

**AGENDA**  
**MEETING OF THE**  
**SAN ANTONIO WATER SYSTEM**  
**BOARD OF TRUSTEES**  
**Tuesday, October 6, 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 September 1, 2009.**
  - B. Approval of the Minutes of the San Antonio Water System Board of Trustees Policy and Planning Meeting of August 17, 2009.**
  - C. Approval of the Minutes of the San Antonio Water System Board of Trustees Retreat Workshop Meeting of August 26, 2009.**
  - D. Approval of the Minutes of the San Antonio Water System Board of Trustees Budget Workshop Meeting of September 9, 2009.**
  - E. Approval of the Minutes of the San Antonio Water System Board of Trustees Budget Workshop Meeting of September 23, 2009.**
- 4. Ceremonial Items.**
  - A. Acknowledgement of students in attendance, observing the Board Meeting's proceedings. (CHAIRMAN BRISEÑO)**
  - A. Recognition of the first five years of SAWS' partnership with the National Audubon Society in the operation of the Mitchell Lake Audubon Center. (STEVE CLOUSE - SUSAN ALBERT, DIRECTOR, MITCHELL LAKE AUDUBON CENTER)**

**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.

- B. Recognition of the San Antonio Water System as the winner in the Large Organization Category for the Walk N Roll Corporate Challenge. (STEVE CLOUSE)

5. **BRIEFING SESSION.**

- A. Briefing and deliberation regarding the annual budget for the San Antonio Water System for the Fiscal Year beginning January 1, 2010, and ending December 31, 2010. (DOUG EVANSON – DAN CROWLEY)

- 6. Citizens to be Heard.

**CONSENT AGENDA ITEMS**

Items 7 – 34

**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.

(SBE) 1. Acceptance of the bid of Peerless Equipment,, Ltd., to provide: Gateway No. 1 Vertical Turbine Well Pump, Motor, Shaft, Column & Discharge Head, Bid No. 09-9052, for a total of \$68,024.00. (This contract will be utilized for the purchase and delivery of a complete vertical well pump and motor assembly, shaft, column and discharge head.)

2. Acceptance of the bid of Wachs Valve and Hydrant Service, LLC dba Wachs Water Services, to provide: Lincoln Heights Pressure Zone Change Services, Bid No. 09-9054, for a total of \$217,405.65. (This contract will be utilized to facilitate a Pressure Zone change in the Lincoln Heights area of San Antonio. Work shall consist of an initial assessment of functionality for approximately 2,200 curb stops; repair or replacement of defective curb stops, and phased execution of a water main flush and actual pressure zone change.)

3. Acceptance of the bid of Planet Ford to provide: Five (5) each - 4x2 Sport Utility Type Vehicle Gasoline/Hybrid Engine, Bid No. 09-9004, for a total of \$141,435.00. (These units are part of the vehicle equipment replacement program and will be assigned to the appropriate locations.)

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

1. Acceptance of the bid of Vulcan Construction Materials, LP, to provide: Flexible Base and Flexible Base for Stabilization, Bid No. 05-0249, for a total of \$250,000.00. (This contract provides for the purchase of flexible base and flexible base for stabilization on an as needed basis as requested by SAWS for delivery. This contract extension will be effective Date of Award (October 6, 2009) through September 30, 2010.)

- (WBE) 2. Acceptance of the bid of Nolan's Office Products., Inc., to provide: Toner and Ink Cartridges for Network Printers, Bid No. 09-3053, for a total of \$121,865.40. (This contract will be utilized for the purchase of ink and toner cartridges for various SAWS network printers. This contract will be effective Date of Award (October 6, 2009) through September 30, 2010.)
3. Acceptance of the bid of Ferguson Waterworks, to provide: Standard/Wide Range Repair Clamps, Tap Clamps and Couplings, Bid No. 09-0019, for a total of \$81,655.00. (This contract will be utilized for the purchase of repair clamps, tap clamps and couplings on an as needed basis for water pipe line repairs. This contract will be effective Date of Award (October 6, 2009) through May 31, 2010.)
4. Acceptance of the bid of HD Supply Waterworks, Ltd., to provide: Standard/Wide Range Repair Clamps, Tap Clamps and Couplings, Bid No. 09-0019, for a total of \$28,330.00. (This contract will be utilized for the purchase of repair clamps, tap clamps and couplings on an as needed basis for water pipe line repairs. This contract will be effective Date of Award (October 6, 2009) through May 31, 2010.)
- (SBE) 5. Acceptance of the bid of Tehco, Inc., to provide: Gasoline and Diesel Refueling Equipment Parts & Service, Bid No. 06-0234, for a total of \$30,000.00. (This contract will be utilized for the purchase of gasoline and diesel refueling equipment parts and service. This contract extension will be effective Date of Award (October 6, 2009) through September 30, 2010.)

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

No items for this Meeting.

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

No items for this Meeting.

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

1. Acceptance of the bid of HD Supply Waterworks, Ltd., to provide: Fire Hydrant Repair Parts. Bid No. 09-0012, for a total of \$157,858.93. (This contract will be utilized for the purchase of fire hydrant repair parts on an as needed basis. This contract will be effective Date of Award (October 6, 2009) through September 30, 2011.)

- (SBE) 2. Acceptance of the bid of Hydraflo, Inc, to provide: Fire Hydrant Repair Parts. Bid No. 09-0012, for a total of \$47,255.00. (This contract will be utilized for the purchase of fire hydrant repair parts on an as needed basis. This contract will be effective Date of Award (October 6, 2009) through September 30, 2011.)

# 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 not located over the Edwards Aquifer Recharge or Contributing Zone and not within the 5-mile Awareness Zone of Camp Bullis. (KELLEY NEUMANN – SAM MILLS)

No.	Tract Name	Developer Name	Acreage	Water EDUs	WW EDUs	Board Reason	Water CCN	WW CCN
1	Manheim San Antonio Auto Auction	New Texas Auto Auction Services, L.P.	60.02	14	7	AC	Inside	Inside
<b>Totals</b>			<u>60.02</u>	<u>14</u>	<u>7</u>			
<b>Year-to-Date Totals ( January - October 2009)</b>			<u>920</u>	<u>3,044</u>	<u>1,738</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 -October 2009)	3,510.5	9,605	7,600
Total ( January -October 2008)	11,909	34,533	57,069

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

9. A Resolution approving the request by Maria Luisa and Luis Limon to designate the 5100 block of Cannon Road as a Local Benefit Extension Area for wastewater service. (KELLEY NEUMANN – SAM MILLS)
10. A Resolution accepting the bid of San Antonio Constructors, Ltd., in the amount of \$319,741.15 for the construction of the 20-inch water main in connection with the Shavano Park Unit 19A, Phase 1, Commercial 20-Inch Oversize (12-Inch Required) Water Main Project; awarding a construction contract to San Antonio Constructors, Ltd., in the amount of \$319,741.15 for the project work; authorizing the expenditure of System funds in the amount of \$152,771.47 for the System's proportionate share of the project work; authorizing the expenditure of System funds in the amount of \$15,277.15 for the System's proportionate share of the engineering design fees; authorizing the System's proportionate share of the construction contingency expenses in an amount not to exceed \$10,000.00 in connection with the project work; authorizing a total amount not to exceed \$178,048.61 from System's 2009 Capital Improvements Plan Oversize Projects Fund for the System's proportionate share of the project work, engineering fees, and construction contingency expenses related to the project work; authorizing the President/Chief Executive Officer to execute a

contract with Rogers Shavano Park Unit 19A, Phase 1, Bitterblue, Ltd., and San Antonio Constructors, Ltd., and provide payment in an amount not to exceed \$178,048.61 to San Antonio Constructors, Ltd., in care of Rogers Shavano Park Unit 19A, Phase 1, Bitterblue, Ltd., for the System's proportionate share of the cost to oversize the proposed water mains. Total SAWS expenditures are: \$178,048.61 (KELLEY NEUMANN – SAM MILLS)

#### **Production, Transmission and Treatment Improvements**

- (SBE) 11. A Resolution accepting the bid of Shannon-Monk, Inc., in the amount of \$562,000.00 for the construction of the Sunset Pump Station Improvements Project; awarding a construction contract to Shannon-Monk, Inc., in the amount of \$562,000.00 for the project work; authorizing the expenditure of funds in the amount of \$562,000.00 for the project work; authorizing construction contingency expenses in an amount not to exceed \$11,500.00 in connection with the project work; authorizing total expenditures in an amount not to exceed \$573,500.00 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 Shannon-Monk, Inc., and to pay Shannon-Monk, Inc., the amount of \$562,000.00 for the project work. Total expenditures are: \$573,500.00. (KELLEY NEUMANN – ASHOK KAJI)
12. A Resolution ratifying the actions of the Senior Vice President of Strategic Resources in approving Change Order No. 4 in the amount of \$56,239.14 in connection with the Eastern Watershed Sewer Relief Line E-03 Project; authorizing the President/Chief Executive Officer to pay to S.J. Louis Construction of Texas, Ltd., an additional lump sum amount not to exceed \$56,239.14 for the additional project work. Total expenditures are: \$56,239.14 for a revised contract amount of: \$25,652,797.53. (KELLEY NEUMANN – FRANCES PLOCEK)

#### **Professional Services**

### **REPLACEMENT AND ADJUSTMENT PROJECTS**

#### **Water and Sewer Line Improvements**

13. A Resolution amending Resolution No. 07-316 by rescinding the decreased amount of \$207,964.26 and authorizing an additional amount of \$78,211.90 and by approving Recapitulation Change Order No. 6 in the decreased amount of \$171,354.26 to the construction contract with Pronto Sandblasting & Coating & Oil Field Service in connection with the San Fernando Water and Sewer Main Replacement, Phase II Project; authorizing the return of funds in the amount of \$171,354.26 and the construction contingency of \$23,766.88 for a total amount of \$195,121.14 to the Project Fund; authorizing the President/Chief Executive Officer to execute Recapitulation Change Order No. 6 and to close the contract. Returning funds in the amount of \$171,354.26 and the construction contingency of \$23,766.88 for a total amount of \$195,121.14 to the Project Fund for a reduced contract amount of: \$2,243,478.50. (KELLEY NEUMANN – DAVID MAXWELL)

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

14. A Resolution amending Resolution No. 09-053 by approving the expenditure of additional funds in an amount not to exceed \$105,000.00 payable to the City of San Antonio for additional construction contingency expenses in connection with the Hays Street Bridge Rehabilitation Project; approving an additional amount not to exceed \$105,000.00 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. 3 in the amount of \$92,392.00; authorizing the President/Chief Executive Officer to pay to the City of San Antonio an additional amount not to exceed \$105,000.00 for the additional project work and additional construction contingency. Total expenditures are: \$105,000.00 for a revised contract amount of: \$598,933.26. (KELLEY NEUMANN – CINDY KOVACIC)

15. A Resolution amending Resolution No. 08-189, by approving the expenditure of additional funds in an amount not to exceed \$205,891.00 payable to the City of San Antonio for additional construction contingency expenses in connection with the 2008-2009 Annual Street Maintenance Contracts; approving an additional amount not to exceed \$49,069.00 be made available and expended from the System's Project Fund for water project work and additional construction contingency expenses; approving an additional amount not to exceed \$156,822.00 be made available and expended from the System's Project Fund for sewer project work and additional construction contingency expenses; approving Change Order No. 1 for the asphalt overlay contract in the amount of \$128,300.00; approving Change Order No 1 for the hot paver micro-surface contract in the amount of \$117,200.00; authorizing the President/Chief Executive Officer to pay to the City of San Antonio an additional amount not to exceed \$205,891.00 for the additional project work and additional construction contingency expenses. Total expenditures are: \$205,891.00 for a revised contract amount of: \$2,472,500.00. (KELLEY NEUMANN – CINDY KOVACIC)
16. A Resolution approving the expenditure of funds in the amount not to exceed \$550,000.00 for additional professional engineering services in connection with the 2007 - 2012 Bond Program; amending Resolution No. 08-192 by approving additional expenditures in an amount not to exceed \$550,000.00 for the additional project engineering work; approving an amount not to exceed \$100,000.00 be made available and expended from the System's Project Fund for the additional sewer project engineering work; approving an amount not to exceed \$450,000.00 be made available and expended from the System's Project Fund for the additional water project engineering work; authorizing the President/Chief Executive Officer to pay the City of San Antonio an amount not to exceed \$550,000.00 for the additional project engineering work. Total expenditures are: \$550,000.00 for a revised contract amount of: \$2,550,000.00. (KELLEY NEUMANN – CINDY KOVACIC)

#### Professional Services

17. A Resolution accepting the proposal of Pape-Dawson Engineers, Inc., in the amount not to exceed \$67,745.00 for the design of water and sewer replacements in connection with the City of San Antonio's South Texas Medical Center Intersection Improvements Phase VII Project; awarding a professional services contract to Pape-Dawson Engineers, Inc., in an amount not to exceed \$67,745.00 for engineering services in connection with the project; approving the expenditure of funds in an amount not to exceed \$41,750.00 from the System's Project Fund for the water project engineering work; approving the expenditure of funds in an amount not to exceed \$25,995.00 from the System's Project Fund for the sewer project engineering work; authorizing the President/Chief Executive Officer to execute a professional services contract with Pape-Dawson Engineers, Inc., and to pay Pape-Dawson Engineers, Inc., an amount not to exceed \$67,745.00 for the project engineering work in connection with the South Texas Medical Center Intersection Improvements Phase VII Project. Located in Council District 8. Total expenditures are: \$67,745.00. (KELLEY NEUMANN – CINDY KOVACIC)
18. A Resolution accepting the proposal of CDS/Muery Services in an amount not to exceed

**\$101,319.50 for the design of water and sewer facility adjustments in connection with the Evans Road (SC-2) Project; awarding a professional services contract to CDS/Muery Services in an amount not to exceed \$101,319.50 for engineering services in connection with the project; approving the expenditure of funds in an amount not to exceed \$64,644.00 from the System's Project Fund for the water project engineering work; approving the expenditure of funds in an amount not to exceed \$36,675.50 from the System's Project Fund for the sewer project engineering work; authorizing the President/Chief Executive Officer to execute a professional services contract with CDS/Muery Services and to pay CDS/Muery Services an amount not to exceed \$101,319.50 for the project engineering work. Total expenditures are: \$101,319.50. (KELLEY NEUMANN – CINDY KOVACIC)**

- 19. A Resolution awarding a professional services contract to Civil Design Services, Inc., dba CDS/Muery Services in an amount not to exceed \$300,000.00 in connection with the 2009 Engineering Design Services - Governmental Contracts; approving the expenditure of a total amount not to exceed \$300,000.00 for the water and sewer project engineering work; approving the expenditure of funds in an amount not to exceed \$150,000.00 from the System's Project Fund for the water project engineering work; approving the expenditure of funds in an amount not to exceed \$150,000.00 from the System's Project Fund for the sewer project engineering work; authorizing the President/Chief Executive Officer to execute a professional services contract with Civil Design Services, Inc., dba CDS/Muery Services and to pay civil design services, inc. dba CDS/Muery Services an amount not to exceed \$300,000.00 for the project engineering work. Located in Council District 2. Total expenditures are: \$300,000.00. (KELLEY NEUMANN – CINDY KOVACIC)**

- (WBE) 20. A Resolution awarding a professional services contract to River City Engineering, Ltd., in an amount not to exceed \$300,000.00 in connection with the 2009 Engineering Design Services - Governmental Contracts; approving the expenditure of a total amount not to exceed \$300,000.00 for the water and sewer project engineering work; approving the expenditure of funds in an amount not to exceed \$150,000.00 from the System's Project Fund for the water project engineering work; approving the expenditure of funds in an amount not to exceed \$150,000.00 from the System's Project Fund for the sewer project engineering work; authorizing the President/Chief Executive Officer to execute a professional services contract with River City Engineering, Ltd., and to pay River City Engineering, Ltd., an amount not to exceed \$300,000.00 for the project engineering work. Total expenditures are: \$300,000.00. (KELLEY NEUMANN – CINDY KOVACIC)**

### **MISCELLANEOUS PROJECTS**

- 21. A Resolution accepting the bid of Peerless Equipment, Ltd., in the amount of \$447,900.00 for the construction of the 2009 Well Plugging and Facility Demolition Project; awarding a construction contract in the amount of \$447,900.00 to Peerless Equipment, Ltd., for the project work; authorizing the expenditure of funds in an amount not to exceed \$447,900.00 for the project work; authorizing construction contingency expenses in an amount not to exceed \$9,000.00 in connection with the project work; authorizing total expenditures in an amount not to exceed \$456,900.00 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 Peerless Equipment, Ltd., and to Pay Peerless Equipment, Ltd., the amount of \$447,900.00 for the project work. Total expenditures are: \$456,900.00. (KELLEY NEUMANN – ASHOK KAJI)**

22. **RESERVED**
- (SBE) 23. **A Resolution accepting the bid of Principle Contracting, in the amount of \$622,029.85 for the Lift Station Elimination Phase I Project; awarding a construction contract to Principle Contracting, in the amount of \$622,029.85 for the project work; approving the expenditure of funds in the amount of \$622,029.85 for the project work; approving construction contingency expenses in an amount not to exceed \$31,100.00 in connection with the project work; approving an amount not to exceed \$653,129.85 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 Principle Contracting, and to pay Principle Contracting, an amount not to exceed \$653,129.85 for the project work and related construction contingencies. Located in Council Districts 4, 9 and 10. Total expenditures are: \$653,129.85. (KELLEY NEUMANN – FRANCES PLOCEK)**
24. **A Resolution approving the expenditure of funds in the amount of \$121,000.49 to CPS Energy for utility adjustments in connection with the Lift Station Elimination Phase I Project; approving total expenditures in an amount of \$121,000.49 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 \$121,000.49 for utility adjustments in connection with the project work. Total expenditures are: \$121,000.49. (KELLEY NEUMANN – FRANCES PLOCEK)**
25. **A Resolution authorizing the expenditure of funds in an amount not to exceed \$77,000.00 for electrical construction services in connection with the Local Carrizo Program Off-Site Well Collection Project to CPS Energy; authorizing the additional expenditure of funds in an amount not to exceed \$77,000.00 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 \$77,000.00 for the project work. Total expenditures are: \$77,000.00. (KELLEY NEUMANN – FRANCES PLOCEK)**
26. **A Resolution accepting the bid of Corbo Company, Inc., in an amount not to exceed \$129,250.00 for construction of electrical improvements at the East Side Service Center; awarding a construction contract in the amount of \$129,250.00 to Corbo Company, Inc., for the project work; authorizing construction contingency expenses in an amount not to exceed \$12,925.00 for the project work; authorizing total expenditures in an amount not to exceed \$142,175.00 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 Corbo Company, Inc., and to pay Corbo Company, Inc., an amount not to exceed \$129,250.00 for the project work. Total expenditures are: \$142,175.00. (STACEY ISENBERG – ALAN WILLIAMS)**

## **EASEMENTS AND REAL PROPERTY**

27. **A Resolution authorizing the acquisition of a Permanent Sewer Easement affecting approximately 2.64 acres of land located near the corner of Rabel Road and F.M. 1937 in the southeast quadrant of Bexar County, Texas, being out of Jose A. De La Garza Grant, Survey No. 433, Abstract No. 3, County Block No. 4006, 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 \$80,000.00 for acquisition of the Easement; authorizing the President/Chief Executive Officer to execute all documents necessary for the acquisition of the Easement; authorizing payment of the amount of**

**\$80,000.00 to Minnie Rubio Chavez for the purchase price of the Easement. Total expenditures are: \$80,000.00. (MIKE BRINKMANN – BRUCE HABY)**

- 28. A Resolution authorizing the acquisition of a Permanent Sewer Easement affecting approximately 9.99 acres located near the corner of Valley Road and F.M.1937 in the southeast quadrant of Bexar County, Texas, being out of Jose A. De La Garza Grant, Survey No. 433, Abstract No. 3, County Block No. 4006, 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 \$92,100.00 for acquisition of the Easement; authorizing the President/Chief Executive Officer to execute all documents necessary for the acquisition of the Easement; authorizing payment of the amount of \$92,100.00 to John Lloyd Wright, Jr., for the purchase price of the Easement. Total expenditures are: \$92,100.00. (MIKE BRINKMANN – BRUCE HABY)**
- 29. A Resolution authorizing the acquisition of a Variable Width Recycled Water Easement affecting approximately 0.634 of an acre of land and a Variable Width Temporary Construction Easement affecting approximately 5.764 acres of land located near the corner of Military Drive West and State Highway 151 in the northwest quadrant of the City of San Antonio, Texas, being out of Lot 2, Block 50, N.C.B. 15330, Southwest Foundation for Biomedical Research Unit 2, San Antonio, Texas, in connection with the Medio Creek Water Recycling Center Recycled Water Pump Station and Line Project; authorizing the expenditure of funds from the System's Project Fund in the amount of \$203,500.00 for acquisition of the Easements; authorizing the President/Chief Executive Officer to execute all documents necessary for the acquisition of the Easements; authorizing payment of the amount of \$203,500.00 to Southwest Foundation for Biomedical Research for the purchase price of the Easements. Total expenditures are: 203,500.00. (MIKE BRINKMANN – BRUCE HABY)**

### **INFORMATION SERVICES ITEMS**

- 30. A Resolution amending Resolution No. 08-387 by approving the additional expenditure of funds in an amount not to exceed \$5,000.00 per year to the Office Communications Systems, Inc., – A Toshiba Company for the lease of the fax/copy/print/scan (multifunctional) equipment and related services for use at SAWS' facilities through October 2011; approving additional expenditures for such services for Fiscal Year 2009 from the System Fund, and that expenditures for subsequent years are pursuant to and contingent upon the Boards approval of the budgets for those years with a line item for such expenditures; authorizing System staff to add or deduct such leased equipment as necessary to adequately provide such services at ass SAWS'' facilities; authorizing the President/Chief Executive Officer or his designated representative to pay an additional of \$5,000.00 per year to Office Communications Systems, Inc., - A Toshiba Company for such services. Total expenditures are \$5,000.00 for a revised contract amount of: \$145,000.00. (DOUG EVANSON – JOE SAMPLES)**

### **MISCELLANEOUS ITEMS**

- 31. A Resolution ratifying the actions of the President/Chief Executive Officer in approving an Eighth Amendment to the Memorandum of Agreement with the Brooks Development Authority to continue providing Operations and Maintenance Services for the Brooks Central Heating and Cooling Plant at Brooks City Base from October 1, 2009 to January 31, 2010; authorizing the President/Chief Executive Officer or his designated representative to execute the Eighth Amendment to the Memorandum of Agreement and all related documents to continue providing operations and**

maintenance services for the Brooks Central Heating and Cooling Plant from October 1, 2009 to January 31, 2010. (STEVE CLOUSE – VIC STUCKEY)

32. A Resolution ratifying the action of the Senior Vice-President of Production and Treatment Operations in approving the award of a contract in the amount of \$170,675.00 with Loftin Equipment Co., in connection with the purchase of five Standby Emergency Generators and Automatic Transfer Switches for Lift Stations 187, 198, 199, 200 and 201; approving total payment in the amount of \$170,675.00 from the Project Fund to Loftin Equipment Co., for the purchase of the Five Generators and Transfer Switches; authorizing the President/Chief Executive Officer to execute a purchasing contract with Loftin Equipment Co.; and pay Loftin Equipment Co., an amount not to exceed \$170,675.00 for the purchase of the five generators Automatic Transfer Switches. Total expenditures are: \$170,675.00. (STEVE CLOUSE – TONY ALVAREZ)
33. A Resolution authorizing the second year of funding of a two year contract with Pencco Inc., in an amount not to exceed \$2,970,188.00 for the purchase of Ferrous Sulfate; authorizing payment from the System Fund in an amount not to exceed \$2,970,188.00 for the second year of the contract for Ferrous Sulfate; authorizing the President/Chief Executive Officer or his designated representative to authorize payment to Pencco Inc., in an amount not to exceed \$2,970,188.00 for the second year of the contract for Ferrous Sulfate. Total expenditures are: \$2,970,188.00. (STEVE CLOUSE – MEG CONNER)
34. A Resolution approving funding in an amount not to exceed \$36,000.00 for the second year of a five-year Marketing Agreement with the San Antonio Economic Development Foundation, Inc., for the Identification And Development of Potential Customers for the San Antonio Water System; authorizing the expenditure of funds in an amount not to exceed \$36,000.00 from the System Fund to pay the San Antonio Economic Development Foundation, Inc., for the second year of a five-year Marketing Agreement; authorizing the President/Chief Executive Officer to pay the San Antonio Economic Development Foundation, Inc., an amount not to exceed \$36,000.00 for the second year of a five-year Marketing Agreement. Total expenditures are: \$36,000.00. (GREG FLORES)
35. **BRIEFING SESSION.**
- A. Briefing and deliberation regarding the Bid Solicitation Requirements. (NANCY BELINSKY – PHILIP CAMPOS)

## **ITEMS FOR INDIVIDUAL CONSIDERATION**

### **CAPITAL IMPROVEMENT CONTRACTS**

- (SBE) 36. A Resolution accepting the bid of Wiking Demolition, Inc., in the amount of \$456,000.00 for the construction of the Odor Control System Improvements Project; awarding a construction contract in the amount of \$456,000.00 to Wiking Demolition, Inc., for the project work; authorizing the expenditure of funds in the amount of \$456,000.00 for the project work; authorizing construction contingency expenses in an amount not to exceed \$23,000.00 in connection with the project work; authorizing total expenditures of funds in an amount not to exceed \$479,000.00 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 Wiking Demolition, Inc., and to pay Wiking

Demolition, Inc., the amount of \$456,000.00 for the project work. Total expenditures are: \$479,000.00. (KELLEY NEUMANN – ASHOK KAJI)

37. A Resolution accepting the bid of Holloman Corporation in the amount of \$980,333.00 for the San Antonio River Improvements Historic Mission Reach Phase III Project; awarding a construction contract to Holloman Corporation in the amount of \$980,333.00 for the project work; approving the expenditure of funds in the amount of \$980,333.00 for the project work; approving construction contingency expenses in an amount not to exceed \$98,471.63 in connection with the project work; approving an amount not to exceed \$5,259.95 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 \$1,073,544.68 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 \$1,078,804.63 for the project work and related construction contingencies. Located in Council District 3. Total expenditures are: \$1,078,804.63. (KELLEY NEUMANN – CINDY KOVACIC)

### MISCELLANEOUS PROJECTS

38. A Resolution ratifying the actions of the Vice-President of Distribution and Collection Operations in accepting the bid of Pipelayers, Inc., for a two year construction contract in the amount of \$642,625.00 in connection with the 2009 Annual Water Distribution Leak Repair Construction Contract; awarding a two year construction contract in the amount of \$642,625.00 to Pipelayers, Inc., in connection with the 2009 Annual Water Distribution Leak Repair Construction Contract; approving the expenditure of funds in the amount of \$321,312.50 for the project work for Fiscal Year 2009; approving construction contingency expenses in an amount not to exceed \$32,131.25 in connection with the project work for Fiscal Year 2009; authorizing the total expenditures in the amount of \$353,443.75 from the System's Project Fund for the project work and construction contingency expenses for Fiscal Year 2009, and that the subsequent years expenditures in the amount of \$353,443.75 are pursuant to and contingent upon Board approval of the subsequent years budget with a line item for such expenditures; authorizing the President/Chief Executive Officer or his designated representative to execute a two year contract with Pipelayers, Inc., and to pay Pipelayers, Inc., the amount of \$706,887.50 for the project work and construction contingency expenses. Total expenditures are: \$706,887.50. (VAL RUIZ – JEFF BROWN)

### MISCELLANEOUS ITEMS

39. A Resolution authorizing the President/Chief Executive Officer to accept bids for replacement equipment for the System's Fleet procured in accordance with all applicable laws in an amount not to exceed \$900,000.00 in Fiscal Year 2009; authorizing total expenditures of an amount not to exceed \$900,000.00 from the System Fund in Fiscal Year 2009 for the purchase of the replacement equipment; authorizing the President/Chief Executive Officer to execute all documents necessary and make all payments necessary in an amount not to exceed \$900,000.00 in Fiscal Year 2009 for replacement equipment to support System operations. Total expenditures are: \$900,000.00. (MIKE BRINKMANN)
40. A Resolution approving an Asset Purchase Agreement with the Walden Meadows Home Owner's Association Inc., to transfer ownership of the water and sewer infrastructure

providing service to the subdivision, and located in the streets and utility easements to the San Antonio Water System. (KELLEY NEUMANN – SAM MILLS)

## CAPITAL IMPROVEMENT CONTRACTS

### PROJECTS INVOLVING IMPROVEMENTS, EXTENSIONS AND ADDITIONAL CAPACITY

#### Developer Customer Contracts

41. A Resolution approving a Utility Service Agreement to provide water and/or wastewater service to the tract listed below which is located within the 5-mile Awareness Zone of Camp Bullis. This tract also is located over the Edwards Aquifer Recharge or Contributing Zone. (KELLEY NEUMANN – SAM MILLS)

No.	Tract Name	Developer Name	Acreage	Water EDUs	WW EDUs	Board Reason	Water CCN	WW CCN
1	Blackbuck Ranch	Basse Heirs, Ltd.	647.35	647	0	AC/OVR/ EARZ	Inside	Applied for
Totals			<u>647.35</u>	<u>647</u>	<u>0</u>			
Year-to-Date Totals ( January - October 2009)			<u>2,294.35</u>	<u>6,492</u>	<u>5,880</u>			

#### Professional Services

##### Production, Transmission and Treatment Improvements

42. A Resolution accepting the proposal of N. G. Painting, Inc., LP , in the amount of \$1,230,550.00 for maintenance of the water facilities in connection with the Foster Elevated Storage Tank Facility Painting and Rehabilitation Project; awarding a construction contract in the amount of \$1,230,550.00 to N. G. Painting, Inc., LP , for the project work; authorizing the expenditure of funds in the amount of \$1,230,550.00 for the project work; authorizing construction contingency expenses in the amount of \$25,000.00 in connection with the project work; amending Resolution No. 08-292 by authorizing additional expenditures in an amount not to exceed \$105,970.00 for the construction phase and resident inspection services; authorizing total expenditures in an amount not to exceed \$1,361,520.00 from the System’s Fund for the project work, construction contingencies and construction phase and resident inspection services; authorizing the President/Chief Executive Officer to execute a contract with N. G. Painting, Inc., LP , and to pay N. G. Painting, Inc., LP , the amount of \$1,230,550.00 for the project work; authorizing the President/Chief Executive Officer to pay an additional amount not to exceed \$105,970.00 to Freese and Nichols, Inc., for the construction phase and resident inspection services. Total expenditures are: \$1,361,520.00. (KELLEY NEUMANN – ASHOK KAJI)

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

A. Proposed San Antonio Clean Tech Water Forum.

44. Inquiries.

45. The Regular Session of the October 6, 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.

46. **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. 2009-CI-06461; *Classic Protective Coatings, Inc. v. San Antonio Water System*, In the 225<sup>th</sup> Judicial District Court of Bexar County, Texas. (FRANK STENGER-CASTRO - SCOTT OLIVER)
- C. Consultation with attorneys and deliberation regarding the Alamo Ranch/Medio Creek South Sanitary Sewer Outfall, SAWS Job No. 07-1515, construction contract claim and dispute with S.J. Louis Construction of Texas, Ltd. (FRANK STENGER-CASTRO - SCOTT OLIVER)
- D. Consultation with attorneys and deliberation regarding Cause No. 2008-CI-11679; *Margaret A. Guerra v. San Antonio Water System*, in the 73<sup>rd</sup> Judicial District Court, Bexar County, Texas. (FRANK STENGER-CASTRO – BILL CROW)
- E. Consultation with attorneys and deliberation regarding Cause No. 2006-CI-01083; *Legan Properties, Ltd. vs. S.J. Louis Construction of Texas Ltd., and San Antonio Water System*, In the 57<sup>th</sup> Judicial District Court of Bexar County, Texas. (FRANK STENGER-CASTRO AND NANCY BELINSKY)
- F. Consultation with attorneys and deliberation regarding legal issues related to the settlement of a dispute with Richard Reddout regarding property located at 16501 State Highway 16, Bandera Road, Bexar County, Texas and also known as 10855 Jericho in Bexar County, Texas. (FRANK STENGER-CASTRO AND NANCY BELINSKY)
- G. 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 37<sup>th</sup> District Court, Bexar County, Texas. (FRANK STENGER-CASTRO – JOHN REYNOLDS)
- H. Consultation with attorneys and deliberation regarding legal issues related to the SAWS Information System Agreement for software applications. (FRANK STENGER-CASTRO – SCOTT OLIVER)
- I. Consultation with attorneys 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)
- J. 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)

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

**47. The Regular Session of the Regular Board Meeting of October 6, 2009, is hereby reconvened.**

**48. A Resolution authorizing the President/Chief Executive Officer or his designated representative to complete negotiations and to execute Change Order No. 13 in the amount of \$3,184,000.00 to the Information System Agreement with Hansen Information Technologies, Inc., a wholly owned subsidiary of Infor Global Solutions, Inc., in connection with the Enterprise Resource Software System Project; authorizing expenditures of the \$3,184,000.00 made in Fiscal year 2009 to be expended from the Project Fund with expenditures of the \$3,184,000.00 made in subsequent years to be pursuant to and contingent upon the Board's approval of the budget for those Fiscal Years with a line item for such expenditures; amending Resolution No. 08-430 by approving additional expenditures in an amount not to exceed \$5,090,000.00 from the Project Fund for Temporary Worker Services from January 1, 2009 through December 31, 2011; authorizing expenditures of the \$5,090,000.00 made in Fiscal year 2009 to be expended from the Project Fund with expenditures of the \$5,090,000.00 made in subsequent years to be pursuant to and contingent upon the Board's approval of the budget for those Fiscal Years with a line item for such expenditures; authorizing the President/Chief Executive Officer or his designated representative to complete negotiations and to execute binding contracts and agreements for additional GIS Services in a total amount not to exceed \$340,000.00 with: Environmental Systems Research Institute, Inc., for a total amount not to exceed \$265,000.00 for unlimited GIS Licensing and Customization Services, with AmberGIS in a total amount not to exceed \$30,000.00 for GIS Consulting Services, with Marshal and Associates, Inc., in a total amount not to exceed \$25,000.00 for GEO Administrator Services, and with Latitude Geographic Group, Ltd., in a total amount not to exceed \$20,000.00 for GEO Cortex Essential Web Application; authorizing expenditures of the \$340,000.00 made in Fiscal year 2009 to be expended from the Project Fund with expenditures of the \$340,000.00 made in subsequent years to be pursuant to and contingent upon the Board's approval of the budget for those Fiscal Years with a line item for such expenditures; authorizing a total amount for Change Order No. 13, contracts for Temporary Workers and various GIS Services to be in the amount not to exceed \$8,614,000.00; authorizing the President/Chief Executive Officer or his designated representative to pay to Hansen Information Technologies, Inc., an additional amount not to exceed \$3,184,000.00 for the additional project work in Change Order No. 13, to pay the existing Temporary Worker Services an amount not to exceed \$5,090,000.00 for these services from January 1, 2009 through December 31, 2011, to pay Environmental Systems Research Institute, Inc., an amount not to exceed \$265,000.00 for unlimited GIS Licensing and Customization Services, to pay AmberGIS an amount not to exceed \$30,000.00 for GIS Consulting Services, to pay Marshal and Associates, Inc., an amount not to exceed \$25,000.00 for GEO Administrator Services, and to pay Latitude Geographic Group, Ltd., an amount not to exceed \$20,000.00 for GEO Cortex Essential Web Application; authorizing total payment for Change Order No. 13, amendment of Resolution No 08-430 for contracts**

for Temporary Worker Services, and additional funding for various GIS Services, to be in the amount not to exceed \$8,614,000.00. Total expenditures are: \$8,614,000.00 for a revised contract amount of:\$30,714,034.00. (DOUG EVANSON – JOE SAMPLES)

49. A Resolution approving a Settlement Agreement with Legan Properties, Ltd. in connection with the lawsuit styled Cause No. 2006-CI-01083, *Legan Properties, Ltd. vs. S.J. Louis Construction of Texas Ltd., and San Antonio Water System*; approving the System's financial and other obligations under the Settlement Agreement; authorizing expenditures in the total amount of \$45,453.00 from the System Fund for purposes of the Settlement; authorizing the President/Chief Executive Officer or his designated representative to execute all documents and perform all acts necessary to settle and dismiss the lawsuit and to pay \$45,453.00 to Legan Properties, Ltd. Total expenditures are: \$45,453.00. (FRANK STENGER-CASTRO)
50. A Resolution approving a Settlement Agreement between Richard W. Reddout and Catherine E. Reddout and San Antonio Water System; approving the System's financial and other obligations under the Settlement Agreement; authorizing expenditures in the amount of \$38,720.38 from the System Fund for purposes of the Settlement; authorizing the President/Chief Executive Officer or his designated representative to execute the Settlement Agreement and to perform all obligations in the Settlement Agreement and pay \$38,720.38 to Richard W. Reddout and Catherine E. Reddout. Total expenditures are: \$38,720.38. (FRANK STENGER-CASTRO)
51. A Resolution approving a Settlement Agreement with Turner Collie & Braden, Inc., n/k/a TCB Inc., in connection with the lawsuit styled Cause No. 2006-CI-12816, *San Antonio Water System Board of Trustees versus Turner Collie & Braden, Inc., n/k/a TCB Inc.*; authorizing the System to accept payment from Turner Collie & Braden, Inc., n/k/a TCB Inc., in the amount of \$1,800,000; authorizing the release and discharge of the System's claims and causes of action against Turner Collie & Braden, Inc., n/k/a TCB Inc., and that Turner Collie & Braden, Inc., n/k/a TCB Inc., be dismissed with prejudice from said lawsuit; authorizing the President/Chief Executive Officer or the System's General Counsel to execute all documents necessary to settle with and dismiss Turner Collie & Braden, Inc., n/k/a TCB Inc., from the lawsuit. Total amount to be received is \$1,800,000. (FRANK STENGER-CASTRO)
52. A Resolution approving a Settlement Agreement with E.E. Hood & Sons, Inc., David Nelson, individually and d/b/a Collective Contracting, and Collective Contracting, Inc., in connection with the lawsuit styled Cause No. 2009-CI-15049, *San Antonio Water System Board of Trustees, and the State of Texas, as involuntary plaintiff, versus E.E. Hood & Sons, Inc., Jericho Construction, Inc., Scott Sadler, individually, David Nelson, individually and d/b/a Collective Contracting, and Collective Contracting, Inc.*; authorizing the System to accept payment from E.E. Hood & Sons, Inc., David Nelson, individually and d/b/a Collective Contracting, and Collective Contracting, Inc., in the amount of \$1,750,000; authorizing the release and discharge of the System's claims and causes of action against E.E. Hood & Sons, Inc., Jericho Construction, Inc., Scott Sadler, individually, David Nelson, individually and d/b/a Collective Contracting, and Collective Contracting, Inc., and that E.E. Hood & Sons, Inc., Jericho Construction, Inc., Scott Sadler, individually, David Nelson, individually and d/b/a Collective Contracting, and Collective Contracting, Inc., be dismissed with prejudice from said lawsuit; authorizing the President/Chief Executive Officer or the System's General Counsel to execute all documents necessary to settle with and dismiss E.E. Hood & Sons, Inc., Jericho Construction, Inc., Scott Sadler, individually, David Nelson, individually and d/b/a Collective Contracting, and Collective Contracting, Inc., from the lawsuit. Total amount to be received is \$1,750,000. (FRANK STENGER-CASTRO)

**53. Adjournment. THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES MEETING OF OCTOBER 6, 2009, IS HEREBY ADJOURNED.**