

**AGENDA**  
**MEETING OF THE**  
**SAN ANTONIO WATER SYSTEM**  
**BOARD OF TRUSTEES**  
**Tuesday, January 12, 2010, 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 December 1, 2009.**
  - B. **Approval of the Minutes of the San Antonio Water System Board of Trustees Policy and Planning Meeting of November 23, 2009.**
4. **Ceremonial Items.**
  - A. **Recognition of Kelley Neumann as the 2009 National Society of Professional Engineers (NSPE) Mentor of the Year Award. (STEVE CLOUSE)**
  - B. **Recognition of SAWS Predictive Maintenance Team by Uptime Magazine as 2009 Best Emerging PdM (Predictive Maintenance) Program of the Year. (STEVE CLOUSE)**
5. **Citizens to be Heard.**

**ITEMS FOR INDIVIDUAL CONSIDERATION**

6. **A Resolution approving an amendment to the Bylaws for the Community Conservation Committee pertaining to the maximum number of Members that can serve from 20 to 25, with no fewer than 16. (CHARLES AHRENS – KAREN GUZ)**

**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.

7. **A Resolution appointing Golda Weir as the Chairperson of the 2010 Community Conservation Committee for a one-year term expiring December 31, 2010; appointing the Community Conservation Committee's new Members for a two-year term expiring December 31, 2011. (CHARLES AHRENS – KAREN GUZ)**
8. **A Resolution appointing Rene Cortez as the Chairperson of the 2010 Citizen's Advisory Panel for a one-year term expiring December 31, 2010; appointing the Citizen's Advisory Panel new Members for a two-year term expiring December 31, 2011. (CHARLES AHRENS – CALVIN FINCH)**

## **CONSENT AGENDA ITEMS**

Items 9 – 35

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

9. **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.**

No items for this Meeting.

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

(MBE) 1. **Acceptance of the bid of Commonwealth Computer Co., to provide: Dell Desktop PC's & Laptops (State of Texas Contract), Bid No. 09-6023, for a total of \$655,395.00. (This contract will be utilized for the purchase of new state of the art Dell desktop PC's and Laptop computers. This contract will be effective Date of Award (January 12, 2010) through December 31, 2011.)**

2. **Acceptance of the bid of Holman Boiler Works, Inc., to provide: Maintenance/Repair and Calibration Services of Boiler Instrument & Combustion Controls & Associated Components, Bid No. 09-9058A, for a total of \$100,000.00. (This contract will be utilized to provide Maintenance/Repair and Calibration Services of Boilers Instrument & Combustion Controls & Associated Components for the Heating and Cooling Plant boiler equipment. This contract will be effective Date of Award (January 12, 2010) through December 31, 2010.)**

(WBE) 3. **Acceptance of the bid of Data Tex Services, Inc., to provide: Installation of Category 6, 5e and 3 Cabling Services, Bid No. 09-6086, for a total of \$75,000.00. (This contract will be utilized for the purchase of installation of Category 6, 5e and 3 cabling services at all SAWS locations. This contract will be effective Date of Award (January 12, 2010) through December 31, 2011.)**

4. **Acceptance of the bid of Accutest Laboratories, to provide: "Best Value" Bid for Environmental Laboratory Analytical Services, Bid No. 09-3013, for a total of \$116,880.00. (This contract will be utilized for the services of an Environmental Laboratory accredited under the National**

Environmental Laboratory Accreditation Program to provide analytical support using specified methodologies for the SAWS Environmental Laboratory Services Division when analyses cannot be performed in house or when workload prevents satisfactory response to clients analytical requests. This contract will be effective Date of Award (January 12, 2010) through December 31, 2010.)

5. Acceptance of the bid of Southern Tire Mart, to provide: Tire and Tube Repair and Services, Bid No. 05-3120, for a total of \$300,000.00. (This contract will be utilized for the purchase of new tires, tubes, and accessories. Service is to include fleet checks, all repair services and disposal of old tires for all vehicles and industrial equipment of all types as required by Equipment Maintenance for all SAWS facilities. This contract extension will be effective Date of Award (January 12, 2010) through December 31, 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 Mainline Financial Services, to provide: IBM z800 Mainframe Processor (State of Texas Contract), Bid No. 09-3082, for a total of \$92,400.00. (This contract will be utilized for a 24 month lease agreement renewal of the IBM z800 Mainframe Processor. This contract will be effective February 1, 2010 through January 31, 2012.)
2. Acceptance of the bid of IBM, to provide: IBM Operating Software (State of Texas Contract), Bid No. 09-3082, for a total of \$410,520.00. (This contract will be utilized to operate the IBM Mainframe which consists of operating software and support software. This contract will be effective February 1, 2010 through January 31, 2012.)

## **CAPITAL IMPROVEMENT CONTRACTS**

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

#### **Developer Customer Contracts**

10. A Resolution approving Utility Service Agreements for water and/or wastewater services which are located over the Edwards Aquifer Recharge or Contributing Zone, are located within the 5-Mile Awareness Zone of Camp Bullis and meet all of these criteria: tracts are less than 2-acres, require less than 50 Equivalent Dwelling Units, and require less than ¼-mile of main extension.  
(KELLEY NEUMANN – SAM MILLS)

No.	Tract Name	Developer Name	Acreage	Water EDUs	WW EDUs	Board Reason	Water CCN	WW CCN
1	Fixed Income Securities I	Phoenix Commercial Construction	3.50	8	8	5-mile Awareness Zone/ CZ	Inside	Applied for
2	Knights Cross Elementary School	Northeast Independent School District	30.13	50	50	5-mile Awareness Zone/ EARZ	Inside	Applied for
3	The Rim Lot 1	B & M Rim I, LLC	1.82	51	67	5-mile Awareness Zone/ EARZ	Inside	Applied for
4	The Rim Lots 11 & 12	B & M Rim XI, LLC	3.40	38	50	5-mile Awareness Zone/ CZ	Inside	Applied for
5	WD Stonehue	Wright Dayton Property, L.P.	3.35	0	34	5-mile Awareness Zone/ EARZ	B.M.W.D.	Applied for
<b>Totals</b>			<u>42.21</u>	<u>147</u>	<u>209</u>			

**EDU/Acreage Comparison Totals  
2010 - 2009**

EDU/Acreage Comparison Totals 2010 - 2009 (Year to Date - All Categories)	Total Acreage	Total Water EDU's	Total WW EDU's
Total ( January 2010)	42.21	147	209
Total ( January 2009)	305	27	1,024

**Production, Transmission and Treatment Improvements**

11. A Resolution ratifying the actions of the Senior Vice President of Strategic Resources in approving Change Order No. 9 in the amount of \$30,937.37 and Change Order No. 10 in the amount of \$34,792.80 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 amount not to exceed \$65,730.17 for the additional project work. Total expenditures are: \$65,730.17 for a revised contract amount of: \$23,298,627.25. (KELLEY NEUMANN – FRANCES PLOCEK)

**Professional Services Contracts**

12. A Resolution approving Contract Amendment No. 4 to the existing professional services contract with HNTB Corporation for additional engineering services in the amount of \$7,520.60 in connection with the Los Angeles Heights Water Main and Sanitary Sewer Replacement Phase I Project; amending Resolution No. 98-347, as

amended by Resolution Nos. 99-177, 05-223, and 07-396, by approving additional expenditures in an amount not to exceed \$7,520.60 for additional engineering services by HNTB Corporation in connection with the Los Angeles Heights Water Main and Sanitary Sewer Replacement Phase I Project; approving an amount not to exceed \$7,520.60 be made available and expended from the System's Project Fund for the sewer related additional engineering services; authorizing the President/Chief Executive Officer to execute Contract Amendment No. 4 and to pay HNTB Corporation an additional amount not to exceed \$7,520.60 for the additional engineering services in connection with the project. Total expenditures are: \$7,520.60 for a revised contract amount of: \$689,443.35.  
(KELLEY NEUMANN – FRANCES PLOCEK)

## REPLACEMENT AND ADJUSTMENT PROJECTS

### Professional Services Contracts

13. A Resolution ratifying the actions of the Senior Vice President of Strategic Resources in approving Contract Amendment No. 1 in the amount of \$13,210.00 in connection with the Goliad Phase II: Lasses to Pecan Valley Project; amending Resolution No. 08-170 by approving additional expenditures in an amount not to exceed \$13,210.00 for additional engineering design services by Civil Engineering Consultants, Inc., in connection with the Goliad Phase II: Lasses to Pecan Valley Project; approving that an additional amount not to exceed \$13,210.00 be made available and expended from the System's Project Fund for the additional engineering design services; authorizing the President/Chief Executive Officer to execute Contract Amendment No. 1 and to pay Civil Engineering Consultants, Inc., an additional amount not to exceed \$13,210.00 for the additional engineering design services in connection with the project. Located in Council District 3. Total expenditures are: \$13,210.00 for a revised contract amount of \$142,143.40. (KELLEY NEUMANN – CINDY KOVACIC)

### Governmental Relocations and Replacements

14. A Resolution approving the expenditure of funds in the amount of \$100,115.39 for the adjustment of water and sewer facilities by the City of Alamo Heights in connection with the Broadway Street and N. New Braunfels Avenue Project; approving construction contingency expenses related to the project work in an amount not to exceed \$20,023.08; approving an amount not to exceed \$120,138.47 be made available and expended from the System's Project Fund for the project work and related construction contingency expenses; authorizing the President/Chief Executive Officer to execute an Interlocal Agreement and to pay the City of Alamo Heights an amount not to exceed \$100,115.39 for the project work. Total expenditures are: \$100,115.39. (KELLEY NEUMANN – CINDY KOVACIC)

## MISCELLANEOUS PROJECTS

15. A Resolution approving Change Order No. 22 in the amount of \$41,529.99 in connection with the Medio Creek Water Recycling Center (WRC) Expansion Project; approving total payment in the amount of \$41,529.99 to Pepper-Lawson Construction, LP, for the additional project work associated with Change Order No. 22; authorizing the additional expenditure of funds in the amount of \$41,529.99 for Change Order No. 22 from the project construction contingency fund; authorizing the President/Chief Executive Officer to execute Change Order No. 22 and to pay Pepper-Lawson Construction, LP, the additional sum of \$41,529.99 from the project construction contingency fund for the additional project work associated with Change

**Order No. 22. Total expenditures are: \$41,529.99 for a revised contract amount of: \$29,934,064.35. (KELLEY NEUMANN – ASHOK KAJI)**

- 16. A Resolution accepting the proposal of Energy Engineering Associates, Inc., in an amount not to exceed \$286,924.00 for the Heating and Cooling Facilities Assessment and Master Plan Project; awarding a professional services contract to Energy Engineering Associates, Inc., in an amount not to exceed \$286,924.00 for engineering services in connection with this project; authorizing the expenditure of funds in an amount not to exceed \$286,924.00 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 Energy Engineering Associates, Inc., and to pay Energy Engineering Associates, Inc., an amount not to exceed \$286,924.00 for project engineering services in connection with this project. Total expenditures are: \$286,924.00. (KELLEY NEUMANN – ASHOK KAJI)**
- 17. A Resolution approving Change Order No. 1 in the amount of \$31,268.91 in connection with the Leon Creek Water Recycling Center Improvements Project; approving total payment in the amount of \$31,268.91 to Pepper-Lawson Construction, L.P., for the additional project work associated with Change Order No. 1; authorizing additional funds in the amount not to exceed \$31,268.91 for Change Order No. 1 from the project construction contingency fund; authorizing the President/Chief Executive Officer to execute Change Order No. 1 and to pay Pepper-Lawson Construction, L.P., the additional sum of \$31,268.91 from the project construction contingency fund for the additional project work associated with Change Order No. 1. Total expenditures are: \$31,268.91 for a revised contract amount of: \$22,015,268.91. (KELLEY NEUMANN – ASHOK KAJI)**
- 18. A Resolution renewing a sole source contract with Emerson Process Management Power & Water Solutions, in an amount not to exceed \$61,284.00 for component coverage, expert telephone support, internet information access, remote system diagnostics, guardian support and scheduled on-site service for the Emerson Ovation Control System at the Dos Rios and Leon Creek Water Recycling Centers for the period January 1, 2010 through December 31, 2010; authorizing the expenditure of funds in an amount not to exceed \$61,284.00 from the System Fund for component coverage, expert telephone support, internet information access, remote system diagnostics, guardian support and scheduled on-site service for the Emerson Ovation Control System at the Dos Rios and Leon Creek Water Recycling Centers; authorizing the President/Chief Executive Officer to execute the renewal of a contract with Emerson Process Management Power & Water Solutions and to pay Emerson Process Management Power & Water Solutions an amount not to exceed \$61,284.00 for a component coverage, expert telephone support, internet information access, remote system diagnostics, guardian support and scheduled on-site service for the Emerson Ovation Control System at the Dos Rios and Leon Creek Water Recycling Centers. Total expenditures are: \$61,284.00. (STEVE CLOUSE – PHIL COOK)**
- 19. A Resolution authorizing the extension of a contract and approving funding to Responsive Environmental Solutions in an amount not to exceed \$220,000.00 for Fiscal Year 2010 through Fiscal Year 2011 for the handling, containment, collection, transportation, management, and disposal of hazardous and non-hazardous waste materials; approving funding in an amount not to exceed \$110,000.00 for the handling, management and disposal of hazardous and non-hazardous waste materials for Fiscal Year 2010, and an amount not to exceed \$110,000.00 in Fiscal Year 2011 at the option of the System and pursuant to Board approval of the Fiscal Year 2011 budget with a line**

item for such expenditures; authorizing the expenditure of funds in an amount not to exceed \$110,000.00 from the System Fund for Fiscal Year 2010 and an amount not to exceed \$110,000.00 in Fiscal Year 2011 at the option of the System and pursuant to Board approval of the Fiscal Year 2011 budget with a line item for such expenditures; authorizing the President/Chief Executive Officer or his designated representative to execute the contract extension with Responsive Environmental Solutions, and to pay Responsive Environmental Solutions an amount not to exceed \$110,000.00 from the System Fund for the Fiscal Year 2010 and an amount not to exceed \$110,000.00 in Fiscal Year 2011 for the handling, containment, collection, transportation, management, and disposal of hazardous and non-hazardous waste materials. Total expenditures are: \$110,000.00. (STEVE CLOUSE – MEG CONNER)

- (WBE) 20. A Resolution accepting the bid of H2O Steel Contractors. LLC, in the amount of \$164,400.00 for construction of Tank Ladder Improvements at 18 Water Production Sites; awarding a construction contract in the amount of \$164,400.00 to H2O Steel Contractors. LLC, for the project work; authorizing 10% construction contingency expenses in an amount not to exceed \$16,440.00 in connection with the project work; authorizing total expenditures in an amount not to exceed \$180,840.00 from the System's Project Fund for the project work, construction contingencies; authorizing the President/Chief Executive Officer or his designated representative to execute a contract with H2O Steel Contractors. LLC, and to pay H2O Steel Contractors. LLC, an amount of \$164,400.00 for the project work. Total expenditures are: \$180,840.00. (KELLEY NEUMANN – JORGE MONSERRATE)
21. A Resolution amending Resolution No. 09-177 by increasing the amount of the construction contract with National Power Rodding Corporation from \$705,724.50 to \$880,724.50 and approving Change Order No. 1 in the amount of \$175,000.00 in connection in connection with the 2009 Annual Sanitary Sewer Main Point Repair and Manhole Adjustments Construction Contract; approving additional funds in an amount not to exceed \$175,000.00 for the project work; approving an additional amount not to exceed \$175,000.00 be made available from the System Fund for the project work; approving additional funds for Change Order No. 1 in the amount of \$175,000.00; authorizing the President/Chief Executive Officer or his designated representative to pay National Power Rodding Corporation an additional amount not to exceed \$175,000.00 for the project work. Total expenditures are: \$175,000.00 for a revised contract amount of: \$880,724.50. (VAL RUIZ – JEFF BROWN)
22. A Resolution amending Resolution No. 09-114 by increasing the amount of the construction contract including construction contingencies with Principle Contracting Services, L.L.C., from \$174,757.00 to \$178,898.37 and approving Recapitulation Change Order No. 1 in the amount of \$4,141.37 in connection with the Excavation and Backfill Work Order Construction Contract Project; approving additional funds in an amount not to exceed \$4,141.37 for the project work; approving an additional amount not to exceed \$4,141.37 be made available from the System Fund for the project work; approving additional funds for Recapitulation Change Order No. 1 in the amount of \$4,141.37; authorizing the President/Chief Executive Officer to pay Principle Contracting Services, L.L.C., an additional amount not to exceed \$4,141.37 for the project work, and closes the contract. Total expenditures are: \$4,141.37 for a revised contract amount of: \$178,898.37. (VAL RUIZ – JEFF ANDREWS)
- (MBE) 23. A Resolution approving a one-year contract renewal option in the amount of \$166,435.00 with Principle Contracting, L.L.C., in connection with the 2009 Excavation and Backfill Work Order Construction Contract Project; approving the expenditure of funds in the amount of \$166,435.00 for the project work; authorizing construction

contingency expenses in an amount not exceed \$8,322.00; authorizing the total expenditures in an amount 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 one-year contract renewal with Principle Contracting, L.L.C., and to pay Principle Contracting, L.L.C., the amount of \$166,435.00 for the project work. Total expenditures are: \$166,435.00. (VAL RUIZ – JEFF BROWN)

(MBE) 24. A Resolution accepting the bid of TCL Construction Enterprises, Inc., in the amount of \$200,141.60 for the Concrete Placement Work Order Construction Contract – Package No. 1 Project; awarding a construction contract with an option for a one year renewal to TCL Construction Enterprises, Inc., in the amount of \$200,141.60 for the project work; approving the expenditure of funds in the amount of \$200,141.60 from the System Fund for the project work; authorizing the President/Chief Executive Officer or his designated representative, to execute a contract with an option for a one year renewal with TCL Construction Enterprises, Inc., and to pay TCL Construction Enterprises, Inc., the amount of \$200,141.60 for the project work. Total expenditures are: \$200,141.60. (VAL RUIZ – JEFF BROWN)

(WBE) 25. A Resolution accepting the bid of Myers Concrete Construction, LP, in the amount of \$297,340.00 for the Concrete Placement Work Order Construction Contract – Package No. 2 Project; awarding a construction contract with an option for a one year renewal to Myers Concrete Construction, LP, in the amount of \$297,340.00 for the project work; approving the expenditure of funds in the amount of \$297,340.00 from the System Fund for the project work; authorizing the President/Chief Executive Officer or his designated representative, to execute a contract with an option for a one year renewal with Myers Concrete Construction, LP, and to pay Myers Concrete Construction, LP, the amount of \$297,340.00 for the project work. Total expenditures are: \$297,340.00. (VAL RUIZ – JEFF BROWN)

26. A Resolution accepting the bid of J3 Excavation Company, LLC, in the amount of \$295,760.00 for the Concrete Placement Work Order Construction Contract – Package No. 3 Project; awarding a construction contract with an option for a one year renewal to J3 Excavation Company, LLC, in the amount of \$295,760.00 for the project work; approving the expenditure of funds in the amount of \$295,760.00 from the System Fund for the project work; authorizing the President/Chief Executive Officer or his designated representative, to execute a contract with an option for a one year renewal with J3 Excavation Company, LLC, and to pay J3 Excavation Company, LLC, the amount of \$295,760.00 for the project work. Total expenditures are: \$295,760.00. (VAL RUIZ – JEFF BROWN)

27. A Resolution accepting the bid of J3 Excavation Company, LLC, in the amount of \$284,720.00 for the Concrete Placement Work Order Construction Contract – Package No. 4 Project; awarding a construction contract with an option for a one year renewal to J3 Excavation Company, LLC, in the amount of \$284,720.00 for the project work; approving the expenditure of funds in the amount of \$284,720.00 from the System Fund for the project work; authorizing the President/Chief Executive Officer or his designated representative, to execute a contract with an option for a one year renewal with J3 Excavation Company, LLC, and to pay J3 Excavation Company, LLC, the amount of \$284,720.00 for the project work. Total expenditures are: \$284,720.00. (VAL RUIZ – JEFF BROWN)

## EASEMENTS AND REAL PROPERTY

28. 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 Wilderness Oak and Mustang Chase in the northwest 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 Lift Station Elimination Phase I Project; requesting that the City Council of the City of San Antonio: (i) adopt an Ordinance reaffirming and declaring that the project is for a public purpose and a public necessity exists for the acquisition of the property; (ii) authorize the System to take all appropriate action to acquire the property by negotiation and/or condemnation; (iii) declare that the conveyance of the property shall be to the City of San Antonio for the use and benefit of the System; authorizing the General Counsel and/or designated Special Counsel to file eminent domain proceedings, if necessary; providing and approving funding for the project.  
(MIKE BRINKMANN – BRUCE HABY)

PARCELS	SQUARE FOOTAGE OF LAND RIGHTS	LEGAL DESCRIPTION
P09-206 and P09-206T	5,268 sq. ft (permanent) and 6,768 sq. ft (temporary)	Out of a part of P-100 out of Promontory Pointe II Subdivision Unit 5 of record in Volume 9557, Page 108 of the Deed and Plat Records of Bexar County, Texas, being the same 2.925 acre tract of land conveyed to SA Remington Heights HOA, Inc. of record in Volume 10388, Page 2465 of the Official Public Record of Bexar County, Texas.

\*\*"T" denotes Temporary Construction Easement

29. A Resolution authorizing the acquisition of a permanent sewer easement affecting approximately 17.41 acres located along the easterly side of State Highway 16, approximately 1 mile south of intersection with Lone Star Pass in the southern quadrant of Bexar County, Texas, being out of a 446.57 acre tract described in conveyance to the Ballard Exploration Company Inc., in an instrument recorded in volume 10040, pages 2078-2084 of the official public records of real property of Bexar County Texas, being out of Ignacio Perez Survey No. 15, Abstract No. 13, County Block No. 4297, 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 \$460,600.00 for acquisition of the easement; authorizing the President/Chief Executive Officer to execute all documents necessary for the acquisition of the easement on behalf of the City of San Antonio for the use and benefit of the San Antonio Water System; authorizing payment of the amount of \$460,600.00 to Ballard Exploration Company, Inc., for the purchase price of the easement. Total expenditures are: \$460,600.00.  
(MIKE BRINKMANN – BRUCE HABY)

30. A Resolution declaring a public necessity for and authorizing the acquisition of fee simple title, and/or permanent easements and/or temporary construction easements to, all or portions of certain privately owned real properties for Segments 1,2, and 6 of the Medina River Outfall Project in Bexar County, Texas, which includes approximately 32 miles from a point in far western Bexar County known as U-Bar Ranch, to a point at or near the System Lift Station #198, then generally following the northern side of Medina River and ultimately flowing into Dos Rios Water Recycling Center as described hereinbelow; save and except any oil, gas, or other minerals in, on or under or produced from said properties, and save and except any subsurface water rights in and to the property together with any and all appurtenant water rights without any right

whatsoever remaining to the owners of said water rights of ingress or egress to or from the surface of said property, shall be acquired by negotiation, and/or condemnation, if necessary, for the public purpose of expanding the System's overall sewer capacity including the location, construction, operation, repair and maintenance of a sewer pipeline in order to provide adequate sewer capacity for the south and west sides of Bexar County, Texas, which project is sometimes referred to as the Medina River Sewer Outfall Project; requesting that the City Council of the City of San Antonio: (i) adopt an Ordinance reaffirming and declaring that the project is for a public purpose and a public necessity exists for the acquisition of the property, (ii) authorize the System to take all appropriate action to acquire the property by negotiation and/or condemnation, (iii) declare that the conveyance of the property shall be to the City of San Antonio for the use and benefit of the System; authorizing the General Counsel and/or designated Special Counsel to file eminent domain proceedings, if necessary.

(MIKE BRINKMANN – BRUCE HABY)

PARCEL No.	SIZE IN ACRES	LEGAL DESCRIPTION
P09-131	0.51 ac	0.51 acres being out of a 9.43 acre tract described in the conveyance to Brenda S. Farley Et Vir, James A. Farley in General Warranty Deed recorded in Volume 9985, Pages 742-745 of the official public records of Real Property of Bexar County, Texas out of the J.A. De La Garza Grant Survey No. 433, Abstract No. 3 County Block 4006, Bexar County, Texas
P09-132	0.63 ac	0.63 acres composed of a 0.52 acres out of a 9.98 acre tract conveyance to Robert I. Solenburger and wife Janet Ruzza, by instrument recorded in Volume 3402, Pages 95-98 of the official public records of Real Property of Bexar County, Texas, 0.09 of an acre out of a 1.78 acre tract conveyed to Robert I. Solenburger and wife Janet Ruzza, by instrument recorded in Volume 9642, Pages 646-648 of the official public records of Real Property of Bexar County, Texas, and 0.02 of an acre out of a 0.351 of an acre tract conveyed to Robert I. Solenburger and wife Janet Ruzza, by instrument recorded in Volume 9718, Pages 1021-1025 of the official public records of Real Property of Bexar County, all out of the J.A. De La Garza Grant Survey No. 433, Abstract No. 3 County Block 4006, Bexar County, Texas
P09-137	3.73 ac	A 3.73 acre tract of land being out of a called 199.8277 acre tract described in conveyance to S. Flores-Rabel Rd. Joint Venture recorded in Volume 3355, Pages 63-66 of the official public records of Real Property of Bexar County, Texas out of the J.A. De La Garza Grant Survey No. 433, Abstract No. 3 County Block 4006, Bexar County, Texas
P09-142	9.36 ac	A 9.36 acre tract of land being out of that 1032.122 acre Cook Memorial Trust tract in instrument recorded in Volume 9724, Pages 538-541 of the official public records of Real Property of Bexar County, Texas out of the Jose A. De La Garza Grant, Abstract No. 3 County Block 4006, and the Fernando Rodriguez Survey No. 6, Abstract No. 15, County Block 4005 Bexar County, Texas
P09-145	14.42 ac	A 14.42 acre tract of land being out of a 306.875 acre tract described in conveyance to Hanford – Southport LLC. in Special Warranty Deed recorded in Volume 13468, Pages 1036-1043 of the official public records of Real Property of Bexar County, Texas out of the Ignacio Perez Survey No. 15, Abstract No. 13 County Block 4297 in the City of San Antonio, Bexar County, Texas

## FINANCIAL SERVICES ITEMS

31. A Resolution approving an Interlocal Agreement between the San Antonio Water System and the City of Castle Hills, Texas, for Stormwater Billing And Technical Services; authorizing the President/Chief Executive Officer or his designated representative to execute the Interlocal Agreement.

(DOUG EVANSON – MARY BAILEY)

## LEGAL SERVICES ITEMS

32. A Resolution approving the expenditure of an amount not to exceed \$110,000.00 from the System Fund for Ruben Barrera of the law firm of Bracewell & Giuliani, L.L.P., to act as Special Counsel to the Board for the 2010 Calendar Year, and granting authority to the Board Chairman to execute a Letter of Engagement for the retention of Ruben Barrera's legal services for the 2010 Calendar Year. Total expenditures are: \$110,000.00. (CHAIRMAN BRISEÑO)

## MISCELLANEOUS ITEMS

33. A Resolution authorizing the actions of the Director of Safety and Environmental Health in approving the expenditure of funds in an amount not to exceed \$115,000.00 to fund the San Antonio Water System 2009 Safety Incentive Program, payable in 2010, from January 1, 2009 through December 31, 2009, from the System Fund; authorizing the President/Chief Executive Officer to execute payment in an amount not to exceed \$115,000.00 to fund the San Antonio Water System 2009 Safety Incentive Program, payable in 2010, from January 1, 2009 through December 31, 2009. Total expenditures are: \$115,000.00. (DOUG EVANSON – JERRY BAILEY – DAN O'BRIEN)
34. A Resolution accepting a proposal from Guerra, Deberry, Coody Marketing and Communications in an amount not to exceed \$330,000.00, for local and regional public relations and crisis communications services; awarding a contract to Guerra, Deberry, Coody Marketing and Communications in an amount not to exceed \$330,000.00, for a term commencing on or about January 2, 2010 and expiring December 31, 2012 with two one-year options to extend the term, for local and regional public relations and crisis communications services; authorizing that an amount not to exceed \$110,000.00 be made available from the System Fund for Fiscal Year 2010; authorizing that applicable expenditures for Fiscal Year 2011 and Fiscal Year 2012 shall be pursuant to the approval by the Board of Trustees of the annual budget with a line item for such expenditures; authorizing the President/Chief Executive Officer or his designee to execute a contract with Guerra Deberry Coody Marketing and Communications and pay Guerra Deberry Coody Marketing and Communications an amount not to exceed \$110,000.00 for Fiscal Year 2010 for public relations and crisis communications services. Total expenditures are: \$330,000.00 total for three years. (GREG FLORES)
35. A Resolution approving Contract Amendment No. 1 in connection with the professional services contract for the 2008 Water Infrastructure Plan; amending Professional Services Contract P-08-028-MF; amending Scope of Services Tasks 303 and 306; removing Task Series 1100; approving the expenditure of an amount not to exceed \$43,956.00 for the amended Tasks 303 and 306 to be taken from the removed Task Series 1100 approved funds totaling \$39,511.00 and the savings from the renegotiated Task No. 1002 totaling \$18,889.00; reducing the total contract amount from \$334,000.00 to \$319,556.00; extending contract termination date from March 31, 2010 to June 30, 2010 to address changes to Scope of Services of the professional services contract; stating that Contract Amendment No. 1 requires no additional funds in excess of the approved contract amount not to exceed \$319,556.00 for professional services for the 2008 Water Infrastructure Plan; authorizing the President/Chief Executive Officer or designated appointee to execute Contract Amendment No. 1. Total decreased amount is: \$14,444.00 for a revised contract amount of: \$319,556.00. (KELLEY NEUMANN – SAM MILLS)

# ITEMS FOR INDIVIDUAL CONSIDERATION

## MISCELLANEOUS ITEMS

36. A Resolution authorizing the President/Chief Executive Officer to administratively approve in Calendar Year 2010 additional expenditures in an amount not to exceed \$10,000.00 in the aggregate for each Contract or Agreement previously approved by the Board of Trustees; authorizing appropriation of funds from the System Fund in an amount not to exceed \$100,000 for this purpose; directing the staff to provide the Board with an end of year report and to seek re-delegation of this authority on an annual basis. (KELLEY NEUMANN)
37. A Resolution accepting the proposals of and awarding professional services contracts to the individual firms of: J.E. "Buster" Brown Consulting, and the Offices of Marc Rodriguez in the total amount not to exceed \$366,000.00, for legislative consultant services for the period beginning January 12, 2010 and extending through January 12, 2012; authorizing funds for Fiscal Year 2010 to be expended from the System Fund, and that expenditures for subsequent fiscal years are to be made pursuant to and contingent upon the appropriations made in the subsequent Fiscal Year budgets approved by the Board with a line item for such expenditures; authorizing the President/Chief Executive Officer to execute the contracts with J.E. "Buster" Brown Consulting, and the Offices of Marc Rodriguez, in the amounts not to exceed \$174,000.00, and \$192,000.00 respectively (total amount not to exceed \$366,000.00) for the period beginning January 12, 2010 and extending through January 12, 2012; authorizing the President/Chief Executive Officer to pay the following amounts not to exceed \$174,000.00, and \$192,000.00 to J.E. "Buster" Brown, and the Offices of Marc Rodriguez, respectively in connection with these services for the period beginning January 12, 2010 and going through January 12, 2012. Total expenditures are: \$366,000.00. (GREG FLORES - DONOVAN BURTON)

## LEGAL SERVICES ITEMS

38. A Resolution authorizing the President/Chief Executive Officer at the recommendation of the General Counsel to continue or negotiate new Letters of Engagement, as appropriate, with existing and new firms to provide legal services to the San Antonio Water System; authorizing the expenditure of an amount not to exceed \$3,602,265.00 for Calendar Year 2010 from the System Fund and Project Fund for legal services provided for the operation and maintenance and capital projects of the System; directing the General Counsel to follow certain criteria and requirements in the negotiation and execution of Letters of Engagement; directing the General Counsel to supply the Board with quarterly reports detailing the types of legal services being provided to the System and the cost of providing same. Total expenditures are: \$3,602,265.00. (FRANK STENGER-CASTRO)

## WATER RESOURCES ITEMS

39. A Resolution authorizing the President/Chief Executive Officer or his designee to contribute Calendar Year 2010 Administrative Funding on behalf of the San Antonio Water System as a member of the Collective Edwards Aquifer Recovery Implementation Program by and through the Texas Agrilife Extension of the Texas A&M University System; approving expenditures of funds from the Water Supply Fee Revenues of the Project Fund to maintain San Antonio Water System's Administrative

Contribution; approving expenditures of an amount of \$25,000.00 for San Antonio Water System's Calendar Year 2010 Administrative Contribution and up to an additional \$89,700.00 to fund one-half of a Springflow Optimization Study. Total expenditures are: \$114,700.00. (CHARLES AHRENS – CALVIN FINCH)

## **CAPITAL IMPROVEMENT CONTRACTS**

### **WATER RESOURCES PROJECTS**

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

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

40. A Resolution accepting the bid of S.J. Louis Construction of Texas, Ltd., in the amount of \$1,540,855.36 for the Probandt Phase II Project construction contract; awarding a construction contract to S.J. Louis Construction of Texas, Ltd., in the amount of \$1,540,855.36 for the project work; approving the expenditure of funds in an amount not to exceed \$1,540,855.36 for the project work; approving construction contingency expenses in an amount not to exceed \$80,000.00; approving total expenditures in an amount not to exceed \$1,620,855.36 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 S.J. Louis Construction of Texas, Ltd., and to pay S.J. Louis Construction of Texas, Ltd., an amount not to exceed \$1,620,855.36 for the project work and related construction contingencies. Located in Council District 3. Total expenditures are: \$1,620,855.36.  
(KELLEY NEUMANN – FRANCES PLOCEK)
41. A Resolution accepting the bid of Repipe Construction, Ltd., in the amount of \$1,284,385.00 for the Wastewater Collection System Small Main Rehabilitation at Focus Areas – Cured In Place Pipe (CIPP) Lining Method Project; awarding a contract to Repipe Construction, Ltd., in the amount of \$1,284,385.00 for the project work; approving the expenditure of funds in the amount of \$1,284,385.00 for the project work; approving contingency expenses in the amount of \$77,063.10 in connection with the project work; approving total expenditures in an amount not to exceed \$1,361,448.10 in connection with the project work; approving total expenditures in an amount not to exceed \$1,361,448.10 be made available and expended from the System's Project Fund for the project work and related contingencies; authorizing the President/Chief Executive Officer to execute a contract with Repipe Construction, Ltd., and to pay Repipe Construction, Ltd., the amount of \$1,361,448.10 for the project work and related contingencies. Total expenditures are: \$1,361,448.10.  
(KELLEY NEUMANN – JORGE MONSERRATE)
42. **BRIEFING SESSION.**
- A. Briefing and deliberation regarding the SAWS' Small, Minority, and Woman Business Program outreach efforts for the Fourth Quarter and End of Year of 2009. (FRANK STENGER-CASTRO – PHILIP CAMPOS - RUBY WEBB)
43. President/Chief Executive Officer's Report. Presentation of and deliberation on the following items:
- A. 2009 Accomplishments.

**B. 2010 Strategic Planning Overview.**

**44. Inquiries.**

**45. The Regular Session of the January 12, 2010, Regular Board Meeting is hereby recessed to hold an Executive Session and discuss the matters listed below pursuant to Sections 551.071, 551.072, 551.073, and 551.074 of the Texas Open Meetings Act.**

**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 legal issues related to the Definitive Agreement between the San Antonio Water System and the Lower Colorado River Authority. (FRANK STENGER-CASTRO-STEVE KOSUB)**

**C. Consultation with attorneys and deliberation regarding pending contested case proceedings before the Gonzales County Underground Water Conservation District in regards to Applications of the San Antonio Water System for Permits to Produce and Transport Groundwater from the Carrizo Aquifer in Gonzales County, Texas. (FRANK STENGER-CASTRO-STEVE KOSUB)**

**D. Deliberation about the value of the real property and consultation with attorneys regarding terms and provisions of proposed amendment to Water Sales Agreement affecting approximately 22,000 acres of land in Western Gonzales County, Texas. (FRANK STENGER-CASTRO-NANCY BELINSKY)**

**E. 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 January 12, 2010, is hereby reconvened.**

**48. A Resolution approving term changes to the Water Sales Agreements in connection with the Gonzales Water Supply Project, approving the expenditure of additional funds for the San Antonio Water System's obligations under the Amended Water Sales Agreements from the Water Supply Fee Revenues of the Project Fund; authorizing the San Antonio Water System's President/Chief Executive Officer or his designee to negotiate and execute Amendments to the Water Sales Agreement between the San Antonio Water System and landowners, and to pay the required amounts in accordance with the terms of the Amended Water Sales Agreements for the duration of the Water Sales Agreements. (CHARLES AHRENS – GARY GUY)**

**49. Adjournment. THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES MEETING OF JANUARY 12, 2010, IS HEREBY ADJOURNED.**