

AGENDA
MEETING OF THE
SAN ANTONIO WATER SYSTEM
BOARD OF TRUSTEES

Tuesday, June 2, 2009, 9:00 A.M.

6th Floor Board Room #609

Administrative Offices

2800 U. S. 281 North

San Antonio, Texas

Swearing in of Samuel E. Luna, Elizabeth M. Provencio and Louis E. Rowe as newly appointed members to the San Antonio Water System Board of Trustees. (LETICIA M. VACEK, SAN ANTONIO CITY CLERK)

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. **Nomination and Election of the Vice Chairman, Secretary and Assistant Secretary of the San Antonio Water System Board of Trustees; and appointment of Members to the Audit Committee. (ALEXANDER E. BRISEÑO, CHAIRMAN)**
4. **Minutes.**
 - A. **Approval of the Minutes of the San Antonio Water System Board of Trustees Regular Meeting of May 5, 2009.**
 - B. **Approval of the Minutes of the San Antonio Water System Board of Trustees Policy and Planning Meeting of April 20, 2009.**
5. **Ceremonial Items.**

No items for this meeting.
6. **Citizens to be Heard.**

CONSENT AGENDA ITEMS

Items 7 – 32

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.

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.**
1. **Acceptance of the bid of Rush Truck Centers of TX, LP, to provide: One each - 65,000 GVWR Cab and Chassis with installed 20-Ton Truck Mounted Hydraulic Crane (Single Cab), Bid No. 09-9024, for a total of \$255,829.00. (This unit is part of the vehicle equipment replacement program and will be assigned to a SAWS location.)**
 2. **Acceptance of the bid of Volvo Construction Equipment & Services, to provide: Two each - Mobile Generators, Bid No. 09-9027, for a total of \$114,578.00. (The mobile generators will be used to supply electrical power during power outages or for electrical power in the remote areas in the water and sewer system.)**
 3. **Acceptance of the bid of Freightliner of SA,, Ltd., to provide Four (4) each - 66,000 GVWR Cab Chassis with 10 cubic yard truck mounted combination jet/vacuum machine (single cab), Bid No. 09-9001, for a total of \$1,284,324.00. (These units are part of the vehicle equipment replacement program and will be assigned to various SAWS locations.)**
 - (SBE) 4. **Acceptance of the bid of Robertson Geologging USA, Inc., to provide: Digital Slimhole Geophysical Logging Unit System, Borehole Video Inspection System and Winch with 1700 feet of Coaxial Cable, Bid No. 09-9022, for a total of \$79,660.00. (This contract will provide fundamental data necessary for devising mitigation plans for private water wells that may be impacted by SAWS water supply projects.)**
- B. Award of Annual Service and Supply Contracts. Estimated annual purchases are based on unit prices bid. Actual totals may vary from estimate.**
- (SBE) 1. **Acceptance of the bid of Arizona Industrial & Municipal Services, LLC, to provide: Large Diameter Sanitary Sewer Cleaning and Inspection in the Edwards Aquifer Recharge Zone (EARZ), Bid No. 09-9029, for a total of \$2,000,000.00. (This contract will be utilized to provide labor, materials, equipment, supervision and all work necessary to clean, internally inspect and record the condition of designated wastewater collection system pipelines. This contract will be effective Date of Award (June 2, 2009) through December 31, 2010.)**
 - (SBE) 2. **Acceptance of the bid of Keller Material, Inc., to provide: Backfill and Landscaping Materials, Bid No. 08-2038, for a total of \$602,341.63. (This contract will be utilized for the purchase of backfill and landscaping materials for the various backfill mixtures on an as needed basis. This contract extension will be effective Date of Award (June 2, 2009) through May 31, 2010)**
 3. **Acceptance of the bid of Mobius Partners Enterprise Solutions, to provide: HP Blade Chassis & Blade Servers (State of Texas Contract),**

Bid No. 09-9030, for a total of \$116,246.60. (This contract will be utilized for the replacement of older end-of life server hardware. This contract will be effective Date of Award (June 2, 2009) December 31, 2009.)

- 4. Acceptance of the bid of Morrison Supply Co, to provide: Brass Gate, Globe and Ball Valves, Bid No. 09-0025, for a total of \$67,655.15. (This contract covers brass gate, globe and ball valves to be installed on potable water systems. This contract will be effective Date of Award (June 2, 2009) through May 31, 2010.)**
- 5. Acceptance of the bid of Hayworth c/o Wittigs to provide: Office Furniture (U.S. Communities Contract), Bid No. 08-8007, for a total of \$150,000.00. (This contract will be utilized for the purchase of matching miscellaneous office furniture and necessary accessories. Due to relocations of various departments, it is necessary to request contract increase to \$150,000 for additional products needed to accommodate moves for coverage for possible future request. This contract extension will be effective Date of Award (June 2, 2009) through December 31, 2009.)**

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

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 Municipal Water Works Supply, Inc., to provide: Joint Restraints. Bid No. 09-0017, for a total of \$106,700.15. (This contract will be utilized for the purchase of joint restraints on an as needed basis used for water and sewer pipe repairs. This contract will be effective Date of Award (June 2, 2009) through May 31, 2011.)**
- 2. Acceptance of the bid of HD Supply Waterworks,, Ltd., to provide: Ductile Iron Fittings. Bid No. 09-0065, for a total of \$177,653.00. (This contract will be utilized for the purchase of ductile iron pipe for repair and maintenance of SAWS pipe lines on an as needed basis. This contract extension will be effective Date of Award (June 2, 2009) through May 31, 2011.)**
- 3. Acceptance of the bid of Municipal Water Works, LP, to provide: Ductile Iron Fittings. Bid No. 09-0065, for a total of \$66,468.00. (This contract will be utilized for the purchase of ductile iron pipe for repair and maintenance of SAWS pipe lines on an as needed basis. This contract extension will be effective Date of Award (June 2, 2009) through May 31, 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 located over the Edwards Aquifer Recharge or Contributing Zone and within the 5-mile Awareness Zone of Camp Bullis. (KELLEY NEUMANN – SAM MILLS)

No.	Tract Name	Developer Name	Acreage	Water EDUs	WW EDUs	Board Reason	Water CCN	WW CCN
1	Avalon Place	Place Properties	7.56	125	125	EARZ	Inside	Inside
2	M & M Orthodontics	M & M Orthodontics	1.03	4	4	EARZ	Inside	Inside
3	Tuscany Heights Elementary School	Northeast Independent School District	22.98	50	50	EARZ	Inside	Applied For
Totals			<u>31.57</u>	<u>179</u>	<u>179</u>			
Year-to-Date Totals (January - June 2009)			<u>581</u>	<u>2,635</u>	<u>2,418</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 -June 2009)	1,429.52	4,549	3,655			
Total (January -June 2008)	8,127	19,866	40,189			

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

9. A Resolution ratifying the actions of the Senior Vice President of Strategic Resources in approving Change Order No. 7 in the amount of \$94,477.90 to the construction contract with S.J. Louis Construction of Texas, Ltd., in connection with the Alamo Ranch/Medio Creek South Sanitary Sewer Outfall Project; authorizing additional expenditures in an amount not to exceed \$94,477.90 for Change Order No. 7 from the system's 2009 Capital Improvements Plan Oversize Project Fund; authorizing the President/Chief Executive Officer to execute Change Order No. 7, resulting in an increase of the project cost of \$94,477.90 for the additional project work in connection with the Alamo Ranch/Medio Creek South Sanitary Sewer Outfall Project. Total expenditures are: \$94,477.90 for a revised contract amount of: \$2,187,151.89. (KELLEY NEUMANN – SAM MILLS)

10. **A Resolution ratifying the actions of the Senior Vice President of Strategic Resources in approving Change Order No. 2 in the amount of \$45,068.59 to the construction contract with Holloman Corporation in connection with the Sanctuary Oversize Approach and Border 24-Inch Water Main (12” Required - 24” Oversize) Project; authorizing additional expenditures in an amount not to exceed \$45,068.59 for Change Order No. 2 from the System’s 2008 Capital Improvements Plan Oversize Project Fund; authorizing the President/Chief Executive Officer to execute Change Order No. 2, resulting in an increase of the project cost of \$45,068.59 for the additional project work in connection with the Sanctuary Oversize Approach and Border 24-Inch Water Main (12” Required - 24” Oversize) Project. Total expenditures are: \$45,068.59 for a revised contract amount of: \$1,443,506.59. (KELLEY NEUMANN – SAM MILLS)**

Production, Transmission and Treatment Improvements

11. **A Resolution approving Change Order No. 4 in the increased amount of \$59,567.73 in connection with the Lift Stations Rehabilitation – Phase 1 Project; approving total payment in the amount of \$59,567.73 to Austin Engineering Co., Inc., for the additional project work associated with Change Order No. 4; authorizing additional funds in the amount not to exceed \$59,567.73 for Change Order No. 4 from the project construction contingency fund; authorizing the President/Chief Executive Officer to execute Change Order No. 4, and to pay Austin Engineering Co., Inc., the additional sum of \$59,567.73 from the project construction contingency fund for the additional project work associated with Change Order No. 4. Total expenditures are: \$59,567.73 for a revised contract amount of: \$6,872,445.70. (KELLEY NEUMANN – ASHOK KAJI)**
12. **A Resolution accepting the bid of Inomega Control Systems, LLC, in the amount of \$923,076.00 for the construction of the Lift Stations SCADA Project; awarding a construction contract in the amount of \$923,076.00 to Inomega Control Systems, LLC, for the project work; authorizing the expenditure of funds in the amount of \$923,076.00 for the project work; authorizing construction contingency expenses in an amount not to exceed \$18,500.00 in connection with the project work; authorizing total expenditures of funds in an amount not to exceed \$941,576.00 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 Inomega Control Systems, LLC, and to pay Inomega Control Systems, LLC the amount of \$923,076.00 for the project work. Total expenditures are: \$941,576.00. (KELLEY NEUMANN – ASHOK KAJI)**
13. **A Resolution rescinding Resolution No. 09-012 dated January 6, 2009 that awarded a contract to J.A. Plumbing; accepting the bid of Pesado Construction Company, in the amount of \$810,800.00 for the construction of the Hemisfair Park Condensate Return Line Replacement Project; awarding a construction contract in the amount of \$810,800.00 to Pesado Construction Company, for the project work; authorizing the expenditure of funds in the amount of \$810,800.00 for the project work; authorizing construction contingency expenses in an amount not to exceed \$16,500.00 in connection with the project work; authorizing total expenditures of funds in an amount not to exceed \$827,300.00 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 Pesado Construction Company, and to pay Pesado Construction Company, the amount of \$810,800.00 for the project work. Total expenditures are: \$827,300.00. (KELLEY NEUMANN – ASHOK KAJI)**

14. A Resolution accepting the bid of A&L Underground, Inc., in the amount of \$615,636.13 for the Brooks City-Base Waterline Improvements Project; awarding a construction contract to A&L Underground, Inc., in the amount of \$615,636.13 for the project work; approving the expenditure of funds in the amount of \$615,636.13 for the project work; approving construction contingency expenses in an amount not to exceed \$24,625.45 in connection with the project work; approving an amount not to exceed \$640,261.58 be made available and expended from the System's Project Fund for the project work and related construction contingencies; authorizing the President/Chief Executive Officer to execute a construction contract with A&L Underground, Inc., and to pay A&L Underground, Inc., an amount not to exceed \$640,261.58 for the project work and related construction contingencies. Total expenditures are: \$640,261.58 (KELLEY NEUMANN – FRANCES PLOCEK)

Professional Services

15. A Resolution approving Contract Amendment No. 3 in the amount of \$55,660.75 in connection with the Central Watershed Sewer Relief Line C-01 And C-02 Phase II Project; amending Resolution No. 06-185 as amended by Resolution No. 07-359 as amended by Resolution No 08-407 by approving additional expenditures in an amount not to exceed \$55,660.75 for additional engineering services by Claunch & Miller, Inc., in connection with the Central Watershed Sewer Relief Line C-01 And C-02 Phase II Project; approving that an amount not to exceed \$55,660.75 be made available and expended from the System's Project Fund for the wastewater related additional engineering services; authorizing the President/Chief Executive Officer to execute Contract Amendment No. 3 and to pay Claunch & Miller, Inc., an additional amount not to exceed \$55,660.75 for additional engineering services in connection with the project. Total expenditures are: \$55,660.75.
(KELLEY NEUMANN – FRANCES PLOCEK)
- (MBE) 16. A Resolution accepting the proposal of Chiang, Patel & Yerby, Inc., in an amount not to exceed \$305,040.00 for the design of the Cross Mountain Elevated Storage Tank Project; awarding a professional services contract to Chiang, Patel & Yerby, Inc., in an amount not to exceed \$305,040.00 for engineering services in connection with this project; authorizing the expenditure of funds in an amount not to exceed \$305,040.00 from the System's Project Fund for project engineering services in connection with this project; authorizing the President/Chief Executive Officer to execute a professional services contract with Chiang, Patel & Yerby, Inc., and to pay Chiang, Patel & Yerby, Inc., an amount not to exceed \$305,040.00 for project engineering services in connection with this project. Total expenditures are: \$305,040.00.
(KELLEY NEUMANN – ASHOK KAJI)

REPLACEMENT AND ADJUSTMENT PROJECTS

17. A Resolution amending Resolution No. 07-430 by approving the authorization of additional contingency funds in the amount of \$23,887.11 and ratifying the actions of the Senior Vice President of Strategic Resources in approving Change Order No. 7 in the amount of \$15,025.00 in connection with the San Fernando Sewer and Water Main Replacement, Phase III Project; approving an additional amount not to exceed \$23,887.11 be made available from the System's Project Fund for the additional water work construction contingency expenses; authorizing the President/Chief Executive Officer to pay to Qro Mex Construction Co., Inc., an additional amount not to exceed \$15,025.00 for the additional project work associated with Change Order No. 7. Located in Council District 5. Total expenditures are: \$23,887.11 for a revised contract amount of: \$3,216,336.64. (KELLEY NEUMANN – FRANCES PLOCEK)

Governmental Relocations and Replacements

- 18. **A Resolution approving Change Order No. 24 in the decreased amount of \$99,744.86 in connection with the Tezel Road: Timber Path to Ridge Path Project and the Tezel Road: Ridge Path to Old Tezel Road Project. Total decreased amount is: \$99,744.86 for a revised contract amount of \$2,371,488.16.)
(KELLEY NEUMANN – CINDY KOVACIC)**

- 19. **A Resolution approving Final Recapitulation Change Order No. 2 in the decreased amount of \$121,942.65 in connection with the City of Olmos Park Street Reconstruction Phase III and IV Project; authorizing the return of excess funds approved in the amount of \$492,993.38, a refund in the amount of \$120,502.65, and construction contingency funds in the amount of \$222,246.52 for a total amount of \$835,742.55 to the Project Fund; authorizing the President/Chief Executive Officer to execute Final Recapitulation Change Order No. 2. Total amount returned is: \$835,742.55.
(KELLEY NEUMANN – CINDY KOVACIC)**

WATER RESOURCES PROJECTS

- 20. **A Resolution approving Contract Amendment No. 6 and amending Resolution No. 05-517 as previously amended by Resolution Nos. 06-032, 06-288, 07-112, 07-403, 08-213, and 09-060 by approving the reallocation of \$120,758.00 for professional services By R.W. Beck, Inc., in connection with the Brackish Groundwater Desalination Feasibility Assessment; authorizing the President/Chief Executive Officer or his designee to execute Contract Amendment No. 6. Total expenditures are: \$120,758.00.
(CHARLES AHRENS - ESTHER HARRAH)**

EASEMENTS AND REAL PROPERTY

- 21. **A Resolution declaring a public necessity for the acquisition of certain privately owned real property in the City of San Antonio, located along the westerly side of us Highway 281 South approximately 3½ miles south of Interstate Loop 410 in the City of San Antonio, and the southeast quadrant of Bexar County, Texas as described hereinbelow by negotiation and/or condemnation, if necessary, for the public purpose for the construction of an elevated storage tank for the Mission Del Lago Elevated Storage Tank Project; requesting that the City Council of the City of San Antonio; (i) declare a public necessity for the acquisition of certain privately owned real property and temporary construction easement as herein described, for the public purpose for the construction of an elevated storage tank for the project; (ii) adopt an Ordinance reaffirming and declaring that the project is for a public purpose and a public necessity exists for the acquisition of the property; (iii) authorize the System to take all appropriate action to acquire the property and temporary construction easement by negotiation and/or condemnation; (iv) declare that the conveyance of the property shall be to the City of San Antonio for the use and benefit of the System; authorizing the General Counsel and/or designated Special Counsel to file eminent domain proceedings, if necessary; providing and approving funding for the project.
(MIKE BRINKMANN - BRUCE HABY)**

The property to be acquired for the Mission Del Lago Tank Project is described below:

PROJECT	ACRES OF LAND RIGHTS	LEGAL DESCRIPTION
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Mission Del Lago Tank site	2.604 acres	Being 2.604 acres situated in the Jose Antonio De La Garza Survey Abstract No. 3, being a portion of that certain 1030.122 acre tract conveyed to James W. Collins Trustee of Cook Memorial Trusts recorded in Volume 9724, Page 538 of the Official Public Records of Bexar County, Texas
Temporary construction easement	0.344 acres	Being 0.344 acres situated in the Jose Antonio De La Garza Survey Abstract No. 3, being a portion of that certain 1030.122 acre tract conveyed to James W. Collins Trustee of Cook Memorial Trusts recorded in Volume 9724, Page 538 of the Official Public Records of Bexar County, Texas

22. A Resolution declaring a public necessity for the acquisition of certain privately owned real property in the City of San Antonio, located along the easterly side of Pleasanton Road approximately 3 miles south of Interstate Loop 410 in the City of San Antonio Bexar County, Texas as described hereinbelow by negotiation and/or condemnation, if necessary, for the public purpose of providing access for the maintenance and repair of the Mitchell Lake Dam Maintenance Project; requesting that the City Council of the City of San Antonio; (i) declare a public necessity for the acquisition of certain privately owned real property as herein described, for the public purpose to provide access for the maintenance and repair of the Mitchell Lake Dam Maintenance Project; (ii) adopt an Ordinance reaffirming and declaring that the project is for a public purpose and a public necessity exists for the acquisition of the property; (iii) authorize the System to take all appropriate action to acquire the property by negotiation and/or condemnation; (iv) declare that the conveyance of the property shall be to the City of San Antonio for the use and benefit of the System; authorizing the General Counsel and/or designated Special Counsel to file eminent domain proceedings, if necessary; providing and approving funding for the project. (MIKE BRINKMANN - BRUCE HABY)

The property to be acquired for the Mitchell Lake Dam Maintenance Project is described below:

PROJECT	ACRES OF LAND RIGHTS	LEGAL DESCRIPTION
Mitchell Lake Dam Maintenance Project	47.841 acres	47.841 acres being out of Abstract No. 3, County Block 4005, Jose Antonio De La Garza Mexican grant dated April 15, 1824, and out of Abstract No. 15, County Block 4005, Fernando Rodriguez Mexican grant dated December 10, 1833 Being out of the remaining portion of a 1045 acre tract described by deed recorded in Volume 5397, Page 50 Deed and Plat Records of Bexar County, Texas.

23. A Resolution authorizing the President/Chief Executive Officer and the System's General Counsel and appointed attorneys to take all lawful actions, including the initiation of litigation, necessary and/or incidental to the power of eminent domain including, but not limited to, the filing of legal proceedings seeking injunctive relief, to survey, specify, clarify, define, inspect, and determine the suitability of real property within a certain area starting at the northwest corner of the Far West Area in the Medina River Watershed generally to the south and east along the Medina River and ultimately flowing into the Dos Rios Water Treatment Center in furtherance of the

24. A Resolution declaring certain real property consisting of 0.251 acres out of a 20 acre tract of land described in volume 826, page 594, deed records Bexar County Texas, located along the east bank of the San Antonio River south of East Theo Avenue in the City of San Antonio, Bexar County, Texas, to be surplus to the needs of the San Antonio Water System as required by City Ordinance No. 75686, recommending that the San Antonio Planning Commission and City Council consent to such declaration, as required by City Ordinance No. 75686; authorizing the President/Chief Executive Officer or his designated representative to dispose of said properties pursuant to Chapter 272 of the Local Government Code and applicable City of San Antonio and System Policies and Procedures. (MIKE BRINKMANN - BRUCE HABY)

HUMAN RESOURCES ITEMS

25. A Resolution authorizing a six month contract extension with Medical Audit Consultants, Inc., to provide medical cost containment services from July 1, 2009 through December 31, 2009; authorizing the expenditure of additional funds in an amount not to exceed \$12,500.00 from the System Fund for Fiscal Year 2009; authorizing the President/Chief Executive Officer to execute a six month contract extension with Medical Audit Consultants, Inc., and to pay Medical Audit Consultants, Inc., an additional amount not to exceed \$12,500.00 for medical cost containment services provider from July 1, 2009 through December 31, 2009. Total expenditures are: \$12,500.00 for a revised contract amount of: \$12,500.00. (JERRY BAILEY)

INFORMATION SERVICES ITEMS

26. A Resolution authorizing the extension of the Maintenance Renewal Agreement until June 30, 2010 for a total amount not to exceed \$308,999.94 with Lawson Software, Inc., for payment of software maintenance for finance, procurement, and human resource software utilized at the San Antonio Water System; authorizing the expenditure of an amount not to exceed \$308,999.94 from the System Fund for Fiscal Year 2009 to Lawson Software, Inc.; authorizing the President/Chief Executive Officer or his designee to execute the extension of the Maintenance Renewal Agreement with Lawson Software, Inc., until June 30, 2010 in a total amount not to exceed \$308,999.94 and to pay Lawson Software, Inc., an amount not to exceed \$308,999.94 for software maintenance for finance, procurement, and human resource software utilized at the San Antonio Water System. Total expenditures are: \$308,999.94. (DOUG EVANSON – JOE SAMPLES)

FINANCIAL SERVICES ITEMS

27. A Resolution appointing a pool of Investment Banking firms to provide underwriting services to assist SAWS in providing financing for current and future Capital Improvements Programs for a three year term. (DOUG EVANSON)
28. A Resolution requesting the City Council of the City of San Antonio, Texas to approve an Ordinance authorizing the execution of a Second Amended and Restated Revolving Credit Agreement relating to the City of San Antonio, Texas Water System Commercial Paper Notes, Series A; approving an updated offering memorandum relating thereto. Total expenditures are: \$2,700,000.00. (DOUG EVANSON)
29. A Resolution requesting the City Council of the City of San Antonio, Texas to approve an Ordinance authorizing Agreements that amend the Interest Rate Swap Agreement relating to obligations designated as “City of San Antonio, Texas Water System Subordinate Lien Revenue and Refunding Bonds, Series 2003-A and Series

2003-B”); delegating the authority to certain members of the City staff to take all necessary action, including the execution of necessary documents, to amend the Swap Agreement in the appropriate manner. (DOUG EVANSON)

MISCELLANEOUS ITEMS

30. A Resolution authorizing expenditures in the amount of \$25,000.00 for the purpose of a one year membership for the San Antonio Water System in the Free Trade Alliance San Antonio as a local benefactor member for Calendar Year 2009; authorizing the expenditure of \$25,000.00 for membership in the Free Trade Alliance San Antonio from the System Fund; authorizing the President/Chief Executive Officer or his authorized representative to execute any documents necessary for the System to continue as a member of the Free Trade Alliance San Antonio and to pay the Free Trade Alliance San Antonio the sum of \$25,000.00 for the system’s membership in this organization. Total expenditures are: \$25,000.00. (GREG FLORES)
31. A Resolution accepting the proposal of and awarding a two year consultant services contract to Tilson & Associates, LLC, in an amount not to exceed \$88,820.00 per year for a total amount not to exceed \$177,640.00 for the Line Cleaning and Televising Equipment Operator Training Program; authorizing the expenditure of funds in an amount not to exceed \$88,820.00 for Fiscal Year 2009 from the System Fund for the Line Cleaning and Televising Equipment Operator Training Program, and that future years expenditures are pursuant to and contingent upon Board approval of the subsequent year’s budget with a line item for such expenditures; authorizing the President/Chief Executive Officer to execute a consultant services contract with Tilson & Associates, LLC, and to pay Tilson & Associates, LLC, an amount not to exceed \$177,640.00 over two years for the line cleaning and televising equipment operator training program. Total expenditures are: \$177,640.00. (VAL RUIZ – JEFF BROWN)
32. A Resolution reauthorizing Resolution Nos. 08-126 and 09-045 regarding the commitment of the San Antonio Water System to the financial and legal obligations associated with the receipt of financial grant assistance under the Water for America - Challenge Grant Program, administered by the Bureau of Reclamation in furtherance of the Automatic Meter Reading Project Initiative. (GREG FLORES – BRIAN TEGELER)

ITEMS FOR INDIVIDUAL CONSIDERATION

WATER RESOURCES ITEMS

33. A Resolution approving a one-year Interlocal Agreement with the City of Alamo Heights to provide conservation program services described in the Interlocal Agreement; authorizing the President/Chief Executive Officer to execute an Interlocal Agreement with the City of Alamo Heights to provide conservation program services for a one-year period. (CHARLES AHRENS – KAREN GUZ)
34. **BRIEFING SESSION.**
- A. Briefing and deliberation regarding the 2009 1st Quarter SMWB Report. (FRANK STENGER-CASTRO – RUBEN SAENZ)

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

35. Inquiries.

36. The Regular Session of the June 2, 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.

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 potential litigation relating to matters in connection with wastewater permit compliance issues. (FRANK STENGER-CASTRO – JOHN REYNOLDS)
- C. Consultation with attorneys and deliberation regarding Cause No. 2006-CI-12816, *San Antonio Water System Board of Trustees, et al v. Turner Collie & Braden, Inc., E. E. Hood & Sons, Inc., et al*, in the 37th District Court of Bexar County, Texas. (FRANK STENGER-CASTRO – JOHN REYNOLDS)
- D. Consultation with attorneys and deliberation regarding legal issues related to the Definitive Agreement between the San Antonio Water System and the Lower Colorado River Authority. (FRANK STENGER-CASTRO - STEVE KOSUB)
- E. Consultation with attorneys regarding legal issues and deliberation about the acquisition and value of real property near the SAWS Dos Rios Water Recycling Center in Southern Bexar County, Texas. (FRANK STENGER-CASTRO – NANCY BELINSKY)
- F. Consultation with attorneys and deliberation regarding Civil Action No. SA-06-CA-0477RF; *Roland Velez Reyes v. San Antonio Water System*, In the United States District Court for the Western District of Texas, San Antonio Division. (FRANK STENGER-CASTRO - BILL CROW)
- G. 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 June 2, 2009, is hereby reconvened.

- 39. A Resolution approving a Settlement Agreement with Tepsco, L.P., in connection with the lawsuit styled Cause No. 2006-ci-12816, San Antonio Water System Board of Trustees, and the State of Texas, as involuntary plaintiff versus Turner Collie & Braden, Inc., n/k/a TCB Inc., et. al.; authorizing the System to accept payment from Tepsco, L.P., in the amount of \$225,000.00; authorizing the release and discharge of the System's claims and causes of action against Tepsco, L.P., and that Tepsco, L.P., 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 and dismiss Tepsco, L.P., from the lawsuit. Total amount received is: \$225,000.00.
(FRANK STENGER-CASTRO – NANCY BELINSKY)**
- 40. A Resolution ratifying the mediated Settlement of the lawsuit of Roland V. Reyes against the San Antonio Water System; approving the System's financial obligation under the Settlement; authorizing expenditures in the total amount of \$250.00 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 \$250.00 to Roland V. Reyes, for the System's obligations under the terms of the Settlement Agreement. Total expenditures are: \$250.00
(FRANK STENGER-CASTRO – BILL CROW)**
- 41. Adjournment. THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES MEETING OF JUNE 2, 2009, IS HEREBY ADJOURNED.**