

AGENDA
MEETING OF THE
SAN ANTONIO WATER SYSTEM
BOARD OF TRUSTEES

Tuesday, July 13, 2010, 9:00 A.M.

6th Floor Board Room #609

Administrative Offices

2800 U. S. 281 North, San Antonio, Texas

Swearing in of Alexander E. Briseño for the remainder of an unexpired term of office of the San Antonio Water System Board of Trustees to expire May 31, 2014, and concurring with the Mayor's appointment of Mr. Briseneno as Chair of the San Antonio Water System Board of Trustees for the remainder of an unexpired term of office to expire May 31, 2011. (LETICIA M. VACEK, SAN ANTONIO CITY CLERK)

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. **Nomination and Election of the Vice Chairman, Secretary and Assistant Secretary of the San Antonio Water System Board of Trustees; and appointment of Members to the Audit Committee. (ALEXANDER E. BRISEÑO, CHAIRMAN)**
4. **Minutes.**
 - A. **Approval of the Minutes of the San Antonio Water System Board of Trustees Regular Meeting of June 8, 2010.**
 - B. **Approval of the Minutes of the San Antonio Water System Board of Trustees Policy and Planning Meeting of May 17, 2010.**
 - C. **Approval of the Minutes of the San Antonio Water System Board of Trustees Special Meeting of June 2, 2010.**
5. **Ceremonial Items.**
 - A. **Recognition of the contributions made by SAWS' D&C and Production and Treatment Operations Group in New Braunfels as a result of the June 9, 2010 flood. (STEVE CLOUSE)**
 - B. **Recognition of Mike Harris for his contributions as President of the San Antonio Manufacturers Association. (ROBERT PUENTE)**

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.

- C. Recognition of SAWS' winning teams at the May 14, 2010, SAWS-SARA-EAA Annual Bar-B-Que competition. (STEVE CLOUSE)

6. Citizens to be Heard.

CONSENT AGENDA ITEMS

Items 7 – 25

ITEMS CONCERNING THE PURCHASE OF EQUIPMENT, MATERIALS AND SUPPLIES

- 7. 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 Grande Truck Center, to provide: Two (2) each 35,000 GVWR cab-chassis with mounted Hydraulic Dump Body and other equipment, Bid No. 10-1035, for a total of \$159,786.00. (These units are part of the vehicle equipment replacement program and will be assigned to a various SAWS locations.)
- 2. Acceptance of the bid of Santex Truck Center, Ltd., to provide: One (1) each 50,000 GVWR cab-chassis with installed 10 cubic yard dump body, Bid No. 10-1035, for a total of \$94,980.00. (This unit is part of the vehicle equipment replacement program and will be assigned to a SAWS location.)
- 3. Acceptance of the bid of Grand Truck Center to provide: One (1) each 66,000 GVWR cab-chassis with installed 10 yard on site cement mixer (single cab), Bid No. 10-1035, for a total of \$235,690.00. (This unit is part of the vehicle equipment replacement program and will be assigned to a SAWS location.)

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

No items for this Meeting.

- 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.

No items for this Meeting.

CAPITAL IMPROVEMENT CONTRACTS

PROJECTS INVOLVING IMPROVEMENTS, EXTENSIONS AND ADDITIONAL CAPACITY

Developer Customer Contracts

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 EDUs	WW EDUs	Board Reason	Water CCN	WW CCN
1	Helotes Town Centre	Helotes Town Centre, LP	16.70	98	82	EARZ	Inside	Applied for
Totals			<u>16.70</u>	<u>98</u>	<u>82</u>			
Year-to-Date Totals (January -July 2010)			<u>16.70</u>	<u>98</u>	<u>82</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 are not within the 5-mile Awareness Zone of Camp Bullis. (KELLEY NEUMANN – SAM MILLS)

No.	Tract Name	Developer Name	Acreage	Water EDUs	WW EDUs	Board Reason	Water CCN	WW CCN
1	Monterrey Village II	Carlton Holdings, L.P.	112	632	1,089	AC	Inside/ BMWD	Inside/ Applied for
Totals			<u>112</u>	<u>632</u>	<u>1,089</u>			
Year-to-Date Totals (January - July 2010)			<u>240.92</u>	<u>2,520</u>	<u>2,965</u>			

EDU/Acreage Comparison Totals 2010 - 2009

EDU/Acreage Comparison Totals 2010 - 2009 (Year to Date - All Categories)	Total Acreage	Total Water EDU's	Total WW EDU's
Total (January - July 2010)	601.53	3,181	3,413
Total (January – July 2009)	2,371	7,418	5,812

10. **A Resolution approving a partial reimbursement in the amount of \$254,907.00 to F.C. Properties One Ltd., for the Stone Oak I On-Site Oversize Improvements as required by the Third Addendum to the Mud Creek Participation Agreement, pursuant to City of San Antonio Ordinance No. 71800; authorizing the expenditure of \$254,907.00 from the System’s Service Recovery Account within the System’s Renewal and Replacement Fund for such reimbursement; authorizing the President/Chief Executive Officer to pay such partial reimbursement in the amount of \$254,907.00 to F.C. Properties One Ltd., for the Stone Oak I On-Site Oversize Improvements. Total expenditures are: \$254,907.00. (KELLEY NEUMANN – SAM MILLS)**

Production, Transmission and Treatment Improvements

11. **A Resolution accepting the bid of Principle Contracting Services, LLC, in the amount of \$311,690.38 for the S & S Hills 12-Inch Water Main Extension Project; awarding a construction contract to Principle Contracting Services, LLC, in the amount of \$311,690.38 for the project work; approving the expenditure of funds in the amount of \$311,690.38 for the project work; approving construction contingency expenses in an amount not to exceed \$31,000.00 in connection with the project work; approving an amount not to exceed \$342,690.38 be made available and expended from the System’s Project Fund for the water project work and related construction contingencies; authorizing the President/Chief Executive Officer or his designated representative to execute a construction contract with Principle Contracting Services, LLC, and to pay Principle Contracting Services, LLC, an amount not to exceed \$342,690.38 for the project work and related construction contingencies. Total expenditures are: \$342,690.38. (KELLEY NEUMANN – JORGE MONSERRATE)**

Professional Services

12. **A Resolution accepting the proposal of CP&Y in an amount not to exceed \$735,300.00 for the design of the Leon Creek Water Recycling Center (WRC) Interconnect to the Medina River Sewer Outfall (MRSO) Project; awarding a professional services contract to CP&Y in an amount not to exceed \$735,300.00 for engineering services in connection with this project; authorizing the expenditure of funds in an amount not to exceed \$735,300.00 from the System’s Project Fund for engineering services in connection with this project; authorizing the President/Chief Executive Officer to execute a professional services contract with CP&Y and to pay CP&Y an amount not to exceed \$735,300.00 for engineering services in connection with this project. Total expenditures are: \$735,300.00. (KELLEY NEUMANN – ASHOK KAJI)**

REPLACEMENT AND ADJUSTMENT PROJECTS

Governmental Relocations and Replacements

13. **A Resolution approving the expenditure of funds in the amount of \$550,248.00 for the replacement of water and sewer facilities by the City of San Antonio in connection with the Tesla Drive: Culebra to Mayberry Project; approving an amount not to exceed \$55,024.80 for construction contingency expenses related to the project work; approving an amount not to exceed \$605,272.80 be made available and expended from the System’s Project Fund for the 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 \$605,272.80 for the project work and related construction contingency expenses. Located in Council District 5. Total expenditures are: \$605,272.80. (KELLEY NEUMANN – CINDY KOVACIC)**

14. A Resolution approving the expenditure of funds in the amount of \$82,000.00 for the adjustment of water facilities by the City of San Antonio in connection with the Market Square Rehabilitation Phase II Project; approving an amount not to exceed \$12,300.00 for construction contingency expenses related to the project work; approving an amount not to exceed \$94,300.00 be made available and expended from the System's Project Fund for the 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 \$94,300.00 for the project work and related construction contingency expenses. Located in Council District 1. Total expenditures are: \$94,300.00. (KELLEY NEUMANN – CINDY KOVACIC)
15. A Resolution approving the expenditure of funds in the amount of \$45,711.26 for the replacement of water and sewer facilities by the City of San Antonio in connection with the Oak Glen/Haskin Low Water Crossing, Phase I (Cave Lane to Oak Glen) Project; approving an amount not to exceed \$9,142.25 for construction contingency expenses related to the project work; approving an amount not to exceed \$54,853.51 be made available and expended from the System's Project Fund for the 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 \$54,853.51 for the project work and related construction contingency expenses. Located in Council District 10. Total expenditures are: \$54,853.51.
(KELLEY NEUMANN – CINDY KOVACIC)
16. A Resolution approving the expenditure of funds in the amount of \$217,947.35 for the replacement and adjustment of water and sewer facilities by the City of San Antonio in connection with the Medina Base Road, Phase I: Loop 410 to Five Palms Project; approving an amount not to exceed \$21,794.74 for construction contingency expenses related to the project work; approving an amount not to exceed \$239,742.09 be made available and expended from the System's Project Fund for the 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 \$239,742.09 for the project work and related construction contingency expenses. Total expenditures are: \$239,742.09. (KELLEY NEUMANN – CINDY KOVACIC)
17. A Resolution amending Resolution No. 07-238, as previously amended by Resolution Nos. 09-010 and 10-138, by approving the reallocation of funds in the amount of \$16,470.93 from the amount authorized for the project work to the amount authorized for construction contingency expenses in connection with the Shaenfield Road: Loop 1604 to F.M. 1560 Project. Total amount reallocated is: \$16,215.61 for a revised contract amount of \$406,350.96.
(KELLEY NEUMANN – CINDY KOVACIC)

Water and Sewer Line Improvements

18. A Resolution amending Resolution No. 09-253, by approving the expenditure of additional funds in an amount not to exceed \$166,641.61 payable to Qro Mex Construction Co., Inc., for additional construction contingency expenses in connection with the Donaldson Terrace Area Phase IIC Project; approving an additional amount not to exceed \$166,641.61 be made available and expended from the System's Project Fund for additional construction contingency expenses; ratifying the actions of the Senior Vice President of Strategic Resources in approving Change Order No. 4 in the amount of \$148,069.30; authorizing the President/Chief Executive Officer to pay Qro Mex Co., Inc., an additional amount not to exceed \$166,641.61 for the additional project work and additional construction contingency expenses. Total

expenditures are: \$166,641.61 for a revised contract amount of: \$1,972,491.61.
(KELLEY NEUMANN – CINDY KOVACIC)

Professional Services Contracts

19. A Resolution approving Contract Amendment No. 1 in the amount of \$94,677.00 in connection with the 2009 Engineering Design Services – Governmental Contract; amending Resolution No. 09-057, by approving additional expenditures in an amount not to exceed \$94,677.00 for additional engineering design services by LNV Inc., dba LNV Engineering in connection with the 2009 Engineering Design Services – Governmental Contract; approving that an additional amount not to exceed \$94,677.00 be made available and expended from the System’s Project Fund for the additional engineering design services; authorizing the President/Chief Executive Officer to execute Contract Amendment No. 1 and to pay LNV Inc., dba LNV Engineering an additional amount not to exceed \$94,677.00 for the additional engineering design services in connection with the contract. Total expenditures are: \$94,677.00 for a revised contract amount of \$394,677.00.
(KELLEY NEUMANN – CINDY KOVACIC)

MISCELLANEOUS PROJECTS

Production, Transmission and Treatment Improvements

20. A Resolution approving Resolution No. 08-215 by increasing the amount of the construction contract with Pronto Sandblasting & Coating & Oil Field Services Co., in the amount of \$23,103.62, from \$1,567,780.00 to \$1,590,883.62 and approving recapitulation Change Order No. 1 in the amount of \$23,103.62 in connection with the Large Sized (> 15 Square Yards) Concrete Placement Work Order Construction Contract Project; approving additional funds in an amount not to exceed \$23,103.62 for the project work; approving an additional amount not to exceed \$23,103.62 be made available from the System Fund for the project work; approving additional funds for Recapitulation Change Order No. 1 in the amount of \$23,103.62; authorizing the President/Chief Executive Officer to pay to Pronto Sandblasting & Coating & Oil Field Services Co., an additional amount not to exceed \$23,103.62 for the project work. Total expenditures are: \$23,103.62 for a revised contract amount of \$1,590.883.62. (VAL RUIZ – JEFF BROWN)

EASEMENTS AND REAL PROPERTIES

21. A Resolution authorizing the acquisition of a permanent sewer easement affecting 1.681 acres (73,211.73 square feet), located along the eastern side of I.H. 35, approximately 1.4 miles west of the I.H. 35 and Fischer Road intersection in the southwestern quadrant of Bexar County, Texas, being out of a 4.30 acre tract described in conveyance to AB Alamo Group, L.L.C. per warranty deed recorded in volume 13362, page 1325 of the official public records of Bexar County, Texas and out of the Francisco Ricardo Hernandez Survey No. 6, Abstract No. 6, County Block 4301, Bexar County, Texas, in connection with the Medina River Sewer Outfall Project; authorizing the expenditure of funds from the System's Project Fund in the amount of \$140,000.00 for acquisition of the easement; authorizing the President/Chief Executive Officer to execute all documents necessary for the acquisition of the easement on behalf of the City of San Antonio for the use and benefit of the San Antonio Water System; authorizing payment of the amount of \$140,000.00 to AB Alamo Group, L.L.C. for the purchase price of the easement. Total expenditures are: \$140,000.00. (MIKE BRINKMANN – BRUCE HABY)

22. A Resolution authorizing the acquisition of four permanent sewer easements and one temporary construction easement affecting a total of 37.942 acres of land located along the easterly side of Montgomery Road approximately two miles south of the intersection of US Hwy 90 West and along the southerly side of Old Pearsall Road approximately three miles outside Loop 410 in the southwestern quadrant of Bexar County, Texas, in connection with the Medina River Sewer Outfall Project; authorizing the expenditure of funds from the System's Project Fund in the amount of \$510,580.00 for acquisition of the easements; authorizing the President/Chief Executive Officer to execute all documents necessary for the acquisition of the easements on behalf of the City of San Antonio for the use and benefit of the San Antonio Water System; authorizing payment of the amount of \$510,580.00 to Bexar Metropolitan Water District for the purchase price of the easements. Total expenditures are: \$510,580.00.
(MIKE BRINKMANN – BRUCE HABY)

INFORMATION RESOURCES ITEMS

Professional Services

23. A Resolution authorizing the Maintenance Agreement until July 6, 2011, for a total amount not to exceed \$256,214.37 with Hansen Information Technologies for payment of Software Maintenance for Work Order and Permitting Software utilized at the San Antonio Water System; authorizing the expenditure of an amount not to exceed \$256,214.37 from the System Fund for Fiscal Year 2010, to Hansen Information Technologies; authorizing the President/Chief Executive Officer or his designee to execute the Maintenance Renewal Agreement with Hansen Information Technologies until July 6, 2011, in a total amount not to exceed \$256,214.37 and to pay Hansen Information Technologies an amount not to exceed \$256,214.37 for Software Maintenance for Work Order and Permitting Software utilized at the San Antonio Water System. Total expenditures are: \$256,214.37.
(DOUG EVANSON – JOE SAMPLES)

WATER RESOURCES ITEMS

24. A Resolution approving Term Changes to the Water Sales Agreements for T&T Farms Outside Permit Area Landowners in connection with the Gonzales Water Supply Project; approving the expenditure of additional funds for the San Antonio Water System's obligations under the Amended Water Sales Agreements for T&T Farms of the Outside Permit Area Landowners from the Water Supply Fee Revenues of the Project Fund; authorizing the San Antonio Water System's President/Chief Executive Officer or his designee to negotiate and execute Amendments to the Water Sales Agreements between the San Antonio Water System and T&T Farms Outside Permit Area Landowners, and to pay the required amounts in accordance with the Terms of the Amended Water Sales Agreements for T&T Farms Outside Permit Area Landowners for the duration of the Water Sales Agreements. Total expenditures for 2010 are \$558,443.00. (CHARLES AHRENS – GARY GUY)
25. A Resolution authorizing the appointment of a new Member to the Citizens' Advisory Panel for a term through December 31, 2010, to serve out the term of the current mid-year vacancy; authorizing the Chairman of the San Antonio Water System Board of Trustees to appoint a Member to the Citizens' Advisory Panel to fulfill an unexpired term for the remainder of Calendar Year 2010.
(CHARLES AHRENS – CALVIN FINCH)

ITEMS FOR INDIVIDUAL CONSIDERATION

HUMAN RESOURCES ITEMS

26. A Resolution approving the 2010-2011 Affirmative Action Plan from July 1, 2010, through June 30, 2011; authorizing the President/Chief Executive Officer to execute the 2010-2011 Affirmative Action Plan from July 1, 2010, through June 30, 2011. (JERRY BAILEY)

LEGAL SERVICES ITEMS

27. A Resolution authorizing the President/Chief Executive Officer to negotiate new Letters of Engagement, as appropriate, with law firms to provide certain legal services to the San Antonio Water System. (FRANK STENGER-CASTRO)

EASEMENTS AND REAL PROPERTIES

28. A Resolution declaring a Public Necessity for and authorizing the acquisition of fee simple title, and/or permanent easements and/or temporary construction easements to, all or portions of six (6) specific parcels of privately owned real property located within segment 3 of the Medina River Outfall Project in Bexar County, Texas, which project includes approximately 32 miles from a point in far western Bexar County known as U-Bar Ranch, to a point at or near the System Lift Station #198, then generally following the northern side of Medina River and ultimately flowing into Dos Rios Water Recycling Center as described hereinbelow; save and except any oil, gas, or other minerals in, on or under or produced from said properties, and save and except any subsurface water rights in and to the property together with any and all appurtenant water rights without any right whatsoever remaining to the owners of said water rights of ingress or egress to or from the surface of said property, shall be acquired by negotiation, and/or condemnation, if necessary, for the public purpose of expanding the System's overall sewer capacity including the location, construction, operation, repair and maintenance of a sewer pipeline in order to provide adequate sewer capacity for the south and west sides of Bexar County, Texas, which project is sometimes referred to as the Medina River Sewer Outfall Project; requesting that the City Council of the City of San Antonio: (i) adopt an Ordinance reaffirming and declaring that the project is for a Public Purpose and a Public Necessity exists for the acquisition of the property, (ii) authorize the System to take all appropriate action to acquire the property by negotiation and/or condemnation, (iii) declare that the conveyance of the property shall be to the City of San Antonio for the use and benefit of the System; authorizing the General Counsel and/or designated Special Counsel to file eminent domain proceedings, if necessary.

The property to be acquired consists of permanent and temporary easements as described below:

PARCEL No.	SIZE IN ACRES	LEGAL DESCRIPTION
P09-148	2.73 ac	A 2.73 acre, or 118,935 square feet more or less, tract of land being out of a called 314.189 acre tract conveyed to Presto Tierra, LLC by instrument recorded in Volume 9950, Pages 1763-1766 of the Official Public Records of Real Property Records of Bexar County, Texas, out of the Ignacio Perez Grant, Abstract No. 13, County Block 4297, The Joseph Jordan Survey No. 45, Abstract No. 374, County Block 4296 and the Cruz Landin Survey No. 46, Abstract 421, County Block 4298, all of Bexar County, Texas, now in the City of San Antonio, Bexar County Texas.
P09-149	2.10 ac	A 2.10 acre, or 91,630 square feet more or less, tract of land, out of that 100.098 acre tract conveyed to 5M Cattle Company, Ltd. by instrument recorded in Volume 8463, Pages 817-819 of the Official Public Records of Real Property of Bexar County, Texas, out of the Cruz Landin Survey No. 46, Abstract No. 421, County Block 4298, Bexar County, Texas.
P09-155	2.21 ac	A 2.21 acre, or 96,450 square feet more or less, tract of land out of a called 54.05 acre tract conveyed to R. Burrell Day LTD by instrument recorded in Volume 6970, Page 355 of the Official Public Records of Real Property of Bexar County, Texas, out of the Francisco Ruiz Survey No. 47, Abstract 614, County Block 4300 and the Cruz Landin Survey No. 46, Abstract 421, County Block 4298, all in Bexar County, Texas.
P09-156	8.91 ac	An 8.91 acre, or 388,302 square feet more or less, tract of land, being a portion of a called 396.9 acre tract conveyed to Presto Tierra, Ltd. and Presto Commercial #2, L.L.C. by instrument recorded in Volume 13380, Pages 1857-1870 of the Official Public Records of Real Property of Bexar County, Texas, out of the Cruz Landin Survey No. 46, Abstract 421, County Block 4298 of Bexar County, Texas now in the City of San Antonio, Bexar County, Texas.
P09-196	10.31 ac	A 10.31 acre, or 449,073 square feet more or less, tract of land out of that called 147.903 acre R. Burrell Day tract recorded in Volume 6435, Page 96 of the Official Public Records of Real Property of Bexar County, Texas out of the Francisco Ruiz Survey No. 47, Abstract 614, County Block 4300, Bexar County, Texas.
P09-196T*	1.88 ac	A 1.88 acre, or 81,862 Square feet more or less, tract of land out of that called 147.903 acre R. Burrell Day tract recorded in Volume 6435, Page 96 of the Official Public Records of Real Property of Bexar County, Texas, out of the Francisco Ruiz Survey No. 47, Abstract 614, County Block 4300, Bexar County, Texas.

***(T) denotes Temporary Easement. (MIKE BRINKMANN – BRUCE HABY)**

CAPITAL IMPROVEMENT CONTRACTS

PROJECTS INVOLVING IMPROVEMENTS, EXTENSIONS AND ADDITIONAL CAPACITY

- 29. A Resolution ratifying the actions of the Senior Vice President of Strategic Resources in approving the award of a construction contract in the amount of \$1,021,700.10 in connection with the Callaghan Road at US Hwy 90 Emergency Project; approving the expenditure of funds in an amount not to exceed \$1,021,700.10 from the System's Project Fund payable to Du-Mor Enterprises, Inc., for Callaghan Road at US Hwy 90 Emergency Project; approving an additional amount not to exceed \$102,000.00 be**

made available from the System's Project Fund for the additional sewer construction contingency expenses; authorizing the President/Chief Executive Officer to pay to Du-Mor Enterprises, Inc., an amount not to exceed \$1,123,700.10 for the project work associated with Callaghan Road at US Hwy 90 Emergency Project. Total expenditures are: \$1,123,700.10. (KELLEY NEUMANN – FRANCES FLOCEK)

30. BRIEFING SESSION.

A. Briefing and deliberation regarding the San Antonio Water System's Comprehensive Succession Planning and Management Process. (JERRY BAILEY)

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

A. Gonzales Underground Water Conservation District Hearing.

B. Local Conservation Opportunities.

C. Managing Water Inventory.

D. Status of SAWS Gas to Energy Project.

32. Inquiries.

33. The Regular Session of the July 13, 2010, 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.

34. 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 Cause No. 2010-CI-07444; *Debra Nicholas vs. San Antonio Water System*, in the 57th Judicial District Court, Bexar County, Texas. (FRANK STENGER-CASTRO - BILL CROW)

C. Consultation with attorneys and deliberation regarding the value of real property in connection with the Northwest Service Center Project. (FRANK STENGER-CASTRO – NANCY BELINSKY)

D. Consultation with attorneys and deliberation regarding Cause No. 2010-CI-09531; *Cajun Constructors, Inc. vs. San Antonio Water System, HDR Engineering, Inc., Ferguson Waterworks, Inc., Advance Products & System, Inc. and CH2M Hill, Inc.*, In the 407th Judicial District Court of Bexar County, Texas, in connection with the ASR Program Phase II Treatment Plant Project. (FRANK STENGER-CASTRO AND NANCY BELINSKY)

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

- F. Consultation with attorneys and deliberation regarding pending contested case proceedings before the Gonzales County Underground Water Conservation District in regards to Applications of the San Antonio Water System for Permits to Produce and Transport Groundwater From the Carrizo Aquifer in Gonzales County, Texas. (FRANK STENGER-CASTRO – STEVE KOSUB)
- G. Consultation with attorneys and deliberation regarding *The Aransas Project v Shaw, et al*; Civil Action No. 10-75 in the United States District Court for the Southern District of Texas – Corpus Christi Division. (FRANK STENGER-CASTRO – STEVE KOSUB)
- H. 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)
- I. Deliberation regarding the annual evaluation, performance objectives and duties of the President/CEO; and consultation with attorneys concerning legal issues regarding the annual evaluation, performance objectives and duties of the President/CEO. (FRANK STENGER-CASTRO)
- J. 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)

35. The Regular Session of the Regular Board Meeting of July 13, 2010, is hereby reconvened.

36. A Resolution authorizing the System to defend against claims asserted against it and to assert counterclaims against Cajun Constructors Inc. in the Lawsuit styled Cause No. 2010-CI-09531, Cajun Constructors, Inc. vs. San Antonio Water System, HDR Engineering, Inc., Ferguson Waterworks, Inc., Advance Products & Systems, Inc., and CH2M Hill, Inc., in the 407th Judicial District Court, Bexar County, Texas. (FRANK STENGER-CASTRO – NANCY BELINSKY)

37. Adjournment. THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES MEETING OF JULY 13, 2010, IS HEREBY ADJOURNED.