

**AGENDA**  
**MEETING OF THE**  
**SAN ANTONIO WATER SYSTEM**  
**BOARD OF TRUSTEES**  
**Tuesday, January 8, 2008, 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 Chapter 551 of the Texas Open Meetings Act, Texas Government Code, which permits closed meetings for purposes of consulting with its attorneys and deliberating about real property, gifts and donations, personnel matters and security devices. 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 4, 2007.**
4. **Ceremonial Items.**
  - A. **Recognition of Dr. Ed Roy's contributions to SAWS and to the Citizen's Advisory Panel. (JANELLE OKORIE)**
5. **BRIEFING SESSION**
  - A. **Briefing and deliberation regarding the Citizens Advisory Panel Benchmarking report for the Brackish Groundwater Project.  
(THE HONORABLE HOWARD PEAK, CAP CHAIRMAN)**

**ITEMS FOR INDIVIDUAL CONSIDERATION**

6. **A Resolution authorizing the appointment of members of the Citizens Advisory Panel for a term of two years and a Chairperson for a one-year term beginning 2008; authorizing the Chairman of the San Antonio Water System Board to appoint members of the Citizens Advisory Panel for a term of two years and a Chairperson for the Calendar Year 2008. (JANELLE OKORIE – CALVIN FINCH)**

**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. **RESERVED**
- 8. **Citizens to be Heard.**
- 9. **Board of Trustees - Committee Reports.**
  - A. **Audit and Finance Committee.**
  - B. **Planning and Operations Committee.**
  - C. **Water Resources Committee.**

## **CONSENT AGENDA ITEMS**

Items 10– 26

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

- 10. **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.

**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 J & B Transportation to provide: Hauling spoil material, Bid No. 04-0648, for a total of \$500,000.00. (This contract will be utilized to haul and dispose of excess excavated bulk materials resulting in and around Bexar County. This contract will be effective Date of Award January 8, 2008 through December 31, 2008.)**

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

No items for this Meeting.

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

No items for this Meeting.

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

No items for this Meeting.

# CAPITAL IMPROVEMENT CONTRACTS

## PROJECTS INVOLVING IMPROVEMENTS, EXTENSIONS AND ADDITIONAL CAPACITY

### Developer Customer Contracts

11. 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. (KELLEY NEUMANN – SAM MILLS)

No.	Tract Name	Developer Name	Acreage	Water EDUs	WW EDUs	No.
1	Benke Tract	Grosenbacher 164	165.23	0	640	1
2	Liberty Crossing	Hillstar Investments	72.86	357	357	2
3	Shops at Wood Glen	San Antonio Wood Glen, LLC	7.03	23	0	3
4	Tundra Town Homes	HTG Real Property Management	62.38	156	0	4
<b>Totals</b>			<b><u>308</u></b>	<b><u>536</u></b>	<b><u>997</u></b>	
<b>Year-to-Date Totals ( January 2008)</b>			<b><u>308</u></b>	<b><u>536</u></b>	<b><u>997</u></b>	

12. A Resolution approving Utility Service Agreements to provide water and/or wastewater service to the tracts listed below which are located over the Edwards Aquifer Recharge or Contributing Zone. (KELLEY NEUMANN – SAM MILLS)

No.	Tract Name	Developer Name	Acreage	Water EDUs	WW EDUs	Board Reason	Water & WW Density (EDUs per Acre)	
1	Bulverde Market	HPI - Bulverde Market	118	352	352	AC/EARZ	3.0	3.0
2	Celebration Hill East	281 Oak Partners, Ltd.	15	24	32	EARZ	1.6	2.1
3	Hausman Park	Lyons Commercial Properties, LLC	7.39	68	82	EARZ	9.2	11.1
4	Helotes Professional Building	J&H Holdings GP, LLC	0.66	10	5	EARZ	15.2	7.6
5	Marshall Road Commercial	B&M Marshall Road, Ltd.	22.67	130	135	EARZ	5.7	6.0
6	Place at Babcock Hausman	The Place Commercial Real Estate	2.31	4	5	EARZ	1.7	2.2
7	Venetian Oaks	Elaine Ballard	4.74	30	30	EARZ	6.3	6.3
<b>Totals</b>			<b><u>171</u></b>	<b><u>618</u></b>	<b><u>641</u></b>			
<b>Year-to-Date Totals ( January 2008)</b>			<b><u>171</u></b>	<b><u>618</u></b>	<b><u>641</u></b>			

### Production, Transmission and Treatment Improvements

13. A Resolution approving Recapitulation Change Order No. 9 in the decreased amount of \$60,986.73 to the construction contract with S.J. Louis Construction of Texas, Ltd., LLP, in connection with the FM 1937: Loop 410 to Pleasanton Road Project; returning the

amount of \$60,986.73 and the construction contingency balance of \$10,920.13 for a total amount of \$71,906.86 to the System's Project Fund; authorizing the President/Chief Executive Officer to execute Recapitulation Change Order No. 9 and to close the contract with S.J. Louis Construction of Texas, Ltd., LLP. Total expenditures are: \$71,906.86. (KELLEY NEUMANN – ASHOK KAJI)

#### Professional Services

14. A Resolution ratifying the actions of the Vice-President of Facilities Engineering & Construction in approving Contract Amendment No. 2 in the amount of \$17,633.00 in connection with the Talley Road (FM 471 to Ray Lieck) Project; amending Resolution No. 06-287, as previously amended by Resolution No. 07-191, by approving additional expenditures in an amount not to exceed \$17,633.00 for additional engineering services by Lockwood, Andrews and Newnam, Inc., in connection with the Talley Road (FM 471 to Ray Lieck) Project; approving the expenditure of impact fees in an amount not to exceed \$17,633.00 for the water related additional engineering services; authorizing the President/Chief Executive Officer to execute Contract Amendment No. 2 and to pay Lockwood, Andrews and Newnam, Inc., an additional amount not to exceed \$17,633.00 for the additional engineering services in connection with the project. Total expenditures are: \$17,633.00. (KELLEY NEUMANN –FRANCES PLOCEK)

### REPLACEMENT PROJECTS

#### Governmental Relocations and Replacements

15. A Resolution approving the expenditure of funds in the amount of \$190,968.00 for the adjustment of sewer facilities by the San Antonio River Authority in connection with the San Antonio River Improvements Museum Reach Project; approving the expenditure of funds in an amount not to exceed \$17,700.00 for engineering services related to the project work; approving construction contingency expenses related to the project work in an amount not to exceed \$19,311.00; approving an amount not to exceed \$227,700.00 be made available and expended from the System's Project Fund for the project work, engineering services and related construction contingencies; ratifying the actions of the Vice-President of Facilities Engineering & Construction in approving Change Order No. 12 in the amount of \$190,968.00, the execution of an Interlocal Agreement, and reimbursement to the San Antonio River Authority in the amount of \$227,700.00; authorizing the President/Chief Executive Officer to pay the San Antonio River Authority an amount not to exceed \$227,700.00 for the project work, engineering services, and related construction contingencies. Located in Council District 1. Total expenditures are: \$227,700.00. (KELLEY NEUMANN – CINDY KOVACIC)

#### Professional Services

16. A Resolution ratifying the actions of the Vice-President of Facilities Engineering & Construction in approving additional expenditures in an amount not to exceed \$27,000.00 in connection with the Durango: Trinity to Navidad Phase II Project; amending Resolution No. 98-193, as previously amended by Resolution No. 02-180 and Resolution No. 03-336, by approving additional expenditures in an amount not to exceed \$27,000.00 for additional engineering design services by Slay Engineering Company, Inc., in connection with the Durango: Trinity to Navidad Phase II Project; approving that an amount not to exceed \$15,000.00 be made available and expended from the System's Project Fund for the water related additional engineering design services; approving that an amount not to exceed \$12,000.00 be made available and expended from the System's Project Fund for the sewer related additional

engineering design services; authorizing the President/Chief Executive Officer to pay Slay Engineering Company, Inc., an additional amount not to exceed \$27,000.00 for the additional engineering design services in connection with the project. Total expenditures are: \$27,000.00. (KELLEY NEUMANN – CINDY KOVACIC)

17. A Resolution ratifying the actions of the Vice-President Of Facilities Engineering & Construction in approving Contract Amendment No. 1 in the amount of \$178,000.00 in connection with the Octavia #63 Phase II Project; amending Resolution No. 00-093 by approving additional expenditures in an amount not to exceed \$178,000.00 for additional engineering design services by GGI Engineers, Inc., in connection with the Octavia #63 Phase II Project; authorizing that an amount not to exceed \$69,570.00 be made available and expended from the System's Project Fund for additional water related engineering design services; authorizing that an amount not to exceed \$108,430.00 be made available and expended from the System's Project Fund for additional sewer related engineering design services; authorizing the President/Chief Executive Officer to execute Contract Amendment No. 1 and to pay GGI Engineers, Inc., an amount not to exceed \$178,000.00 for the additional engineering design services in connection with the project. Located in Council District 5. Total expenditures are: \$178,000.00. (KELLEY NEUMANN –CINDY KOVACIC)
18. A Resolution ratifying the actions of the Vice-President of Facilities Engineering & Construction in approving Contract Amendments in the total amount of \$745,000.00 in connection with the 2004 City Street Overlay Water and Sewer Replacement Project and 2005 City Street Maintenance Water and Sewer Replacement Project; amending Resolution No. 03-123 by approving additional expenditures in an amount not to exceed \$245,000.00 for additional engineering design services by San Antonio Design Group and Vickery & Associates, Inc., in connection with the 2004 City Street Overlay Water and Sewer Replacement Project and 2005 City Street Maintenance Water and Sewer Replacement Project; approving that an additional amount not to exceed \$178,700.00 be made available and expended from the System's Project Fund for the additional water engineering design work; approving the expenditure of funds in an amount not to exceed \$66,300.00 from the System's Project Fund for the additional sewer project engineering work; authorizing the President/Chief Executive Officer to execute the Contract Amendments and to pay San Antonio Design Group and Vickery & Associates, Inc., a total additional amount not to exceed \$745,000.00 for the additional engineering design services in connection with the projects. Total expenditures are: \$745,000.00. (KELLEY NEUMANN –CINDY KOVACIC)

## **WATER RESOURCES PROJECTS**

19. A Resolution ratifying the actions of the President/Chief Executive Officer in approving Change Order No. 2 resulting in an increase to the contract cost in an amount not to exceed \$38,824.35 for the construction contract with Greystar EIG, LP, in connection with the Aquifer Storage and Recovery Integration Program Phase II, Randolph and Seale Pump Station Improvements Project; authorizing the additional expenditure of funds in an amount not to exceed \$38,824.35 for additional project work associated with Change Order No. 2 from the project construction contingency fund for the additional project work; authorizing the President/Chief Executive Officer to execute Change Order No. 2, with Greystar EIG, LP,, and to pay Greystar EIG, LP,, an amount not to exceed \$38,824.35 for the project work. Total expenditures are: \$38,824.35, bringing total contract to \$2,965,804.00. (JANELLE OKORIE – CALVIN FINCH)

20. A Resolution ratifying the actions of the President/Chief Executive Officer in approving Change Order No. 8 resulting in an increase to the contract cost in an amount not to exceed \$263,616.00 for the construction contract with Cajun Constructors, Inc., in connection with the ASR Program, Phase II Water Treatment Plant Project; authorizing the additional expenditure of funds in an amount not to exceed \$263,616.00 for the additional project work associated with Change Order No. 8 from the project construction contingency fund for the additional project work; authorizing the President/Chief Executive Officer to execute Change Order No. 8 with Cajun Constructors, Inc., and to pay Cajun Constructors, Inc., an amount not to exceed \$263,616.00 for the project work. Total amount reallocated: \$263,616.00, bringing total contract to \$ 21,164,819.00. (JANELLE OKORIE – CALVIN FINCH)

## MISCELLANEOUS PROJECTS

### Professional Services

- (MBE) 21. A Resolution accepting the proposal of Arias & Associates, Inc., in the amount of \$200,000.00 for the 2008 Geotechnical Engineering Design Services in connection with Various Capital Improvement Program Projects; awarding a professional services contract to Arias & Associates, Inc., in an amount not to exceed \$200,000.00 in connection with these projects; authorizing the expenditure of funds in an amount not to exceed \$200,000.00 for the 2008 Geotechnical Engineering Design Services from the System's Project Fund for these Capital Improvement Program Projects; authorizing the President/Chief Executive Officer to execute a professional services contract with Arias & Associates, Inc., and to pay an amount not to exceed \$200,000.00 to Arias & Associates, Inc., for the 2008 Geotechnical Engineering Design Services for these Capital Improvement Projects. Total expenditures are: \$200,000.00.  
(KELLEY NEUMANN –ASHOK KAJI)

## EASEMENTS AND REAL PROPERTY

22. A Resolution approving the renewal of a three-year Sub-Lease Agreement between the San Antonio Water System and City Public Service Energy for the lease of 2,857 square feet of office space at the Las Palmas Shopping Center for the Westside Customer Service Center for an amount not to exceed \$127,752.00; authorizing the expenditure from the System Fund of a total amount not to exceed \$82,752.00 for the three-year sub-lease agreement extension plus an amount not to exceed \$45,000.00 for the System's prorata share of the maintenance and utility expenses for the three-year Sub-Lease Agreement; authorizing the President/Chief Executive Officer or his designated representative to execute a three-year lease extension with City Public Service Energy for the lease of 2,857 square feet of office space at the Las Palmas Shopping Center for the Westside Customer Service Center and to pay the total amount not to exceed \$127,752.00 during the three-year Sub-Lease Agreement to the City Public Service Energy for said lease; authorizing the allocation of funds in future budgets to meet these obligations; authorizing the President/Chief Executive Officer or his designated representative to negotiate and execute all documents required to effect the lease. Total expenditures are: \$127,752.00. (MIKE BRINKMANN – BRUCE HABY)
23. A Resolution approving the return of funds in the decreased amount of \$95,838.00 for the acquisition of certain permanent and temporary land rights by the City of San Antonio for the use and benefit of the San Antonio Water System for the construction of the System's Talley Road 24" Water Transmission Main Project; authorizing the return of funds in the amount of \$95,838.00 to the Project Fund; authorizing the President/Chief Executive Officer or his designated representative to approve the

return of funds and to close out the land acquisitions portion of the project for Job No. 06-7001. Total amount returned: \$95,838.00.  
(MIKE BRINKMANN – BRUCE HABY)

## HUMAN RESOURCES ITEMS

24. A Resolution approving the third year of a four-year contract with Websoft Systems, Inc., to provide software and courseware licenses, software hosting, support and maintenance, and professional services for its KnowledgeBridge Learning Management System Platform and for delivery of courseware for computer-based and web-based training, in an amount not to exceed \$79,400.00 for the period January 1, 2008 through December 31, 2008, with an option to extend the term of the contract on an annual basis through 2009, subject to Board approval and appropriation of funds therefor; authorizing the expenditure from the System Fund of an amount not to exceed \$79,400.00 for the software licenses and related services for Calendar Year 2008; authorizing the President/Chief Executive Officer or his designee to execute the contract extension and to pay Websoft Systems, Inc., an amount not to exceed \$79,400.00 for software licenses and related services for Calendar Year 2008; directing staff of the System to return to the Board of Trustees for authorization of payment of funds for subsequent years. Total expenditures are: \$79,400.00.  
(JERRY BAILEY – DOUG PARTAIN)

## MISCELLANEOUS ITEMS

25. A Resolution ratifying the actions of the President/Chief Executive Officer in awarding a personal services contract to Jonathan Epperson and in awarding a personal services contract to Robert Bingham in an amount not to exceed \$160,000.00 total for computer programming services in relation to the Enterprise Resource Software System Project; authorizing that an amount not to exceed \$160,000.00 (\$85,000.00 to Jonathan Epperson and \$75,000.00 to Robert Bingham) be made available from the Project Fund for the computer programming services; authorizing that the President/Chief Executive Officer execute contracts with Jonathan Epperson and Robert Bingham and pay Jonathan Epperson and Robert Bingham an amount not to exceed \$160,000.00 for the computer programming services. Total expenditures are: \$160,000.00. (STACEY ISENBERG – VERONICA GODLEY)
26. A Resolution authorizing the expenditure of the amount of \$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 2008 Calendar Year; granting authority to continue the Letter of Engagement for the retention of Mr. Barrera's legal services entered into on October 18, 2005. Total expenditures are: \$110,000.00.  
(FRANK STENGER-CASTRO)

## ITEMS FOR INDIVIDUAL CONSIDERATION

### CAPITAL IMPROVEMENT CONTRACTS

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

##### Professional Services

27. A Resolution authorizing the President/Chief Executive Officer to enter into a Construction Manager At Risk Contract with Garney Companies, Inc., for the Market Street Pump Station Improvement Project; accepting the proposal of Garney Companies, Inc., in the lump sum amount not to exceed of \$212,000.00 for the pre-construction phase services; authorizing the expenditure of funds in an amount not to exceed \$212,000.00 from the System's Project Fund for the pre-construction phase services in connection with this project; authorizing the President/Chief Executive Officer to pay Garney Companies, Inc., an amount not to exceed \$212,000.00 for the pre-construction phase services in connection with this project. Total expenditures are: \$212,000.00. (KELLEY NEUMANN – ASHOK KAJI)

### **WATER RESOURCES ITEMS**

28. A Resolution authorizing the President/Chief Executive Officer enter into a Memorandum of Agreement between the Edwards Aquifer Recovery Implementation Program Parties and the San Antonio Water System.  
(JANELLE OKORIE – CALVIN FINCH)

### **HUMAN RESOURCES ITEMS**

29. A Resolution authorizing the third, one-year contract extension to provide temporary worker services for the System from January 1, 2008 through December 31, 2008; authorizing additional funds in an amount not to exceed \$2,539,505.00 from the System Fund to provide temporary worker services for the System from January 1, 2008 through December 31, 2008; authorizing the President/Chief Executive Officer to execute the third, one-year contract extension and to pay the temporary employment agencies an amount not to exceed \$2,539,505.00 for additional temporary worker services from January 1, 2008 through December 31, 2008. Total expenditures are: \$2,539,505.00. (JERRY BAILEY - NEIRA WHITE)

### **FINANCIAL ITEMS**

30. A Resolution ratifying the implementation of the 2008 Edwards Aquifer Authority Fee at a rate of \$0.01769 per 100 gallons of water usage for all water customers commencing on December 31, 2007 with the first billing cycle of Fiscal Year 2008.  
(DOUG EVANSON)

### **MISCELLANEOUS ITEMS**

31. 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 firms currently providing legal services to the San Antonio Water System; further authorizing the President/Chief Executive Officer at the recommendation of the General Counsel to negotiate Letters of Engagement with additional firms whose legal services would be beneficial to the System; authorizing the expenditure of an amount not to exceed \$2,550,000.00 for CY 2008 from the System Fund for legal services provided for the operation and maintenance of the System; additionally, authorizing the expenditure of \$2,100,000.00 for legal services related to capitalized projects; directing the President/Chief Executive Officer at the recommendation of the General Counsel to establish 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:

\$2,550,000.00 for legal services provided for the operation and maintenance of the System and \$2,100,000.00 for legal services related to capitalized projects.  
(FRANK STENGER-CASTRO)

**32. BRIEFING SESSION.**

- A. Briefing and deliberation regarding SAWS' Small, Minority Women Owned Business Enterprise Program for the 3rd Quarter of 2007.  
(FRANK STENGER-CASTRO – RUBEN SAENZ)
- B. Briefing and deliberation regarding the SAWS' Enterprise Resource Software System Program. (STACEY ISENBERG – VERONICA GODLEY)

**33. Chairman of the Board's Initiative.**

**34. President/Chief Executive Officer's Report.**

**35. Inquiries.**

**36. The Regular Session of the January 8, 2008 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.**

**37. 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 and regulatory issues relating to matters in connection with wastewater permit requirements.  
(FRANK STENGER-CASTRO - JOE COLE)
- C. Consultation with attorneys and deliberation regarding Cause No. 392421, *Roger James Barrera, Jr. v. City of San Antonio, et al.*, In the County Court at Law No. 7, Bexar County, Texas.  
(FRANK STENGER-CASTRO - BILL CROW)
- D. 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)

**38. The Regular Session of the Regular Board Meeting of January 8, 2008, is hereby reconvened.**

**39. A Resolution approving settlement of the lawsuit of Roger James Barrera, Jr. against the San Antonio Water System; approving the System's financial obligation under the settlement; authorizing expenditures in the total amount of \$5,000.00 from the System Fund for purposes of the settlement; authorizing the President/Chief Executive Officer and the System's Legal Counsel to execute the Settlement Agreement and to pay**

**\$5,000.00 to Roger James Barrera, Jr. and his attorney for the System's obligation under the terms of Settlement Agreement. Total expenditures are: \$5,000.00. (FRANK STENGER-CASTRO - BILL CROW).**

**40. Adjournment.**

**THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES MEETING OF JANUARY 8, 2008, IS HEREBY ADJOURNED.**