – SAM MILLS)

No.	Tract Name	Developer Name	Acreage	Water EDU's	WW EDU's	Board Reason	Water CCN	WW CCN
1	Gardens at the Pinnacle	PEMRE Enterprises, LLC	4.72	0	19	EARZ	B.M.W.D.	Applied for
2	Kyle Seale Family FM 1604	H. Kyle Seale	224.81	1,135	1,015	AC, EARZ	Inside	Inside/Applied for
Totals			<u>230</u>	<u>1,135</u>	<u>1,034</u>			
Year-to-Date Totals ( January -April 2009)			<u>515</u>	<u>2,245</u>	<u>2,052</u>			

8. A Resolution approving Utility Service Agreements to provide water and/or wastewater service to the tracts listed below which are located over the Edwards Aquifer Recharge or Contributing Zone and are not within the 5-mile Awareness Zone of Camp Bullis. (KELLEY NEUMANN – SAM MILLS)

No.	Tract Name	Developer Name	Acreage	Water EDU's	WW EDU's	Board Reason	Water CCN	WW CCN
1	Helotes Creek Ranch Estates	Jay Khadem	88.47	59	0	AC, EARZ, OVR	Inside	Outside/Applied for

<b>Totals</b>	<u>88.47</u>	<u>59</u>	<u>0</u>			
<b>Year-to-Date Totals ( January -April 2009)</b>	<u>88.47</u>	<u>59</u>	<u>0</u>			

9. A Resolution approving Utility Service Agreements to provide water and/or wastewater service to the tracts listed below which are not located over the Edwards Aquifer Recharge or Contributing Zone and not within the 5-mile Awareness Zone of Camp Bullis. (KELLEY NEUMANN – SAM MILLS)

No.	Tract Name	Developer Name	Acreage	Water EDU's	WW EDU's	Board Reason	Water CCN	WW CCN
1	Horizon Pointe Subdivision*	CRVI TXAZCO, LLC	461.32	1,845	282	AC	Inside	Inside/ S.A.R.A.
<b>Totals</b>			<u>461.32</u>	<u>1,845</u>	<u>282</u>			
<b>Year-to-Date Totals ( January -April 2009)</b>			<u>552</u>	<u>1,845</u>	<u>1,227</u>			

\*The noted USA has been previously approved by the Board and requires a new approval due to a change of water/wastewater EDU's.

EDU/Acreage Comparison Totals (Year to Date - All Categories)	Total Acreage	Total Water EDU's	Total WW EDU's			
<b>Total ( January -April 2009)</b>	1,356	4,149	3,279			
<b>Total ( January -April 2008)</b>	4,892	5,321	24,984			

**Production, Transmission and Treatment Improvements**

- (SBE) 10. A Resolution accepting the bid of Gilbert's Utility & Concrete Work, Inc., in the amount of \$108,880.00 for the Twin Oaks Water Treatment Plant 12-Inch Plug Valve Replacement Project; awarding a construction contract to Gilbert's Utility & Concrete Work, Inc., in the amount of \$108,880.00 for the project work; approving the expenditure of funds in the amount of \$108,800.00 for the project work; approving construction contingency expenses in an amount not to exceed \$10,880.00 in connection with the project work; approving an amount not to exceed \$119,768.00 be made available and expended from the System's Project Fund for the project work and related construction contingencies; authorizing the President/Chief Executive Officer to execute a construction contract with Gilbert's Utility & Concrete Work, Inc., and to pay Gilbert's Utility & Concrete Work, Inc., an amount not to exceed \$119,768.00 for the project work and related construction contingencies. Total expenditures are: \$119,768.00. (KELLEY NEUMANN – FRANCE PLOCEK)

**Professional Services**

11. A Resolution accepting the proposal of Tetra Tech, Inc., in an amount not to exceed \$383,760.00 for the design of the Mission Del Lago Elevated Storage Tank Project;

awarding a professional services contract to Tetra Tech, Inc., in an amount not to exceed \$383,760.00 for engineering services in connection with this project; authorizing the expenditure of funds in an amount not to exceed \$383,760.00 from the System's Project Fund for the project engineering services in connection with this project; authorizing the President/Chief Executive Officer to execute a professional services contract with Tetra Tech, Inc., and to pay Tetra Tech, Inc., an amount not to exceed \$383,760.00 for project engineering services in connection with this project. Total expenditures are: \$383,760.00. (KELLEY NEUMANN – ASHOK KAJI)

## **REPLACEMENT AND ADJUSTMENT PROJECTS**

### **Governmental Relocations and Replacements**

12. **A Resolution amending Resolution No. 07-375, as previously amended by Resolution No. 08-208, by approving the expenditure of additional funds in an amount not to exceed \$178,306.20 payable to the City of San Antonio for additional construction contingency expenses in connection with the Woodlawn Avenue: Maiden Lane to Bandera Road Project; approving an additional amount not to exceed \$178,306.20 be made available and expended from the System's Project Fund for the additional construction contingency expenses; ratifying the actions of the Senior Vice President of Strategic Resources in approving Change Order No. 3 in the amount of \$178,306.20; authorizing the President/Chief Executive Officer to pay to the City of San Antonio an additional amount not to exceed \$178,306.20 for the additional project work and additional construction contingency expenses. Located in Council District 7. Total expenditures are: \$178,306.20 for a revised contract amount of \$2,501,248.69. (KELLEY NEUMANN – CINDY KOVACIC)**
13. **A Resolution approving the expenditure of funds in the amount of \$60,057.52 for the replacement of water and sewer facilities by the City of San Antonio in connection with the Florida Street: S. Hackberry to Olive Street Project; approving an amount not to exceed \$12,011.51 for construction contingency expenses related to the project work; approving an amount not to exceed \$48,379.36 be made available and expended from the System's Project Fund for the water project work and related construction contingency expenses; approving an amount not to exceed \$23,689.67 be made available and expended from the System's Project Fund for the sewer project work and related construction contingency expenses; authorizing the President/Chief Executive Officer to pay to the City of San Antonio an amount not to exceed \$72,069.03 for the project work and related construction contingency expenses. Located in Council District 2. Total expenditures are: \$72,069.03. (KELLEY NEUMANN – CINDY KOVACIC)**
14. **A Resolution amending Resolution No. 08-108 by approving the expenditure of additional funds in an amount not to exceed \$66,712.46 payable to the City of San Antonio for additional construction contingency expenses in connection with the South Texas Medical Center Intersection Improvements Phases IV, V, and Part 1 Project; approving an additional amount not to exceed \$66,712.46 be made available and expended from the System's Project Fund for the additional construction contingency expenses; ratifying the actions of the Senior Vice President of Strategic Resources in approving Change Order No. 3 in the amount of \$53,258.41; authorizing the President/Chief Executive Officer to pay the City of San Antonio an additional amount not to exceed \$66,712.46 for the additional project work and additional construction contingency expenses. Located in Council District 8. Total expenditures are: \$66,712.46 for a revised contract amount of SAWS work of \$385,712.46. (KELLEY NEUMANN – CINDY KOVACIC)**

15. A Resolution ratifying the actions of the Senior Vice President of Strategic Resources in approving Change Order No. 2 in the amount of \$34,335.00 in connection with the Historic Mission Reach, Phase II Emergency Project; authorizing the President/Chief Executive Officer to pay to Du-Mor Enterprises, Inc., an additional amount not to exceed \$34,335.00 for the additional project work. Total expenditures are: \$34,335.00 for a revised contract amount of \$1,869,025.00.  
(KELLEY NEUMANN – CINDY KOVACIC)

#### Professional Services

- (MBE) 16. A Resolution accepting the proposal of Unitech Consulting Engineers, Inc., in an amount not to exceed \$88,805.00 for engineering services in connection with the Ingram Road Low Water Crossing #58 Project; awarding a professional services contract to Unitech Consulting Engineers, Inc., in an amount not to exceed \$88,805.00 for engineering services in connection with the project; approving the expenditure of funds in an amount not to exceed \$70,417.00 from the System's Project Fund for the water project engineering work; approving the expenditure of funds in an amount not to exceed \$18,388.00 from the System's Project Fund for the sewer project engineering work; authorizing the President/Chief Executive Officer to execute a professional services contract with Unitech Consulting Engineers, Inc., and to pay Unitech Consulting Engineers, Inc., an amount not to exceed \$88,805.00 for the project engineering work. Total expenditures are: \$88,805.00.  
(KELLEY NEUMANN – CINDY KOVACIC)
17. A Resolution approving Contract Amendment No. 3 in the amount of \$4,490.00 in connection with the Lackland Terrace Water and Sewer Main Replacement Phase I Project; amending Resolution No. 05-018, as amended by Resolution No. 08-112, as amended by Resolution No. 08-246 by approving additional expenditures in an amount not to exceed \$4,490.00 for additional engineering services by Chiang, Patel & Yerby, Inc., in connection with the Lackland Terrace Water and Sewer Main Replacement Phase I Project; approving an amount not to exceed \$4,490.00 be made available and expended from the System's Project Fund for the related additional engineering services; authorizing the President/Chief Executive Officer to execute Contract Amendment No. 3 and to pay Chiang, Patel & Yerby, Inc., an additional amount not to exceed \$4,490.00 for the additional engineering services in connection with the project. Located in Council District 4. Total expenditures are: \$4,490.00 for a revised contract amount of \$642,871.50. (KELLEY NEUMANN – FRANCES PLOCEK)

#### MISCELLANEOUS PROJECTS

18. A Resolution amending Resolution No. 08-095 by increasing the amount of the renewed construction contract with H.L. Zumwalt Construction, Inc., from \$1,455,837.50 to \$1,755,837.50 and approving Change Order No. 1 in the amount of \$300,000.00 in connection with the Annual 2007 Asphalt Overlay Work Order Construction Contract Project; approving additional funds in an amount not to exceed \$300,000.00 for the project work; approving an additional amount not to exceed \$300,000.00 be made available from the System Fund for the project work; authorizing the President/Chief Executive Officer to execute Change Order No. 1 and to pay H.L. Zumwalt Construction Inc., an additional amount not to exceed \$300,000.00 for the project work. Total expenditures are: \$300,000.00 for a revised contract amount of \$1,755,837.50.  
(VAL RUIZ – JEFF BROWN)

## Professional Services

- (WBE) 19. A Resolution accepting the proposal of ARCADIS U.S., Inc., in the amount of \$250,000.00 for the Civil and Mechanical Engineering Design Services Contract I in connection with various capital improvement program projects; awarding a professional engineering services contract to ARCADIS U.S., Inc., in an amount not to exceed \$250,000.00 in connection with these projects; authorizing the expenditure of funds in an amount not to exceed \$250,000.00 for the Civil and Mechanical Engineering Design Services Contract I from the System's Project Fund for these capital improvement program projects; authorizing the President/Chief Executive Officer to execute a professional engineering services contract with ARCADIS U.S., Inc., and to pay an amount not to exceed \$250,000.00 to ARCADIS U.S., Inc., for the Civil and Mechanical Engineering Design Services Contract I in connection with these capital improvement projects. Total expenditures are: \$250,000.00. (KELLEY NEUMANN – ASHOK KAJI)
20. A Resolution accepting the proposal of Halff Associates, Inc., in the amount of \$250,000.00 for the Civil and Mechanical Engineering Design Services Contract II in connection with various capital improvement program projects; awarding a professional engineering services contract to Halff Associates, Inc., in an amount not to exceed \$250,000.00 in connection with these projects; authorizing the expenditure of funds in an amount not to exceed \$250,000.00 for the Civil and Mechanical Engineering Design Services Contract II from the System's Project Fund for these capital improvement program projects; authorizing the President/Chief Executive Officer to execute a professional engineering services contract with Halff Associates, Inc., and to pay an amount not to exceed \$250,000.00 to Halff Associates, Inc., for the Civil and Mechanical Engineering Design Services Contract II in connection with these capital improvement projects. Total expenditures are: \$250,000.00.  
(KELLEY NEUMANN – ASHOK KAJI)
- (WBE) 21. A Resolution accepting the proposal of Ford Engineering, Inc., in the amount of \$250,000.00 for the Surveying Services Contract I in connection with various capital improvement program projects; awarding a professional services contract to Ford Engineering, Inc., in an amount not to exceed \$250,000.00 in connection with these projects; authorizing the expenditure of funds in an amount not to exceed \$250,000.00 for the Surveying Services Contract I from the System's Project Fund for these capital improvement program projects; authorizing the President/Chief Executive Officer to execute a professional services contract with Ford Engineering, Inc., and to pay an amount not to exceed \$250,000.00 to Ford Engineering, Inc., for Surveying Services Contract I in connection with these capital improvement projects. Total expenditures are: \$250,000.00. (KELLEY NEUMANN – ASHOK KAJI)
22. A Resolution accepting the proposal of Pape-Dawson Engineers, Inc., in the amount of \$250,000.00 for the Surveying Services Contract II in connection with various capital improvement program projects; awarding a professional services contract to Pape-Dawson Engineers, Inc., in an amount not to exceed \$250,000.00 in connection with these projects; authorizing the expenditure of funds in an amount not to exceed \$250,000.00 for the Surveying Services Contract II from the System's Project Fund for these capital improvement program projects; authorizing the President/Chief Executive Officer to execute a professional services contract with Pape-Dawson Engineers, Inc., and to pay an amount not to exceed \$250,000.00 to Pape-Dawson Engineers, Inc., for Surveying Services Contract II in connection with these capital improvement projects. Total expenditures are: \$250,000.00. (KELLEY NEUMANN – ASHOK KAJI)

## HUMAN RESOURCES ITEMS

23. A Resolution approving an Interlocal Agreement with the Alamo Community College District for safety, technical skills, and professional development training services in an amount not to exceed \$150,000.00 for Fiscal Year 2009, with an option to extend the term of the contract on an annual basis through 2012, subject to appropriation of funds therefor; authorizing the expenditure from the System Fund of an amount not to exceed \$150,000.00 for these training services for Fiscal Year 2009; authorizing the President/Chief Executive Officer or his designee to negotiate and enter into an Interlocal Agreement with the Alamo Community College District for such services in an amount not to exceed \$150,000.00 for Fiscal Year 2009, and to pay the Alamo Community College District sums not to exceed \$150,000.00 for Fiscal Year 2009 for such training services for Fiscal Year 2009. Total expenditures are: \$150,000.00 per year. (JERRY BAILEY – DOUG PARTAIN)

## CUSTOMER SERVICES ITEMS

24. A Resolution approving and authorizing the President/Chief Executive Officer or his designated representative to execute an Interlocal Agreement with City of Live Oak, Texas, for a five year period to provide sewer and stormwater billing services for the City of Live Oak; authorizing the President/Chief Executive Officer or his designated representative to collect service charges from the City of Live Oak as provided under the provisions of the Interlocal Agreement; authorizing the President/Chief Executive Officer or his designated representative to execute all documents and perform all duties and obligations under the Interlocal Agreement. (STACEY ISENBERG – EMMA BRIDGES)

## INFORMATION SERVICES ITEMS

25. A Resolution authorizing the extension of the Maintenance Renewal Agreement until May 30, 2010 for a total amount not to exceed \$125,324.33 with Oracle USA, Inc., for payment of annual software maintenance for database software utilized at the San Antonio Water System; authorizing the expenditure of a total amount not to exceed \$125,324.33 from the System Fund for Fiscal Year 2009 to Oracle USA, Inc., for payment of software maintenance for database software utilized at the San Antonio Water System; authorizing the President/Chief Executive Officer or his designee to execute the extension of the Maintenance Renewal Agreement with Oracle USA, Inc., until May 30, 2010 and to pay Oracle USA, Inc., an amount not to exceed \$125,324.33 for payment of software maintenance for database software utilized at the San Antonio Water System. Total expenditures are: \$125,324.33. (DOUG EVANSON – JOE SAMPLES)

## MISCELLANEOUS ITEMS

26. A Resolution approving a two-year extension on the existing contract with Marsh USA, Inc., serving as the System's Commercial Insurance Agent of Record for an amount not to exceed \$240,000.00 to continue to serve as the System's Commercial Insurance Agent of Record from July 1, 2009 and extending through June 30, 2011; authorizing expenditures in an amount not to exceed \$60,000.00 for such Commercial Insurance Agent of Record services from the System Fund for Fiscal Year 2009, and that future year's expenditures shall be authorized to be made pursuant to the appropriations made in the annual budgets approved by the Board with a line item for such expenditures; authorizing the President/Chief Executive Officer or his designee to execute an extension to the current contract with Marsh USA, Inc., and to pay Marsh USA, Inc., in an

amount not to exceed \$240,000.00 for the commercial insurance agent services. Total expenditures are: \$240,000.00. (DOUG EVANSON)

27. A Resolution authorizing the expenditure of an amount not to exceed \$82,500.00 from the System Fund for Ruben Barrera of the law firm of Bracewell & Giuliani, L.L.P., to act as Special Counsel to the Board for the remainder of the 2009 Calendar Year; granting authority to negotiate and execute a Letter of Engagement for the retention of Ruben Barrera's legal services for the remainder of the 2009 Calendar Year. Total expenditures are: \$82,500.00. (ALEXANDER E. BRISEÑO, CHAIRMAN)

## **WATER RESOURCES ITEMS**

28. A Resolution authorizing the President/Chief Executive Officer or his designee to negotiate and execute the Joint Funding Agreement between the San Antonio Water System and the United States Geological Survey for the period of April 7, 2009 to September 30, 2009, in an amount not to exceed \$10,488.00, resulting in a total amount not to exceed \$953,388.00 for the 2008-2009 Joint Funding Agreement; authorizing the expenditure of funds for Fiscal Year 2009 from the System Fund to pay for obligations incurred pursuant to the Amendment to the Joint Funding Agreement; authorizing the President/Chief Executive Officer or his designee to negotiate and execute the Amendment to the Joint Funding Agreement with the United States Geological Survey and to pay an amount not to exceed \$10,488.00 to the United States Geological Survey pursuant to the Amendment to the Joint Funding Agreement. Total expenditures are: \$10,488.00 for a revised contract amount of \$953,388.00. (KELLEY NEUMANN – CHARLES AHRENS)

## **ITEMS FOR INDIVIDUAL CONSIDERATION**

### **WATER RESOURCES ITEMS**

29. A Resolution encouraging and supporting a mutually beneficial cooperative relationship between the San Antonio Water System and CPS Energy that promotes conservation of both energy and water. (KELLEY NEUMANN – KAREN GUZ)
30. A Resolution approving an Agreement with AT&T Services, Inc., for the installation of an onsite groundwater reclamation system for the purpose of converting existing evaporative cooling towers, irrigation, and toilet flushing from potable water use within the AT&T Corporate Offices in an amount not to exceed \$67,000.00; authorizing the expenditure of an amount not to exceed \$67,000.00 from the System Fund for the installation of an onsite groundwater reclamation system for the purpose of converting existing evaporative cooling towers, irrigation, and toilet flushing at AT&T corporate offices; authorizing the President/Chief Executive Officer or his designee to execute the Agreement with AT&T Services, Inc., and to pay AT&T Services, Inc., an amount not to exceed \$67,000.00 for the installation of an onsite groundwater reclamation system for the purpose of converting existing evaporative cooling towers, irrigation, and toilet flushing from potable water use within the AT&T Corporate Offices. Total expenditures are: \$67,000.00. (KELLEY NEUMANN – KAREN GUZ)

### **FINANCIAL ITEMS**

31. A Resolution accepting and acknowledging the Comprehensive Financial Report of the San Antonio Water System for the Fiscal Year ending December 31, 2008, including the Report of Independent Accountants, Padgett, Stratemann & Co., L.L.P., directing that

the report be made available for public inspection.  
(DOUG EVANSON – MARY BAILEY)

**32. BRIEFING SESSION.**

A. Briefing and deliberation regarding State and Federal Legislative Activities related to the following: (GREG FLORES – DONOVAN BURTON)

1. SAWS' State Legislative Agenda
2. Water Related Bills filed at the State Legislature

**33. President/Chief Executive Officer's Report. Presentation of and deliberation on the following items:**

A. Water Management Plane Update.

**34. Inquiries.**

**35. The Regular Session of the April 7, 2009, Regular Board Meeting is hereby recessed to hold an Executive Session and discuss the matters listed below pursuant to Sections 551.071, 551.072, 551.073, and 551.074 of the Texas Open Meetings Act.**

**36. EXECUTIVE SESSION.**

A. Consultation with attorneys and deliberation regarding the appointment, employment, reassignment, duties, discipline, or dismissal of a public officer or employee. (FRANK STENGER-CASTRO – BILL CROW)

B. Consultation with attorneys and deliberation regarding potential litigation relating to matters in connection with wastewater permit compliance issues. (FRANK STENGER-CASTRO – JOHN REYNOLDS)

C. Consultation with attorneys and deliberation regarding legal issues related to the Definitive Agreement between the San Antonio Water System and the Lower Colorado River Authority. (FRANK STENGER-CASTRO - STEVE KOSUB)

D. Consultation with attorneys and deliberation regarding legal issues related to the San Antonio Regional Business Disparity Analysis Causation Study. (FRANK STENGER-CASTRO)

E. Consultation with attorneys and deliberation regarding legal issues related to the settlement of a dispute with Chesney Morales and Associates, Inc., related to a contract for architectural services for the Northwest Service Center Project. (FRANK STENGER-CASTRO – NANCY BELINSKY)

F. Consultation with attorneys and deliberation regarding Cause No. 2008-CI-02799, *Robert Overby, et al. v. City of San Antonio, et al.*, In the 225<sup>th</sup> Judicial District Court, Bexar County, Texas. (FRANK STENGER-CASTRO - BILL CROW)

G. Consultation with attorneys and deliberation regarding Cause No. 2007-CI-17002, *North Star Mall, L.L.C. v. San Antonio Water System, et al.*, In the 407<sup>th</sup> Judicial District Court, Bexar County, Texas. (FRANK STENGER-CASTRO - BILL CROW)

**H. Consultation with attorneys for the San Antonio Water System and its Board of Trustees, and consideration of matters in which the duty of the attorney to the San Antonio Water System and its Board of Trustees under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of the Texas Open Meetings Act.  
(FRANK STENGER-CASTRO)**

**37. The Regular Session of the Regular Board Meeting of April 7, 2009, is hereby reconvened.**

**38. A Resolution approving the Settlement and Release Agreement with Chesney Morales & Associates, Inc., related to the Northwest Service Center Project; approving the System's obligations under the Agreement; authorizing expenditures in the amount of \$30,390.64 from the System Fund for the purposes of the Settlement; authorizing the President/Chief Executive Officer to execute the Agreement and to pay \$30,390.64 to Chesney Morales & Associates, Inc., for the System's financial obligations under the Agreement. Total expenditures are: \$30,390.64.  
(FRANK STENGER-CASTRO – NANCY BELINSKY)**

**39. Adjournment. THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES MEETING OF APRIL 7, 2009, IS HEREBY ADJOURNED.**