

AGENDA

MEETING OF THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES

Tuesday, May 5, 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 April 7, 2009.
 - B. Approval of the Minutes of the San Antonio Water System Board of Trustees Policy and Planning Meeting of March 23, 2009.
4. Ceremonial Items.
 - A. A Proclamation honoring the contributions made by SAWS' employees as part of Public Service Recognition Week, May 4 – 10 2009.
CHAIRMAN ALEXANDER E. BRISEÑO
 - B. Recognition of Drinking Water Week 2009 sponsored by the American Water Works Association. (GREG FLORES)

WATER RESOURCES ITEMS

5. PUBLIC HEARING
 - A. Public Hearing regarding the San Antonio Water System 2009 Water Management Plan.
6. A Resolution approving the San Antonio Water System 2009 Water Management Plan and Policy Statement. (KELLEY NEUMANN – CHARLES AHRENS)

<p>SAN ANTONIO WATER SYSTEM HANDICAPPED ACCESSIBILITY STATEMENT</p>

<p>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.</p>

CONSENT AGENDA ITEMS

Items 8 – 30

ITEMS CONCERNING THE PURCHASE OF EQUIPMENT, MATERIALS AND SUPPLIES

8. 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 Alstar Industries, LLC., to provide: One each - Submersible Well Motor for Turtle Creek No. 2 Well No. 2, Bid No. 09-9016, for a total of \$77,373.00. (Purchase and delivery of a complete submersible well motor with flat cable, components, adaptors and fittings necessary to connect to an existing Fairbanks Morse Pump.)
 2. Acceptance of the bid of Freightliner of SA, Ltd., to provide: Two each - 65,000 GVWR Tractor Cab Chassis with Installed Air Slide Fifth Wheel (Single Cab) and One each - 65,000 GVWR Tractor Cab and Chassis with Installed Air Slide Fifth Wheel and Hydraulic Wet Kit with Cooler, Bid No. 09-9015, for a total of \$306,435.44. (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.
- (SBE) 1. Acceptance of the bid of Inx, Inc., to provide: CISCO Network Equipment (State of Texas Contract), Bid No. 09-9021, for a total of \$1,100,000.00. (This contract will be utilized for the purchase of replacement and update of CISCO hardware and software for SAWS Network within 17 SAWS facilities. Total amount as approved in 2009 budget or as may be amended. This contract will be effective Date of Award (May 5, 2009) through December 31, 2009.)
- (SBE) 2. Acceptance of the bid of Horton Horticulture, Inc., to provide: Grass, Trees, Shrubs, Flowers, Plants and Planting Services, Bid No. 09-3039, for a total of \$50,000.00. (This contract will be utilized for the purchase of a variety of grass and planting services for trees, shrubs, flowers and plants. This contract will be effective July 1, 2009 through June 30, 2010.)
- (SBE) 3. Acceptance of the bid of Coastline, Ltd., to provide: Water Treatment Chemicals, Bid No. 06-6014, for a total of \$220,000.00. (This contract will be utilized for a comprehensive water treatment program for SAWS Heating & Cooling Plant and SAWS Headquarters operating at four major areas. The water treatment program will include all cooling towers, chillers, steam boilers and distributions system(s). This contract extension will be effective June 1, 2009 through May 31, 2010.)

4. **Acceptance of the bid of Gaffey Overhead Cranes & Hoist to provide: Overhead Hoist, Crane and Monorail Inspection/Testing/Repair Services, Bid No. 08-0053A, for a total of \$75,000.00. (This contract will cover services to perform inspection, testing and repair services on SAWS overhead hoists, cranes and monorails located through out the various sites as listed within the contract. This contract extension will be effective Date of Award (May 5, 2009) through September 30, 2009.)**
- (SBE)
5. **Acceptance of the bid of Paradise Lawn Maintenance., to provide: Landscape Services SAWS Corporate Headquarters, Bid No. 08-5067A, for a total of \$50,000.00. (This contract will be utilized for landscape service at SAWS Corporate Headquarters building. This contract extension will be effective Date of Award June 1, 2009 through May 31, 2010.)**
 6. **Acceptance of the bid of Praxair Distribution, Inc., to provide: Specialty Gas Supply, Bid No. 06-0163, for a total of \$50,000.00. (This contract will be utilized for the purchase of specified gases for the SAWS Environmental Laboratory and other applications as required. This contract extension will be effective Date of Award (May 5, 2009) through September 30, 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.**
1. **Acceptance of the bid of Petroleum Traders Corp., to provide: Diesel Fuel (A297-08), Bid No. 08-0038, for a total of \$1,500,000.00. (This contract will be utilized for the purchase of diesel fuel for diesel powered vehicles. This contract extension will be effective Date of Award (May 5, 2009) through March 31, 2010.)**
 2. **Acceptance of the bid of Petroleum Traders Corp., to provide: Gasoline and Transport Loads (A310-08), Bid No. 08-0039, for a total of \$1,100,000.00. (This contract will be utilized for the purchase of gasoline transport loads for gasoline-powered vehicles and equipment. This contract extension will be effective Date of Award (May 5, 2009) through March 31, 2010.)**
- 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 HD Supply Waterworks, Inc., to provide: Ductile Iron Pipe. Bid No. 09-0024, for a total of \$170,762.00. (This contract will be utilized for the purchase of ductile iron pipe for repair and maintenance of SAWS pipe lines on an as needed basis. This contract will be effective Date of Award (May 5, 2009) through May 31, 2011.)**

2. Acceptance of the bid of Act Pipe & Supply to provide: Fire Hydrants. Bid No. 09-0011, for a total of \$565,129.75. (This contract will be utilized by the Operations Group to replace and add fire hydrants with the SAWS distribution system. This contract will be effective Date of Award (May 5, 2009) through May 31, 201.)
 3. Acceptance of the bid of Act Pipe & Supply to provide: PVC Pipe, Series (C900), (C905) and (C909). Bid No. 09-0069, for a total of \$855,220.00. (This contract will be utilized for the purchase of PVC (C900), (C905) and (C909) pipe on an as needed basis. This contract will be effective Date of Award (May 5, 2009) through May 31, 2011.)
- (SBE)
4. Acceptance of the bid of American Signal Equipment Co., to provide: Traffic Control Devices Rental. Bid No. 09-0214, for a total of \$255,520.00. (This contract will be utilized for the rental of traffic control devices such as traffic signs, barricades, warning devices and allied items on an as needed basis. This contract will be effective Date of Award (May 5, 2009) through May 31, 2011.)

CAPITAL IMPROVEMENT CONTRACTS

PROJECTS INVOLVING IMPROVEMENTS, EXTENSIONS AND ADDITIONAL CAPACITY

Developer Customer Contracts

9. 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	*Rialto Village Apartments	Schuparra Properties	23.9	176	162	EARZ	Inside	Applied For
2	South Bound Texas	South Bound Texas	10.04	35	25	EARZ	Outside	Applied For
Totals			<u>34</u>	<u>211</u>	<u>187</u>			
Year-to-Date Totals (January -May 2009)			<u>549</u>	<u>2,456</u>	<u>2,239</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.

10. 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
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1	Helotes Police and Fire Station	City of Helotes	8.25	10	10	EARZ	Inside	Applied for
Totals			<u>8.25</u>	<u>10</u>	<u>10</u>			
Year-to-Date Totals (January -May 2009)			<u>97</u>	<u>69</u>	<u>10</u>			

**EDU/Acreage Comparison Totals
2009 - 2008**

EDU/Acreage Comparison Totals 2009 - 2008 (Year to Date - All Categories)	Total Acreage	Total Water EDU's	Total WW EDU's			
Total (January -May 2009)	1,397.95	4,370	3,476			
Total (January -May 2008)	7,764	10, 894	34,989*			

*The Verano Development had 2,659 acres, 909 W EDU's and 21,558 WW EDU's approved in February 2008.

REPLACEMENT AND ADJUSTMENT PROJECTS

Water and Sewer Line Improvements

11. A Resolution accepting the bid of R. L. Jones LP in the amount of \$405,097.60 in connection with Leigh Street - Presa to Labor Project; awarding a construction contract to R. L. Jones LP in the amount of \$405,097.60 for the project work; approving the expenditure of funds in the amount of \$405,097.60 for the project work; approving construction contingency expenses in an amount not to exceed \$40,509.76 in connection with the project work; approving an amount not to exceed \$225,328.40 be made available and expended from the System's Project Fund for the water project work and related construction contingencies; approving an amount not to exceed \$220,278.96 be made available and expended from the System's Project Fund for the sewer project work and related construction contingencies; authorizing the President/Chief Executive Officer to execute a construction contract with R. L. Jones LP and to pay R. L. Jones LP an amount not to exceed \$445,607.36 for the project work and related construction contingencies. Located in Council District 1. Total expenditures are: \$445,607.36. (KELLEY NEUMANN – CINDY KOVACIC)

Governmental Relocations and Replacements

12. A Resolution amending Resolution No. 08-241 by approving the expenditure of additional funds in an amount not to exceed \$32,029.38 payable to the City of San Antonio for additional construction contingency expenses in connection with the Prue Road Extension: Prue Road to Huebner Project; approving an additional amount not to exceed \$32,029.38 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. 1 in the amount of \$38,662.59; authorizing the President/Chief Executive Officer to pay to the City of San Antonio an additional amount not to exceed \$32,029.38 for the additional project work and additional construction contingency expenses. Located in Council District 8. Total

expenditures are: \$32,029.38 for a revised contract amount of \$274,550.65.
(KELLEY NEUMANN – CINDY KOVACIC)

13. A Resolution approving reimbursement to the City of San Antonio in an amount not to exceed \$500,000.00 for environmental services in connection with the 2007 – 2012 Bond Program; approving the expenditure of funds in an amount not to exceed \$250,000.00 from the System’s Project Fund for the sewer project work; approving the expenditure of funds in an amount not to exceed \$250,000.00 from the System’s Project Fund for the water project work; authorizing the President/Chief Executive Officer to pay the City of San Antonio an amount not-to-exceed \$500,000.00 for the project work . Total expenditures are: \$500,000.00 .
(KELLEY NEUMANN – CINDY KOVACIC)

14. A Resolution accepting the bid of Pronto Sandblasting and Coating and Oil Field Services Co., Inc., in the amount of \$2,261,300.00 for the 2009 SAWS Water & Sewer Construction Contract, Package I; awarding a construction contract to Pronto Sandblasting and Coating and Oil Field Services Co., Inc., in the amount of \$2,261,300.00 for the project work; approving the expenditure of funds in the amount not to exceed \$2,261,300.00 for the water project work; approving construction contingency expenses in an amount not to exceed \$113,070.00 in connection with the project work approving the expenditure of funds in the amount not to exceed \$1,155,070.00 be made available and expended from the System’s Project Fund for the water project work and related construction contingencies; approving the expenditure of funds in the amount not to exceed \$1,219,300.00 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 to execute a construction contract with Pronto Sandblasting and Coating and Oil Field Services Co., Inc., and to pay Pronto Sandblasting and Coating and Oil Field Services Co., Inc., an amount not to exceed \$2,374,370.00 for the project work and related construction contingencies. Total expenditures are: \$2,374,370.00.
(KELLEY NEUMANN – CINDY KOVACIC)

- (MBE) 15. A Resolution rescinding Resolution No. 09-052; accepting the bid of Qro Mex Construction Co., Inc., in the amount of \$257,997.50 for the Bradford: Camino Santa Maria to Tulane Project; awarding a construction contract to Qro Mex Construction Co., Inc., in the amount of \$257,997.50 for the project work; approving the expenditure of funds in the amount of \$257,997.50 for the project work; approving construction contingency expenses in an amount not to exceed \$38,699.63 in connection with the project work; approving an amount not to exceed \$296,697.13 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 to execute a construction contract with Qro Mex Construction Co., Inc., and to pay Qro Mex Construction Co., Inc., an amount not to exceed \$296,697.13 for the project work and related construction contingencies .Total expenditures are: \$296,697.13.
(KELLEY NEUMANN – CINDY KOVACIC)

16. A Resolution amending Resolution No. 08-091, as previously amended by Resolution No. 08-243, Resolution No. 09-009, and Resolution No. 09-035, by approving the expenditure of additional funds in an amount not to exceed \$25,314.44 payable to Bexar County for additional construction contingency expenses in connection with the F.M. 3487 (Culebra Road): Loop 410 to F.M. 471 (Grissom Road) Project; approving an additional amount not to exceed \$25,314.44 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. 5 in the amount of \$25,314.44 ; authorizing the President/Chief Executive Officer to pay to Bexar County an additional amount not to exceed \$25,314.44 for the additional project work and additional construction contingency. Total expenditures are: \$25,314.44 for a revised contract amount of \$3,283,854.52.
(KELLEY NEUMANN – CINDY KOVACIC)

Professional Services

17. A Resolution accepting the proposal of S&B Infrastructure, Ltd., in an amount not to exceed \$62,441.00 for the design of water facility replacements and adjustments in connection with the Bexar County's Foster Road Phase II: Binz-Engleman to FM 78 Project; awarding a professional services contract to S&B Infrastructure, Ltd., in an amount not to exceed \$62,441.00 for engineering services in connection with the project; approving the expenditure of funds in an amount not to exceed \$62,441.00 from the System's Project Fund for the project engineering work; authorizing the President/Chief Executive Officer to execute a professional services contract with S&B Infrastructure, Ltd., and to pay S&B Infrastructure, Ltd., an amount not to exceed \$62,441.00 for the project engineering work in connection with the Foster Road Phase II: Binz-Engleman to FM 78 Project. Total expenditures are: \$62,441.00.
(KELLEY NEUMANN – CINDY KOVACIC)
18. A Resolution ratifying the actions of the Senior Vice President of Strategic Resources in approving Contract Amendment No. 2 in the amount of \$5,250.00 in connection with the Rip Rap #69 Phase IID Project; amending Resolution No. 06-301, as previously amended by Resolution No. 08-028, by approving additional expenditures in an amount not to exceed \$5,250.00 for additional engineering design services by Bain Medina Bain, Inc., in connection with the , Rip Rap #69 Phase IID Project; approving that an additional amount not to exceed \$5,250.00 be made available and expended from the System's Project Fund for the additional sewer engineering design services; authorizing the President/Chief Executive Officer to execute Contract Amendment No. 2 and to pay Bain Medina Bain, Inc., an additional amount not to exceed \$5,250.00 for the additional engineering design services in connection with the project. Located in Council District 5. Total expenditures are: \$5,250.00 for a revised contract amount of \$214,770.00.
(KELLEY NEUMANN – CINDY KOVACIC)
19. A Resolution ratifying the actions of the Senior Vice President of Strategic Resources in approving Contract Amendment No. 3 in the amount of \$133,393.00 in connection with the Historic Mission Reach Project, Phase I; amending Resolution No. 06-355, as previously amended by Resolution Nos. 07-355 and 08-211, by approving additional expenditures in an amount not to exceed \$133,393.00 for additional engineering design services by K. M. Ng & Associates in connection with the Historic Mission Reach Project, Phase III; approving that an additional amount not to exceed \$12,272.16 be made available and expended from the System's Project Fund for the additional water engineering design work; approving that an additional amount not to exceed \$121,120.84.00 be made available and expended from the System's Project Fund for the additional sewer engineering design work; authorizing the President/Chief Executive Officer to execute Contract Amendment No. 3 and to pay K. M. Ng & Associates an additional amount not to exceed \$133,393.00 for the additional engineering design services in connection with the project. Total expenditures are: \$133,393.00 for a revised contract amount of \$568,926.09. (KELLEY NEUMANN – CINDY KOVACIC)

MISCELLANEOUS PROJECTS

20. A Resolution ratifying the actions of the Vice-President of Distribution and Collection

Operations in awarding a goods contract to Old Castle Precast, Inc., in the amount of \$69,153.50 in connection with the Historic Mission Reach Phase II Emergency Project; approving the expenditure of funds in the amount of \$69,153.50 for the project work; approving total expenditures in an amount not to exceed \$69,153.50 from the System's Project Fund for the project work; authorizing the President/Chief Executive Officer to pay Old Castle Precast, Inc., an amount not to exceed \$69,153.50 for the project work. Total expenditures are: \$69,153.50. (VAL RUIZ – GORDON MAHAN)

21. A Resolution amending Resolution No. 08-291 by increasing the amount of the construction contract with Principle Contracting Services, LLC from \$167,980.00 to \$172,379.60 and approving Recapitulation Change Order No. 1 in the amount of \$4,399.60 in connection with the Excavation and Backfill Work Order Construction Contract Project; approving an additional amount not to exceed \$4,399.60 be made available from the System Fund for the project work; ratifying the actions of the Vice-President of Distribution and Collection Operations in approving additional funds for Recapitulation Change Order No. 1 in the amount of \$4,399.60; authorizing the President/Chief Executive Officer to pay Principle Contracting Services, LLC an additional amount not to exceed \$4,399.60 for the project work. Total expenditures are: \$4,399.60 for a revised contract amount of \$172,379.60. (VAL RUIZ – GORDON MAHAN)
22. A Resolution accepting the bid of and awarding a construction contract with an option for a one year renewal in the amount of \$166,435.00 with Principle Contracting Services, LLC in connection with the 2009 Excavation and Backfill Work Order Construction Contract; approving the expenditure of funds in the amount of \$166,435.00 for the project work; authorizing construction contingency expenses in an amount not to exceed \$8,322.00; authorizing the total expenditures not to exceed \$174,757.00 from the System's Project Fund for the project work and construction contingencies; authorizing the President/Chief Executive Officer or his designated representative to execute a contract with Principle Contracting Services, LLC and to pay Principle Contracting Services, LLC the amount of \$166,435.00 for the project work. Total expenditures are: \$174,757.00. (VAL RUIZ – JEFF BROWN)
23. A Resolution authorizing the expenditure of funds in an amount not to exceed \$234,475.67 for electrical and gas design and adjustment services in connection with the Central Watershed Sewer Relief Line C-02 Project to CPS Energy; authorizing the additional expenditure of funds in an amount not to exceed \$234,475.67 from the System's Project Fund for the project work; authorizing the President/Chief Executive Officer to pay CPS Energy an amount not to exceed \$234,475.67 for the project work. Total expenditures are: \$234,475.67. (KELLEY NEUMANN – FRANCES PLOCEK)
24. A Resolution authorizing the expenditure of funds in an amount not to exceed \$34,616.64 for fiber optic line relocation services in connection with the Eastern Watershed Sewer Relief Line E-03 Project to Level 3 Communications, LLC; authorizing the additional expenditure of funds in an amount not to exceed \$34,616.64 from the System's Project Fund for the project work; authorizing the President/Chief Executive Officer to pay Level 3 Communications, LLC, an amount not to exceed \$34,616.64 for the project work. Total expenditures are: \$34,616.64. (KELLEY NEUMANN – FRANCES PLOCEK)

Professional Services

25. A Resolution accepting the proposal of Kimley-Horn and Associates, Inc., in an amount not to exceed \$354,423.00 for the design of the Pressure Reducing Valve Flow Monitoring And Pressure Monitoring Project; awarding a professional services

contract to Kimley-Horn and Associates, Inc., in an amount not to exceed \$354,423.00 for engineering services in connection with the project work; approving the expenditure of funds in an amount not to exceed \$354,423.00 from the Project Fund for the engineering services in connection with the project work; authorizing the President/Chief Executive Officer to execute a professional services contract with Kimley-Horn and Associates, Inc., and to pay Kimley-Horn and Associates, Inc., an amount not to exceed \$354,423.00 for engineering services in connection with the project work. Total expenditures are: \$354,423.00.
(KELLEY NEUMANN – ASHOK KAJI)

EASEMENTS AND REAL PROPERTY

26. A Resolution declaring a public necessity for the acquisition of certain privately owned real property interests in the City of San Antonio, located near the northernmost corner where Timbercreek Drive intersects Interstate 410 Loop in the southwest quadrant of Bexar County, Texas as described hereinbelow by negotiation and/or condemnation, if necessary, for the public purpose of the expansion and operation of the System through the construction of the Medio Creek Water Recycling Center Recycled Water Pump Station and Line Project; requesting that the City Council of the City of San Antonio: (i) declare a public necessity for the acquisition of certain privately owned real property interests as herein described, for the for the public purpose of the expansion and operation of the System through the project: (ii) 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; (iii) authorize the System to take all appropriate action to acquire the property by negotiation and/or condemnation; (iv) 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; providing and approving funding for the project. (MIKE BRINKMANN – BRUCE HABY)

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

1.	849 sq. ft (permanent) and 1,804 sq. ft (temporary), out of Lot P-2, Block 47, New City Block 15335, and being further described as a 9.7394 acre tract in Warranty Deed from Robert Callaway Corporation to Edmond Bryant Thomson, et al, dated May 1, 1985, recorded in Volume 3389, Pages 1766-1770 of the Real Property Records of the Official Public Records of Bexar County, Texas.
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Water Resources

27. A Resolution declaring a public necessity for the acquisition of certain privately owned real property interests in the City of San Antonio, located near the intersection of Interstate Hwy 37 and Hardy Road in the southeast quadrant of Bexar County, Texas as described hereinbelow by negotiation and/or condemnation, if necessary, for the public purpose of the expansion and operation of the System through the construction of the Local Carrizo Program Well Drilling and Well Field Project; requesting that the City Council of the City of San Antonio: (i) declare a public necessity for the acquisition of certain privately owned real property interests as herein described, for the for the public purpose of the expansion and operation of the System through the project: (ii) 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; (iii) authorize the System to take all appropriate actions to acquire the property by negotiation and/or condemnation; (iv) 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; providing and approving funding for the project.

(MIKE BRINKMANN – BRUCE HABY)

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

1.	12,633 sq. ft (permanent) and 8,353 sq. ft (temporary), out of a 10.00 acre tract of land as recorded in Volume 5143, Page 409, Official Public Records of Real Property, Bexar County, Texas, out of the P.W. Hobbs Survey No. 356, Abstract No. 342, County Block 4119 and the T.H. Hobbs Survey No. 357, Abstract No. 358, County Block 4120, Bexar County, Texas.
2.	Part I 31,680 sq. ft and Part II 96,215 sq. ft (permanent) and Part I 21,127sq. ft. and Part II. 64,158 sq. ft (temporary), out of a 21.543 acres consisting of land described as Tract 1, as recorded in Volume 5912, Page 436, Official Public Records of Real Property, Bexar County Texas, out of the C.A. Ridgeway Survey No. 19 ¼ , Abstract No. 657, County Block 4121, Bexar County, Texas, and out of a 161.100 acres tract of land described as Tract 2, as recorded in Volume 5912, Page 436, Official Public Records of Real Property, Bexar County, Texas out of the A.M. Clare Survey No. 1359 ½ , Abstract No. 163, County Block 4145, and T.H. Hobbs Survey No. 357, Abstract No. 358, County Block 4120, Bexar County, Texas.
3.	34,622 sq. ft (permanent) and 22,384 sq. ft (temporary), out of a 8.610 acre tract of land described in Volume 5468, Page 273, Official Public Records of Real Property, Bexar County, Texas, out of the Mrs. C.A. Ridgeway Survey No. 19¼ , Abstract No. 657, County Block 4121, Bexar County, Texas.
4.	50,615 sq. ft (permanent) and 35,530 sq. ft (temporary), out of a 203.508 acre tract of land described in Volume 6629, Page 1504, Official Public Records of Real Property, Bexar County, Texas, out of the C.A. Ridgeway Survey No. 19¼ , Abstract No. 657, County Block 4121, and out of the W.R. Priest Survey No. 17 ½ , Abstract No. 604, County Block 4122, Bexar County, Texas.

WATER RESOURCES ITEMS

28. A Resolution approving Contract Amendment No. 1 in an aggregate amount not to exceed \$175,000.00 per year for the term of the contract plus option extension years with Gibson Plumbing, JR’s Plumbing, and Quartermoon Plumbing as a result of high program participation associated with the San Antonio Water System’s Commercial Toilet Distribution Program; amending Resolution No. 08-249, by approving additional expenditures in an amount not to exceed \$175,000.00 per year for the installation of low-flow toilets for qualifying commercial and non-profit businesses participating in the Commercial Toilet Retrofit Program; authorizing that an additional amount not to exceed \$175,000.00 for Fiscal Year 2009 be made available and expended from the System Fund for the installation of low-flow toilets for qualifying commercial and non-profit businesses participating in the Commercial Toilet Retrofit Program, and that future years expenditures are pursuant to and contingent upon the Board’s approval of subsequent years budgets with a line item for such expenditures; authorizing the President/Chief Executive Officer to execute Contract Amendment No. 1 and to pay Gibson Plumbing, JR’s Plumbing, and Quartermoon Plumbing, an amount not to exceed \$175,000.00 per year to distribute industrial-style low-flow toilets and accessories. Total expenditures are: \$175,000.00 for a revised contract amount of \$875,000.00. (CHARLES AHRENS – KAREN GUZ)

29. A Resolution approving Contract Amendment No. 1 in an amount not to exceed \$150,000.00 per year for the term of the contract plus option extensions, with Ferguson Enterprises, Inc., to distribute industrial-style low-flow toilets and accessories; amending

Resolution No. 07-020, by approving additional expenditures in an amount not to exceed \$150,000.00 per year for the purchase and distribution of industrial-style low-flow toilets through Ferguson Enterprise, Inc.; authorizing an amount not to exceed \$150,000.00 for Fiscal Year 2009 to be made available from the System Fund for the purchase and distribution of industrial-style low-flow toilets, and that future years expenditures are pursuant to and contingent upon the Board's approval of subsequent years budgets with a line item for such expenditures; authorizing the President/Chief Executive Officer to execute Contract Amendment No. 1 and to pay Ferguson Enterprise, Inc., an amount not to exceed \$150,000.00 per year to distribute industrial-style low-flow toilets and accessories. Total expenditures are: \$150,000.00 for a revised contract amount of \$750,000.00. (CHARLES AHRENS – KAREN GUZ)

MISCELLANEOUS ITEMS

30. A Resolution approving a Franchise Agreement with the City of Windcrest; authorizing the President/Chief Executive Officer or his designated representative to execute the Franchise Agreement. (KELLEY NEUMANN – SAM MILLS)

ITEMS FOR INDIVIDUAL CONSIDERATION

MISCELLANEOUS ITEMS

31. A Resolution approving an Agreement between the San Antonio Water System and the University of Texas at San Antonio providing that the San Antonio Water System shall contribute an amount not to exceed \$100,000.00 for Fiscal Year 2009 to the University of Texas at San Antonio and that the program shall include water quality and resource issues in the curriculum; authorizing expenditures from the System Fund in an amount not to exceed \$100,000.00 for the project work; authorizing the President/Chief Executive Officer to execute the Agreement with the University of Texas at San Antonio and to pay the University of Texas at San Antonio an amount not to exceed \$100,000.00 for the support of the Pre-Freshman Engineering Program, hydrologic modeling and GIS laboratory, and College of Engineering for Fiscal Year 2009. Total expenditures are: \$100,000.00. (JERRY BAILEY)

FINANCIAL ITEMS

32. A Resolution approving the System's Audit Committee Charter. (MIKE LACKEY)

CAPITAL IMPROVEMENT CONTRACTS

REPLACEMENT AND ADJUSTMENT PROJECTS

Governmental Relocations and Replacements

33. A Resolution accepting the bid of Holloman Corporation in the amount of \$2,778,632.22 for Terrell Hills Water and Sewer Main Replacement Phase I Project; awarding a construction contract to Holloman Corporation in the amount of \$2,778,632.22 for the project work; approving the expenditure of funds in the amount of \$2,778,632.22 for the project work; approving construction contingency expenses in an amount not to exceed \$138,931.61 in connection with the project work; approving an amount not to exceed \$2,577,231.40 be made available and expended from the System's Project Fund for the water project work and related construction contingencies; approving an amount not to exceed \$340,332.43 be made available and expended from the System's Project Fund for the sewer project work and related construction contingencies; authorizing the

President/Chief Executive Officer to execute a construction contract with Holloman Corporation and to pay Holloman Corporation an amount not to exceed \$2,917,563.83 for the project work and related construction contingencies. Total expenditures are: \$2,917,563.83. (KELLEY NEUMANN – CINDY KOVACIC)

34. A Resolution accepting the bid of Pronto Sandblasting and Coating and Oil Field Services Co., Inc., in the amount of \$2,316,225.00 for the 2009 SAWS Water & Sewer Construction Contract, Package II; awarding a construction contract to Pronto Sandblasting and Coating and Oil Field Services Co., Inc., in the amount of \$2,316,225.00 for the project work; approving the expenditure of funds in the amount not to exceed \$2,316,225.00 for the water project work; approving construction contingency expenses in an amount not to exceed \$115,825.00 in connection with the project work; approving the expenditure of funds in the amount not to exceed \$1,166,650.00 be made available and expended from the System's Project Fund for the water project work and related construction contingencies; approving the expenditure of funds in the amount not to exceed \$1,265,400.00 be made available and expended from the System's Project Fund for the for the sewer project work and related construction contingencies; authorizing the President/Chief Executive Officer to execute a construction contract with Pronto Sandblasting and Coating and Oil Field Services Co., Inc., and to pay Pronto Sandblasting and Coating and Oil Field Services Co., Inc., an amount not to exceed \$2,432,050.00 for the project work and related construction contingencies. Total expenditures are: \$2,432,050.00.
(KELLEY NEUMANN – CINDY KOVACIC)

MISCELLANEOUS PROJECTS

35. A Resolution ratifying the actions of the Vice-President of Distribution and Collection Operations in awarding a contract to Godwin Pumps of America in the amount of \$1,811,801.50 in connection with the Historic Mission Reach Phase II Emergency Project; approving the expenditure of funds in the amount of \$1,811,801.50 for the project work; approving total expenditures in an amount not to exceed \$1,811,801.50 from the System's Project Fund for the project work; authorizing the President/Chief Executive Officer to pay Godwin Pumps of America an amount not to exceed \$1,811,801.50 for the project work. Total expenditures are: \$1,811,801.50.
(VAL RUIZ – GORDON MAHAN)
36. A Resolution approving the expenditure of funds in the amount of \$180,350.00 to the City of San Antonio for the Tree Mitigation Fee in connection with the Western Watershed Sewer Relief Line W-04 Project; approving total expenditures in an amount of \$180,350.00 be made available and expended from the System's Project Fund for the Tree Mitigation Fee in connection with the project work; authorizing the President/Chief Executive Officer to pay to the City of San Antonio an amount of \$180,350.00 for the Tree Mitigation Fee in connection with the project work. Located in Council District 6. Total expenditures are: \$180,350.00.
(KELLEY NEUMANN – FRANCES PLOCEK)

37. BRIEFING SESSION.

- A. Briefing and deliberation regarding State and Federal Legislative Activities related to the following:
(GREG FLORES – DONOVAN BURTON – BILLY PECHE)
1. SAWS' State Legislative Agenda
 2. Water Related Bills filed at the State Legislature

3. Federal Stimulus
4. SAWS' Congressional Agenda

38. Inquiries.

39. The Regular Session of the May 5, 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.

40. **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 settlement of a dispute with Lakeside Joint Venture and En Seguido, Ltd., for General Benefit Water Facility Impact Fees. (FRANK STENGER-CASTRO – KEITH MARTIN)
- E. Consultation with attorneys and deliberation regarding Cause No. 2008-CI-02405; *Letha Francis v. City of San Antonio as owner of the San Antonio Water System*, In the 131st Judicial District Court, Bexar County, Texas. (FRANK STENGER-CASTRO - BILL CROW)
- F. 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 407th Judicial District Court, Bexar County, Texas. (FRANK STENGER-CASTRO - BILL CROW)
- G. Consultation with attorneys and deliberation regarding Cause No. 2008-CI-11701; *Carlos Xavier Salazar v. San Antonio Water System, et al.*, In the 408th Judicial District Court, Bexar County, Texas. (FRANK STENGER-CASTRO - BILL CROW)
- H. Consultation with attorneys and deliberation regarding Cause 2007-CI-13413, *Alan McNamee and Laura McNamee v. San Antonio Water System*, in the 73rd Judicial District Court, Bexar County, Texas. (FRANK STENGER-CASTRO - BILL CROW)
- I. Consultation with attorneys and deliberation regarding Case No. SA08CA0407XR; *Gloria Puente v. San Antonio Water System*, in the United States District Court for the Western District of Texas, San Antonio Division. (FRANK STENGER-CASTRO - BILL CROW)
- J. Consultation with attorneys and deliberation regarding Civil Action No. SA-06-CA-0477RF; *Roland Velez Reyes v. San Antonio Water System*, In the United

**States District Court for the Western District of Texas, San Antonio Division.
(FRANK STENGER-CASTRO - BILL CROW)**

**K. 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)**

- 41. The Regular Session of the Regular Board Meeting of May 5, 2009, is hereby reconvened.**
- 42. A Resolution recognizing Water Impact Fee Credits in the amount of \$112,476 on behalf of Lakeside Joint Venture and En Seguido, Ltd., for general benefit water facilities conditioned upon the dismissal, with prejudice, of all claims against SAWS. Recognizes \$112,476.00 of Water Flow and System Development Impact Fee Credits.
(FRANK STENGER-CASTRO – KEITH MARTIN)**
- 43. A Resolution approving Settlement of the lawsuit of Letha Francis against the San Antonio Water System; approving the System's financial obligation under the Settlement; authorizing expenditures in the total amount of \$5,625.00 from the System Fund for purposes of the settlement; authorizing the President/Chief Executive Officer and the System's Legal Counsel to execute the Settlement Agreement and to pay \$5,625.00 to Letha Francis and her attorney, for the System's obligations under the terms of the Settlement Agreement. Total expenditures are: \$5,625.00. (FRANK STENGER-CASTRO - BILL CROW)**
- 44. A Resolution approving Settlement of the lawsuit of Alan McNamee and Laura McNamee. against the San Antonio Water System; approving the System's financial obligation under the Settlement; authorizing expenditures in the total amount of \$18,000.00 from the System Fund for purposes of the Settlement; authorizing the President/Chief Executive Officer and the System's Legal Counsel to execute the Settlement Agreement and to pay \$18,000.00 to Alan McNamee and Laura McNamee, and their attorneys for the System's obligation under the terms of Settlement Agreement. Total expenditures are: \$18,000.00.
(FRANK STENGER-CASTRO - BILL CROW)**
- 45. A Resolution regarding the 2002 Definitive Agreement between the Lower Colorado River Authority (LCRA) and the San Antonio Water System by which the Board of Trustees may direct termination of that Agreement, or may declare a breach of that Agreement by LCRA, and/or may direct staff to discontinue further payments to LCRA under that Agreement, or to continue participation in the Agreement under protest, and/or directing staff to attempt to resolve the dispute with LCRA, and/or pursue all available relief against LCRA.
(FRANK STENGER-CASTRO – KELLEY NEUMANN)**
- 46. Adjournment. THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES MEETING OF MAY 5, 2009, IS HEREBY ADJOURNED.**