

**AGENDA**  
**MEETING OF THE**  
**SAN ANTONIO WATER SYSTEM**  
**BOARD OF TRUSTEES**  
**Tuesday, August 4, 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 July 7, 2009.**
  - B. **Approval of the Minutes of the San Antonio Water System Board of Trustees Policy and Planning Meeting of June 22, 2009.**
4. **Ceremonial Items.**
  - A. **Recognition of the SAWS Pipe Tapping and Meter Madness teams, winners at state and national AWWA competitions. (STEVE CLOUSE – VAL RUIZ)**
  - B. **Recognition of the SAWS CAT Team and their 2009 Volunteer of the Year Award from the United Way of San Antonio and Bexar County. (GREG FLORES)**
  - C. **Recognition of the 2009 SAWS Interns and their contributions to the System. (KELLEY NEUMANN)**
5. **Citizens to be Heard.**

**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.

# CONSENT AGENDA ITEMS

Items 6 – 24

## CAPITAL IMPROVEMENT CONTRACTS

### PROJECTS INVOLVING IMPROVEMENTS, EXTENSIONS AND ADDITIONAL CAPACITY

#### Developer Customer Contracts

6. 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	Acreege	Water EDUs	WW EDUs	Board Reason	Water CCN	WW CCN
1	Burdick Cottontail	Burdick Custom Homes, Inc.	4.44	18	18	EARZ	Inside	Inside
2	Royal San Antonio 3 Apartments	Royal Properties	15.77	105	89	EARZ	Inside	Inside
3	Stein Tract	B.B. Services, Inc.	290	870	870	EARZ/AC	Inside	Applied for
Totals			<u>310.21</u>	<u>993</u>	<u>977</u>			
Year-to-Date Totals ( January - August 2009)			<u>1,617</u>	<u>5,816</u>	<u>5,552</u>			

7. 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	Acreege	Water EDUs	WW EDUs	Board Reason	Water CCN	WW CCN
1	Brooks City-Base Units 4, 5, and 6	Brooks Development Authority	92.58	504	504	AC	Outside	Inside
Totals			<u>92.58</u>	<u>504</u>	<u>504</u>			
Year-to-Date Totals ( January - August 2009)			<u>860</u>	<u>3,030</u>	<u>1,731</u>			

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

<b>EDU/Acreage Comparison Totals 2009 - 2008 (Year to Date - All Categories)</b>	<b>Total Acreage</b>	<b>Total Water EDU's</b>	<b>Total WW EDU's</b>			
<b>Total ( January -August 2009)</b>	<b>2,773.3</b>	<b>8,915</b>	<b>7,293</b>			
<b>Total ( January -August 2008)</b>	<b>10,625</b>	<b>27,941</b>	<b>50,550</b>			

\*The Verano Development had 2,659 acres, 909 W EDU's and 21,558 WW EDU's approved in February 2008. 2008 totals include Galm Road Tract which is located within the jurisdiction of the two different water purveyors (SAWS & Forest Glen Utility Co.)

**Production, Transmission and Treatment Improvements**

8. **A Resolution ratifying the actions of the Senior Vice-President of Strategic Resources in approving Change Order No. 9 in the amount of \$39,930.00 to the construction contract with Lambda Construction I, Ltd., in connection with the construction of the Water Recycling Centers Disinfection System Evaluation and Performance Upgrade Project; approving total payment in the amount of \$39,930.00 to Lambda Construction I, Ltd., for the additional project work associated with Change Order No. 9; authorizing additional funds in the amount not to exceed \$39,930.00 for Change Order No. 9 from the project construction contingency; authorizing the President/Chief Executive Officer to execute Change Order No. 9. Total expenditures are: \$39,930.00 for a revised contract amount of: \$6,296,367.43. (KELLEY NEUMANN – ASHOK KAJI)**
  
9. **A Resolution ratifying the actions of the Senior Vice-President of Strategic Resources in approving Change Order No. 1 in the increased amount of \$52,930.00 to Davenport Drilling and Pump Service, Inc., in connection with the Culebra Pump Station Well #4 Project; approving the expenditure of funds in the amount of \$52,930.00 for Change Order No. 1 to Davenport Drilling and Pump Service, Inc.; authorizing the additional expenditure of funds in the amount of \$52,930.00 for Change Order No. 1 to Davenport Drilling and Pump Service, Inc.; amending Resolution No. 08-436 by increasing the authorization of the construction contingency by \$36,000.00 for a total construction contingency of \$60,000.00; authorizing additional funds in the amount not to exceed \$36,000.00 from the System's Project Fund for additional contingency expenses associated with the project work; authorizing the President/Chief Executive Officer to execute Change Order No. 9 and to pay to Davenport Drilling and Pump Service, Inc., the amount of \$52,930.00 from the project construction contingency fund for the additional project work associated with Change Order No. 1. Total expenditures are: \$52,930.00 for a revised contract amount of: \$1,251,635.00. (KELLEY NEUMANN – ASHOK KAJI)**

**REPLACEMENT AND ADJUSTMENT PROJECTS**

10. **A Resolution amending Resolution No. 07-431, as previously amended by Resolution No. 08-367, by approving Recapitulation Change Order No. 10 in the decreased amount of \$243,284.79 in connection with the Los Angeles Heights Water Main and Sanitary Sewer Replacement Phase I Project; approving the return of remaining construction contingency funds in the amount of \$38,790.08 to the Project Fund for a total returned amount of \$282,074.87; authorizing the President/Chief Executive Officer to execute Recapitulation Change Order No. 10, to return remaining construction contingency**

funds in the amount of \$38,790.08 to the project fund for a total returned amount of \$282,074.87; and to close the contract with San Antonio Constructors, LTD. Total decreased expenditures are: \$282,074.87 for a revised contract amount of: \$4,788,797.93. (KELLEY NEUMANN – FRANCES PLOCEK)

#### **Governmental Relocations and Replacements**

11. A Resolution ratifying the actions of the Senior Vice President of Strategic Resources in approving Change Order No. 19 in the amount of \$57,473.74 in connection with the Spur 421 (Bandera Road): IH-10 to Evers Road Project; authorizing the President/Chief Executive Officer to pay to the Texas Department of Transportation an additional amount not to exceed \$57,473.74 for the additional project work. Total expenditures are: \$57,473.74. (KELLEY NEUMANN – CINDY KOVACIC)

#### **Professional Services**

12. A Resolution amending Resolution No. 07-210 by approving the additional expenditure of funds in an amount not to exceed \$73,488.00 for engineering services by Carollo Engineers in connection with the Leon Creek Improvements Project; approving additional expenditures of funds in the amount not to exceed \$73,488.00 from the System's Project Fund for continued engineering services associated with the project; authorizing the President/Chief Executive Officer to pay an additional amount not to exceed \$73,488.00 to Carollo Engineers for continued engineering services. Total expenditures are: \$73,488.00 for a revised contract amount of \$1,029,488.00. (KELLEY NEUMANN – ASHOK KAJI)
13. A Resolution ratifying the actions of the Senior Vice-President of Strategic Resources by authorizing additional work under an existing professional engineering services contract with CH2M Hill, Inc., and increasing the contract by \$37,973.00 in connection with the Medio Creek Water Recycling Center Recycled Water Pump Station and Line Project; amending Resolution No. 07-356 by authorizing the additional work in the amount of \$37,973.00 from the System's Project Fund; authorizing the President/Chief Executive Officer to execute an Amendment to the professional engineering services contract with CH2M Hill, Inc., and to pay CH2M Hill, Inc., the amount of \$37,973.00 for additional engineering services in connection with this project. Total expenditures are: \$37,973.00 for a revised contract amount of \$974,973.00. (KELLEY NEUMANN – ASHOK KAJI)

#### **MISCELLANEOUS PROJECTS**

14. A Resolution approving the expenditure of funds in the amount of \$277,219.55 to CPS Energy for utility adjustments in connection with the Central Watershed Sewer Relief Line C-01 and C-02 Phase II Project; approving total expenditures in an amount of \$277,219.55 be made available and expended from the System's Project Fund to CPS Energy for utility adjustments in connection with the project work; authorizing the President/Chief Executive Officer to pay to CPS Energy an amount of \$277,219.55 for utility adjustments in connection with the project work. Total expenditures are: \$277,219.55 for a revised contract amount of: \$1,720,964.55. (KELLEY NEUMANN – FRANCES PLOCEK)
15. A Resolution authorizing the expenditure of funds in an amount not to exceed \$500,000.00 for electrical construction services for various Capital Improvement Program Projects to CPS Energy; authorizing the expenditure of funds in an amount not to exceed \$500,000.00 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 \$500,000.00 for the project work. Total expenditures are: \$500,000.00. (KELLEY NEUMANN – ASHOK KAJI)

16. A Resolution accepting the bid of and awarding a construction contract in the amount of \$671,806.00 to Holman Boiler Works, Inc. in connection with the Dos Rios WRC Boiler & Softener Replacement Project; approving the expenditure of funds in the amount of \$671,806.00 for the project work; authorizing construction contingency expenses in an amount not to exceed \$33,600.00; authorizing total expenditures in an amount not to exceed \$705,406.00 from the Project Fund for the project work and construction contingencies; authorizing the President/Chief Executive Officer or his designated representative, to execute a contract with Holman Boiler Works, Inc. , and pay Holman Boiler Works, Inc. the amount of \$671,806.00 for the project work. Total expenditures are: \$705,406.00. (STEVE CLOUSE – ANTONIO ALVAREZ)

#### Professional Services

17. A Resolution accepting the proposal of Kimley-Horn and Associates, Inc., in the amount of \$152,888.00 for the Mission Ground Storage Tank and Judson Elevated Storage Tank Painting and Rehabilitation Project; awarding a professional services contract to Kimley-Horn and Associates, Inc., in the amount of \$152,888.00 for engineering services in connection with this project; authorizing the expenditure of funds in an amount not to exceed \$152,888.00 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 Kimley-Horn and Associates, Inc., and to pay Kimley-Horn and Associates, Inc., an amount not to exceed \$152,888.00 for project engineering services in connection with the project. Total expenditures are: \$152,888.00. (KELLEY NEUMANN – ASHOK KAJI)
19. A Resolution accepting the proposal of Tetra Tech, Inc., in the amount of \$157,703.00 for the Northridge Elevated Storage Tank Painting and Rehabilitation Project; awarding a professional services contract to Tetra Tech, Inc., in the amount of \$157,703.00 for engineering services in connection with this project; authorizing the expenditure of funds in an amount not to exceed \$157,703.00 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 \$157,703.00 for project engineering services in connection with the project. Total expenditures are: \$157,703.00. (KELLEY NEUMANN – ASHOK KAJI)

### WATER RESOURCES ITEMS

19. A Resolution approving two amendments to the Joint Funding Agreement between the San Antonio Water System and the United States Geological Survey for the period of October 1, 2008 to September 30, 2009; authorizing the President/Chief Executive Officer or his designee to execute the amendments to the Joint Funding Agreement with the United States Geological Survey. (CHUCK AHRENS – DARREN THOMPSON)

### INFORMATION SERVICES ITEMS

20. A Resolution authorizing the renewal of the Maintenance Agreement with Hansen Information Technologies until July 6, 2010 in a total amount not to exceed \$224,084.37 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

**\$224,084.37 from the System Fund for Fiscal Year 2009 to Hansen Information Technologies; authorizing the President/Chief Executive Officer or his designee to execute the renewal of the Maintenance Agreement with Hansen Information Technologies until July 6, 2010 in a total amount not to exceed \$224,084.37 and to pay Hansen Information Technologies an amount not to exceed \$224,084.37 for software maintenance for work order and permitting software utilized at the San Antonio Water System. Total expenditures are: \$224,084.37.**

**(DOUG EVANSON – JOE SAMPLES)**

## **MISCELLANEOUS ITEMS**

- 21. A Resolution approving an Amendment to the security service contract with CSS USA, Inc., in an amount not to exceed \$506,847.38 by amending Resolution No. 08-431 that adjusts service hours to meet the service level required by System; authorizing payment for increased service hours for Fiscal Year 2009 in an amount not to exceed \$359,995.22 from the System Fund, and that Fiscal Year 2010 expenditures are pursuant to and contingent upon the Board's approval of the Fiscal Year 2010 budget with a line item for such expenditures; authorizing the President/Chief Executive Officer or his designee to execute the Contract Amendment and to pay CSS USA, Inc., an amount not to exceed \$506,847.38 for increased service hours for a revised total contract amount not to exceed \$2,670,577.85;. Total expenditures are: \$506,847.38 for a revised contract amount of \$2,670,577.85. (MIKE BRINKMANN – JOSHUA DEAN)**
- 22. A Resolution amending Resolution No. 09-185 by correcting the name of the applicant for the hardship request for impact fee deferment at 314 Eastover from Chris Knox to San Antonio True Light Christian Fellowship. (KELLEY NEUMANN – SAM MILLS)**
- 23. A Resolution approving a wholesale sewer service and treatment entity contract with the City of Olmos Park, Texas; authorizing the President/Chief Executive Officer or his designated representative to execute the contract. (KELLEY NEUMANN – SAM MILLS)**
- 24. A Resolution approving a wholesale sewer service and treatment entity contract with the City of Kirby, Texas; authorizing the President/Chief Executive Officer or his designated representative to execute the contract. (KELLEY NEUMANN – SAM MILLS)**

## **ITEMS FOR INDIVIDUAL CONSIDERATION**

### **CAPITAL IMPROVEMENT CONTRACTS**

#### **PROJECTS INVOLVING IMPROVEMENTS, EXTENSIONS AND ADDITIONAL CAPACITY**

##### **Developer Customer Contracts**

- 25. A Resolution rescinding Resolution No. 08-024 and approving a Utility Service Agreement to provide water and wastewater service to the 2,523.47-acre Verano Tract located south of Loop 410 and west of Pleasanton Road. (KELLEY NEUMANN – SAM MILLS)**

## Production, Transmission and Treatment Improvements

26. A Resolution accepting the bid of Key Enterprises Inc., in the amount of \$1,099,900.00 for the construction of the 24" Transmission Main from Loop 410 to FM 1937 Phase 2 Project; awarding a construction contract in the amount of \$1,099,900.00 to Key Enterprises Inc., for the project work; authorizing the expenditure of funds in the amount of \$1,099,900.00 for the project work; authorizing construction contingency expenses in an amount not to exceed \$22,000.00 in connection with the project work; authorizing total expenditures of funds in an amount not to exceed \$1,121,900.00 from the System's Project Fund for the project work and construction contingency expenses; authorizing the President/Chief Executive Officer to execute a contract with Key Enterprises, Inc., and to pay Key Enterprises, Inc., the amount of \$1,099,900.00 for the project work. Total expenditures are: \$1,121,900.00.  
(KELLEY NEUMANN – ASHOK KAJI)
27. A Resolution accepting the bid of Caldwell Tanks, Inc. in the amount of \$2,612,000.00 for the construction of the Watson Elevated Storage Tank Project; awarding a construction contract in the amount of \$2,612,000.00 to Caldwell Tanks, Inc., for the project work; authorizing the expenditure of funds in an amount not to exceed \$2,612,000.00 for the project work; authorizing construction contingency expenses in an amount not to exceed \$52,000.00 in connection with the project work; authorizing total expenditures in an amount not to exceed \$2,664,000.00 from the System's Project Fund for the project work and construction contingency expenses; authorizing the President/Chief Executive Officer or his authorized representative to execute a contract with Caldwell Tanks, Inc., and to pay Caldwell Tanks, Inc., the amount of \$2,612,000.00 for the project work. Total expenditures are: \$2,664,000.00.  
(KELLEY NEUMANN – ASHOK KAJI)

## REPLACEMENT AND ADJUSTMENT PROJECTS

### Production, Transmission and Treatment Improvements

28. A Resolution accepting the bid of Laughlin-Thyssen, Inc., in the amount of \$6,837,929.00 for the Old Salado Creek Siphon Replacement Project; awarding a construction contract to Laughlin-Thyssen, Inc., in the amount of \$6,837,929.00 for the project work; approving the expenditure of funds in the amount of \$6,837,929.00 for the project work; approving construction contingency expenses in an amount not to exceed \$136,758.58 in connection with the project work; approving an amount not to exceed \$6,974,688.58 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 Laughlin-Thyssen, Inc., and to pay Laughlin-Thyssen, Inc., an amount not to exceed \$6,974,688.58 for the project work and related construction contingencies. Total expenditures are: \$6,974,688.58. Located in Council District 3. (KELLEY NEUMANN – FRANCES PLOCEK)

## WATER RESOURCES PROJECTS

29. A Resolution amending Resolution No. 08-096 determining that the Design Build Delivery Method provides the best value for the design and construction of various components of the Brackish Groundwater Desalination Project; formally finding and determining that the Design Build Delivery Method is appropriate for the project; authorizing the President/Chief Executive Officer or his designee to utilize the Design Build Delivery Method in connection with the Brackish Groundwater Desalination Project on those components that he determines to be in the best interest of the Water System. (CHARLES AHRENS - ESTHER HARRAH)

30. A Resolution approving Contract Amendment No. 7 and amending Resolution No. 05-517 as previously amended by Resolution Nos. 06-032, 06-288, 07-112, 07-403, 08-213, 09-060, and 09-148 by approving the Amendment of contract language for professional services by R.W. Beck, Inc., in connection with the Brackish Groundwater Desalination Feasibility Assessment; authorizing the President/Chief Executive Officer or his designee to execute Contract Amendment No. 7.  
(CHARLES AHRENS - ESTHER HARRAH)

31. A Resolution approving Contract Amendment No. 2 and amending Resolution No. 07-151 as previously amended by Resolution No. 08-214 by approving the Amendment of contract language for professional services by Carollo Engineers, P.C., in connection with the Membrane Pilot Testing Study; authorizing the President/Chief Executive Officer or his designee to execute Contract Amendment No. 2.  
(CHARLES AHRENS – ESTHER HARRAH)

32. **BRIEFING SESSION.**

A. “The Infrastructure Minute” – Briefing and deliberation regarding the Broadview Tank Project. (KELLEY NEUMANN)

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

A. Financial Rating Agency Update.

34. Inquiries.

35. The Regular Session of the August 4, 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 Cause No. 2006-CI-12816, *San Antonio Water System Board of Trustees, et al v. Turner Collie & Braden, Inc., E. E. Hood & Sons, Inc., et al*, in the 37th District Court of Bexar County, Texas. (FRANK STENGER-CASTRO – JOHN REYNOLDS)

D. 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)

E. Consultation with attorneys and deliberation regarding Cause No. 2009-CI-06523; styled *Cajun Constructors, Inc. vs. San Antonio Water System*, in the 73<sup>rd</sup> Judicial District Court of Bexar County, Texas. (FRANK STENGER-CASTRO - NANCY BELINSKY)

- F. Consultation with attorneys regarding legal issues and deliberation about the acquisition and value of real property near the SAWS Dos Rios Water Recycling Center in Southern Bexar County.  
(FRANK STENGER-CASTRO/NANCY BELINSKY)
- G. Consultation with attorneys and deliberation regarding Cause No. 343340, *Sherri Lowe v. Carleton Construction Company, City of San Antonio, et al.*, in the County Court at Law 10, 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 August 4, 2009, is hereby reconvened.

38. A Resolution approving Settlement of lawsuit for breach of contract styled *Cajun Constructors, Inc., vs. the San Antonio Water System, Cause No. 2009-CI-06523* in the 73<sup>rd</sup> Judicial District of Bexar County, Texas; authorizing the President/Chief Executive Officer or his designated representative to execute all documents necessary to settle and dismiss the lawsuit; approving Change Order No. 9 in the amount of \$54,814.20 as the Final Recapitulation Change Order and in Settlement of all claims related to the lawsuit; approving Change Order No. 9 resulting in an increase to the contract cost of \$54,814.20 for the construction contract with Cajun Constructors, Inc., in connection with the Aquifer Storage and Recovery – Phase II, Well Addition Project; authorizing the President/Chief Executive Officer or his designee to execute Change Order No. 9, to increase funds in the amount of \$54,814.20; to pay Cajun Constructors, Inc., the amount of \$54,814.20 for the additional project work, and to return contingency funds in the amount of \$70,149.80 to the Project Fund and close the contract with Cajun Constructors, Inc. Total expenditures are: \$54,814.20 and returning contingency funds in the amount of \$70,149.80 to the Project Fund.  
(FRANK STENGER-CASTRO – CHARLES AHRENS – ESTHER HARRAH)

39. **Adjournment. THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES MEETING OF AUGUST 4, 2009, IS HEREBY ADJOURNED.**