

**AGENDA**  
**MEETING OF THE**  
**SAN ANTONIO WATER SYSTEM**  
**BOARD OF TRUSTEES**  
**Tuesday, November 3, 2009, 9:00 A.M.**  
**6th Floor Board Room #609**  
**Administrative Offices**  
**2800 U. S. 281 North, San Antonio, Texas**

**1. MEETING CALLED TO ORDER.**

**2. Announcements.**

- A. The San Antonio Water System Board of Trustees will, during the Meeting, close the Meeting and hold an Executive Session pursuant to and in accordance with Chapter 551 of the Texas Open Meetings Act. The Board of Trustees may, at any time during the Meeting, close the Meeting and hold an Executive Session for consultation with its attorneys concerning any of the matters to be considered during the Meeting pursuant to Chapter 551 of the Texas Open Meetings Act.**

**3. Minutes.**

- A. Approval of the Minutes of the San Antonio Water System Board of Trustees Regular Meeting of October 6, 2009.**
- B. Approval of the Minutes of the San Antonio Water System Board of Trustees Policy and Planning Meeting of September 21, 2009.**
- C. Approval of the Minutes of the San Antonio Water System Board of Trustees Budget Workshop Meeting of October 14, 2009.**

**4. Ceremonial Items.**

No Items for this Meeting.

**PUBLIC HEARING OPENS**

**5. PUBLIC HEARING.**

- A. Public Hearing Briefing (DOUG EVANSON)**
- B. Public Hearing on the Following Items:**
- 1. To amend Chapter 34 to Include the State-Imposed Texas Commission on Environmental Quality Fee.**
- 2. To approve the proposed Annual Budget for the Fiscal Year ending December 31, 2010.**

**PUBLIC HEARING CLOSSES**

**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.

## FINANCIAL SERVICES ITEMS

6. A Resolution determining the need to establish a Pass-Through Fee, State-imposed Texas Commission on Environmental Quality Fee, charged to all water and wastewater customers of the San Antonio Water System to recover fees, charges, and rates assessed by the Texas Commission on Environmental Quality; recommending that the City Council of the City of San Antonio adopt the establishment of such a Pass-Through Texas Commission on Environmental Quality Fee; further recommending that the City Council adopt certain amendments to Chapter 34 of the City Code of the City of San Antonio through the adoption of a new Article entitled Article X, State-Imposed Texas Commission on Environmental Quality Fee, which is a Pass-Through Fee to water and wastewater customers of the San Antonio Water System; authorizing the implementation of such adjustments to the water and wastewater rates if adopted by the City Council; making the State-imposed Texas Commission on Environmental Quality Fee effective for billings on or about January 1, 2010; authorizing the State-imposed Texas Commission on Environmental Quality Fee to be administratively adjusted on an annual basis; adopting the formula to be used for this annual adjustment. (DOUG EVANSON)
7. A Resolution approving the annual budget for the San Antonio Water System for the Fiscal Year ending December 31, 2010; authorizing the approved annual budget for the Fiscal Year ending December 31, 2010 be submitted to the City Council for review and consultation. (DOUG EVANSON)
8. Citizens to be Heard.

## CONSENT AGENDA ITEMS

Items 9 – 37

### 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.
- (SBE)
1. Acceptance of the bid of INX, Inc., to provide: Inline Duplication Storage System, Bid No. 09-9061, for a total of \$248,944.00. (This contract will be utilized to provide an inline duplication storage system that will dramatically reduce the amount of disk storage needed to retain and protect SAWS enterprise data. This contract will be effective Date of Award (November 3, 2009) through December 31, 2010.)
  2. Acceptance of the bid of Alamo Iron Works, to provide: Rubber Safety Boots & Hip Boots, Bid No. 08-0399, for a total of \$70,000.00. (This

contract will be utilized for the purchase of protective rubber boots to be worn by SAWS employees in accordance with their job duties. Alamo Iron Works has performed well during the contract period. This contract extension will be effective Date of Award (November 3, 2009) through December 31, 2010.)

3. Acceptance of the bid of Matera Paper Co., Ltd, to provide: Janitorial Supplies, Disinfectants, Cleaners & Paper Supplies, Bid No. 09-9055, for a total of \$98,626.00. (This contract will be utilized by SAWS crews and janitors to maintain, supply and sanitize work areas, vehicles, bathrooms, etc. This contract will be effective Date of Award (November 3, 2009) through February 28, 2010.)
4. Acceptance of the bid of HD Massengale Armature Works, Inc., to provide: Pump Repairs, Submersible Sump Pump and Centrifugal Pumps, Bid No. 09-5053, for a total of \$150,000.00. (This contract will be utilized for the rebuilding or repairing of electric submersible/sump pumps and centrifugal pumps. This contract will be effective Date of Award (November 3, 2009) through September 30, 2010.)
5. Acceptance of the bid of US Peroxide, LLC, to provide: 50% Hydrogen Peroxide Solution, Bid No. 08-0421, for a total of \$310,000.00. (This contract will be utilized for the purchase of 50% Hydrogen Peroxide Solution to treat sewage delivered by waste haulers and to treat transferred sludge. US Peroxide, LLC has performed well during the contract period. This contract extension will be effective January 1, 2010 through December 31, 2010.)
6. Acceptance of the bid of Mueller Service Co., to provide: Water Valve Assessment, Rehabilitation and Information Management Program, Bid No. 09-9051, for a total of \$82,157.40. (This contract will be utilized for a water valve assessment, rehabilitation and information management program. This contract will be effective Date of Award (November 3, 2009) through December 31, 2010.)
- (SBE) 7. Acceptance of the bid of INX, Inc., to provide: Cisco Network Equipment Maintenance, Bid No. 07-5087, for a total of \$244,829.91. (This contract will be utilized for the maintenance of Cisco Networking Equipment. This contract extension will be effective January 1, 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.

- (MBE)
1. Acceptance of the bid of MK1 Construction Services, LLC, to provide: Quick Set Flowable Fill. Bid No. 09-0207A, for a total of \$175,000.00. (This contract will be utilized for the purchase of quick set flowable fill used for backfill for utility trenches, abandoned pipes, manholes and valves on an as needed basis. This contract will be effective Date of Award (November 3, 2009) through September 30, 2011.)
  2. Acceptance of the bid of Pitney Bowes, to provide: Model DM1100 Mailing System. Bid No. 09-9067, for a total of \$59,616.00. (This contract will be utilized for the replacement of a Digital Mailing System (DM1100) a high volume, versatile system that can automatically feed seal, imprint postage and stack uniform mail at speeds of up to 295 letters per minute. This contract will be effective December 30, 2009 through December 30, 2013.)

## 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 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 1/4-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	Bijan 1604 Retail Center	Javad Bonakchi	0.44	4	4	5-mile Awareness Zone	Inside	Inside
2	Evans Road Retail	Mesquite Country Real Estate I	3.31	26	13	5-mile Awareness Zone	Inside	Inside
3	The Grove at San Antonio	Campus Crest Development, LLC.	12.80	138	128	5-mile Awareness Zone	Inside	Inside
4	Replat of Encino Rio	Zo What #2, Ltd.	2	10	3	5-mile Awareness Zone	Inside	Inside
<b>Totals</b>			<b><u>18.55</u></b>	<b><u>178</u></b>	<b><u>148</u></b>			
<b>Year-to-Date Totals ( January - November 2009)</b>			<b><u>2,023</u></b>	<b><u>5,800</u></b>	<b><u>5,158</u></b>			

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

<b>EDU/Acreage Comparison Totals 2009 - 2008 (Year to Date - All Categories)</b>	<b>Total Acreage</b>	<b>Total Water EDU's</b>	<b>Total WW EDU's</b>
<b>Total ( January - November 2009)</b>	<b>6,008</b>	<b>9,255</b>	<b>19,464</b>
<b>Total ( January -November 2008)</b>	<b>14,863</b>	<b>38,664</b>	<b>65,867</b>

These totals include the Verano Development that had 2,659 acres, 909 W EDU's and 21,558 WW EDU's approved in a Utility Service Agreement in February 2008. In August 2009, that Utility Service Agreement was replaced with another which approved 2,523.47 acres, 342 water EDU's, and 12,483 WW EDU's. Both amounts are reflected in these totals.

**Production, Transmission and Treatment Improvements**

11. **A Resolution ratifying the actions of the Senior Vice President of Strategic Resources in approving Change Order No. 7 in the amount of \$89,645.55 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 \$89,645.55 for the additional project work. Total expenditures are: \$89,645.55 for a revised contract amount of: \$24,480,397.00.  
(KELLEY NEUMANN – FRANCES PLOCEK)**
  
12. **A Resolution ratifying the actions of the Senior Vice President of Strategic Resources in approving change Order No. 3 in the amount of \$60,000.00 for the Central Watershed Sewer Relief Line C-02 Project; authorizing the President/Chief Executive Officer to pay to Pipelayers, Inc., an additional amount not to exceed \$60,000.00 for the additional project work. Located in Council District 3. Total expenditures are: \$60,000.00 for a revised contract amount of: \$8,028,764.86.  
(KELLEY NEUMANN – FRANCES PLOCEK)**
  
13. **A Resolution approving Change Order No. 4 in the amount of \$120,000.00 and Change Order No. 5 in the amount of \$84,223.75, for a total approved amount of \$204,223.75 for the Central Watershed Sewer Relief Line C-02 Project; authorizing the President/Chief Executive Officer to pay to Pipelayers, Inc., an additional amount not to exceed \$204,223.75 for the additional project work; approving an additional amount not to exceed \$250,000.00 be made available from the System's Project Fund for additional construction contingency expenses. Located in Council District 3. Total expenditures are: \$204,223.75 for a revised contract amount of: \$8,232,998.61.  
(KELLEY NEUMANN – FRANCES PLOCEK)**
  
14. **A Resolution approving Change Order No. 1 in the increased amount of \$88,727.00 in connection with the Lift Stations SCADA Project; approving total payment in the amount of \$88,727.00 to InoMega Control Solutions, LLC, for the additional project work associated with Change Order No. 1; amending Resolution No. 09-140 by increasing the authorization of construction contingency by \$90,000.00 for a total construction contingency of \$108,500.00; authorizing the additional expenditure of funds in the amount not to exceed \$88,727.00 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 InoMega Control Solutions, LLC, the additional sum of \$88,727.00 from the project construction contingency fund for the additional**

project work associated with Change Order No. 1. Total expenditures are: \$88,727.00 for a revised contract amount of: \$1,011,348.00.  
(KELLEY NEUMANN – ASHOK KAJI)

(MBE) 15. A Resolution accepting the bid of Lupe Rubio Construction Company in the amount of \$469,391.00 for construction of the Whitewood from Medina Base Road to S.W. Military Drive Water Main Project; awarding a construction contract in the amount of \$469,391.00 to Lupe Rubio Construction Company for the project work; authorizing the expenditure of funds in an amount not to exceed \$469,391.00 for the project work; authorizing construction contingency expenses in an amount not to exceed \$10,000.00 in connection with the project work; authorizing total expenditures in an amount not to exceed \$479,391.00 from the System's Project Fund for the project work and construction contingency expenses; authorizing the President/Chief Executive Officer or his authorized representative to execute an contract with Lupe Rubio Construction company and to pay Lupe Rubio Construction Company the amount of \$469,391.00 for the project work. Total expenditures are: \$479,391.00.  
(KELLEY NEUMANN – ASHOK KAJI)

16. A Resolution accepting the bid of Payton Construction, Inc., in the amount of \$217,000.00 for the construction of the Salado Pump Station Improvement Project; awarding a construction contract to Payton Construction, Inc., in the amount of \$217,000.00 for the project work; authorizing the expenditure of funds in the amount of \$217,000.00 for the project work; authorizing construction contingency expenses in the amount not to exceed \$11,000.00 in connection with the project work; authorizing total expenditures in an amount not to exceed \$228,000.00 from the Project Fund for the project work and related construction contingency expenses; authorizing the President/Chief Executive Officer to execute a contract with Payton Construction, and to pay Payton Construction, the amount of \$217,000.00 for the project work. Total expenditures are: \$228,000.00. (KELLEY NEUMANN – ASHOK KAJI)

#### Professional Services

17. A Resolution accepting the proposal of Weston Solutions, Inc., in an amount not to exceed \$750,996.00 for the design of the Lift Stations Rehabilitation Design – Phase 3 Project; awarding a professional services contract to Weston Solutions, Inc., in an amount not to exceed \$750,996.00 for the engineering services in connection with this project; authorizing the expenditure of funds in an amount not to exceed \$750,996.00 from the System's Project Fund for the engineering services in connection with this project; authorizing the President/Chief Executive Officer to execute a professional services contract with Weston Solutions, Inc., and to pay Weston Solutions, Inc., an amount not to exceed \$750,996.00 for the engineering services in connection with this project. Total expenditures are: \$750,996.00. (KELLEY NEUMANN – ASHOK KAJI)

### REPLACEMENT AND ADJUSTMENT PROJECTS

#### Governmental Relocations and Replacements

18. A Resolution approving the expenditure of funds in the amount of \$480,213.49 for the replacement and adjustment of water, sewer and recycled water facilities by the City of San Antonio in connection with the South Texas Medical Center Intersection Improvements Phase VI Project; approving an amount not to exceed \$48,421.35 for construction contingency expenses related to the project work; approving an amount not to exceed \$377,951.68 be made available and expended from the System's Project Fund for the water project work and related construction contingency expenses; approving an amount not to exceed \$1,500.00 be made available and expended from the System's

Project Fund for the sewer project work and related construction contingency expenses; approving an amount not to exceed \$149,183.16 be made available and expended from the System's Project Fund for the recycled water project work and related construction contingency expenses; authorizing the President/Chief Executive Officer to pay to the City of San Antonio an amount not to exceed \$528,634.84 for the project work and related construction contingency expenses. Located in Council District 8. Total expenditures are: \$528,634.84. (KELLEY NEUMANN – CINDY KOVACIC)

19. A Resolution approving Final Recapitulation Change Order No. 1 in the decreased amount of \$43,693.42 to the construction contract with Qro Mex Construction Co., Inc., in connection with the Bradford: Camino Santa Maria To Tulane Project; authorizing the return of funds in the amount of \$43,693.42 and the construction contingency balance of \$38,699.63 for a total amount of \$82,393.05 to the Project Fund; authorizing the President/Chief Executive Officer to execute Final Recapitulation Change Order No. 1. Returning the amount of \$43,693.42 and the construction contingency balance of \$38,699.63 for a revised contract amount of \$208,304.08. (KELLEY NEUMANN – CINDY KOVACIC)
20. A Resolution ratifying the actions of the Senior Vice President of Strategic Resources in approving Change Order No. 4 in the amount of \$31,420.00 in connection with the Callaghan Road: Ingram to Horseshoe Bend and Callaghan Road: Horseshoe Bend to Bandera Road Project; authorizing the President/Chief Executive Officer to pay to the City of San Antonio an additional amount not to exceed \$31,420.00 for the additional project work. Located in District 7. Total expenditures are: \$31,420.00 for a revised contract amount of: \$1,074,846.57. (KELLEY NEUMANN – CINDY KOVACIC)
21. A Resolution amending Resolution No. 08-409 by approving the expenditure of additional funds in an amount not to exceed \$112.03 payable to the City of San Antonio for additional construction contingency expenses in connection with the Riverdale Drive: Maiden Lane to Hillcrest Drive Project; approving an additional amount not to exceed \$112.03 be made available and expended from the System's Project Fund for additional construction contingency expenses; ratifying the actions of the Senior Vice President of Strategic Resources in approving additional reimbursement to the City of San Antonio in the amount of \$112.03; authorizing the President/Chief Executive Officer to pay to the City of San Antonio an amount not to exceed \$112.03 for the additional construction contingency expenses. Located in Council District 7. Total expenditures are: \$112.03 for a revised contract amount of: \$94,607.23. (KELLEY NEUMANN – CINDY KOVACIC)
22. A Resolution amending Resolution No. 08-281 by approving the expenditure of additional funds in an amount not to exceed \$615.00 payable to the City of San Antonio for additional construction contingency expenses in connection with the Guilbeau Drainage at French Creek Phase II Project; approving an additional amount not to exceed \$615.00 be made available and expended from the System's Project Fund for the additional construction contingency expenses; ratifying the actions of the Senior Vice President of Strategic Resources in approving additional reimbursement to the City of San Antonio in the amount of \$615.00 for additional construction contingency expenses; authorizing the President/Chief Executive Officer to pay to the City of San Antonio an amount not to exceed \$615.00 for the additional construction contingency expenses. Located in Council District 7. Total expenditures are: 615.00 for a revised contract amount of: \$ 62,786.00. (KELLEY NEUMANN – CINDY KOVACIC)

## Professional Services

23. A Resolution ratifying the actions of the Senior Vice President of Strategic Resources in approving Contract Amendment No. 4 in the amount of \$159,399.00 in connection with the Historic Mission Reach Project, Phase I; amending Resolution No. 06-355, as previously amended by Resolution Nos. 07-355, 08-211 and 09-111 by approving additional expenditures in an amount not to exceed \$159,399.00 for additional engineering design services by K.M. Ng & Associates in connection with the Historic Mission Reach Project, Phase IV; approving that an additional amount not to exceed \$15,000.00 be made available and expended from the System's Project Fund for the additional water engineering design work; approving that an additional amount not to exceed \$144,399.00 be made available and expended from the System's Project Fund for the additional sewer engineering design work; authorizing the President/Chief Executive Officer to execute Contract Amendment No. 4 and to pay K.M. Ng & Associates an additional amount not to exceed \$159,399.00 for the additional engineering design services in connection with the project. Total expenditures are: \$159,399.00 for a revised contract amount of: \$728,325.09. (KELLEY NEUMANN – CINDY KOVACIC)
- (MBE) 24. A Resolution accepting the proposal of and awarding a professional services contract to LNV Engineers, Inc., in an amount not to exceed \$750,000.00 for the 2009 Engineering Design Services – Replacements And Improvements, Contract I; approving the expenditure of funds in an amount not to exceed \$500,000.00 from the System's Project Fund for the sewer project engineering work; approving the expenditure of funds in an amount not to exceed \$250,000.00 from the System's Project Fund for the water project engineering work; authorizing the President/Chief Executive Officer to execute a professional services contract with LNV Engineers, Inc., and to pay LNV Engineers, Inc., an amount not to exceed \$750,000.00 for the project engineering work. Total expenditures are: \$375,000.00. (KELLEY NEUMANN – FRANCES PLOCEK)
25. A Resolution approving Contract Amendment No. 2 regarding the change in scope to the professional services contract with Camp Dresser and McKee in connection with the Western Watershed Sewer Relief Line - Hwy. 90 to S.W. Loop 410 Project to complete the additional alternative analysis; amending Resolution No. 07-223 as amended by Resolution No. 09-070; approving a reallocation of funds in the amount of \$112,440.00 for additional basic engineering services from the existing contract at no additional cost to the Project Fund in connection with the Western Watershed Sewer Relief Line - Hwy. 90 to S.W. Loop 410 Project; authorizing the President/Chief Executive Officer to execute Contract Amendment No. 2. Total reallocation of funds are: \$112,40.00. (KELLEY NEUMANN – FRANCES PLOCEK)

## WATER RESOURCES PROJECTS

26. A Resolution ratifying the action of the Vice-President of Water Resources and Conservation in approving Change Order No. 11 in the increased amount of \$68,957.00 to the construction contract with Cajun Constructors, Inc., for additional construction contingency expenses in connection with the Carrizo Aquifer Storage and Recovery Program, Phase II Treatment Plant Project; approving the expenditure of funds in the amount of \$68,957.00 for Change Order No. 11 to Cajun Constructors, Inc.; authorizing the additional expenditure of funds in the amount of \$68,957.00 for Change Order No. 11 to Cajun Constructors, Inc.; amending Resolution No. 06-219 as previously amended by Resolution Nos. 07-010, 07-150, 07-212, 07-236, 07-402, 08-012 and 08-074 by increasing the authorization of the construction contingency by \$2,222.04 for a total construction contingency of \$1,017,172.04; authorizing additional funds in the amount not to exceed \$2,222.04 from the System's Project Fund for additional

contingency expenses associated with the project work; authorizing the President/Chief Executive Officer to execute Change Order No. 11 and to pay to Cajun Constructors, Inc., the amount of \$68,957.00 from the project construction contingency fund for the additional project work associated with Change Order No. 11. Total expenditures are: \$68,957.00 for a revised contract amount of: \$21,316,172.04.

(CHARLES AHRENS - ESTHER HARRAH)

27. A Resolution ratifying the actions of the Vice President of Water Resources and Conservation in approving Change Order No. 1 in the amount of \$9,654.20 to the construction contract with Alsay, Inc., in connection with the Saline Study – Monitor Well Drilling Project; approving the expenditure of funds in an amount not to exceed \$9,654.20 for Change Order No. 1 to Alsay, Inc.; authorizing the additional expenditure of funds in the amount of \$9,654.20 for Change Order No. 1 to Alsay, Inc.; amending Resolution No. 07-318 by increasing the authorization of the construction contingency by \$1,759.20 for a total construction contingency of \$9,654.20; authorizing additional funds in the amount not to exceed \$1,759.20 from the System Fund for additional contingency expenses associated with the project work; authorizing the President/Chief Executive Officer or his designee to pay to Alsay, Inc., the amount of \$9,654.20 from the project contingency fund for the additional project work in connection with the Saline Study – Monitor Well Drilling Project; and approving Recapitulation Change Order No. 2 in the decreased amount of \$46,050.00 to the construction contract with Alsay, Inc., in connection with the Saline Study – Monitor Well Drilling Project; returning the amount of \$46,050.00 to the System Fund; authorizing the President/Chief Executive Officer or his designee to execute Recapitulation Change Order No. 2 and close the contract with Alsay, Inc. Returning funds in the amount of \$46,050.00 for a revised contract amount of: \$358,344.20. (CHARLES AHRENS - DARREN THOMPSON)

### MISCELLANEOUS PROJECTS

28. A Resolution amending Resolution No. 09-168 to amend Ratified Change Order No. 1 for the installation of additional electric conduits at the East Side Service Center; authorizing additional payment to S.J. Louis Construction of Texas, Ltd., in the amount of \$2,100.00 for demobilization & remobilization costs as part of this work; renaming the previously Ratified Change Order No. 1 to Change Order No. 6; authorizing the President/ Chief Executive Officer to pay S.J. Louis Construction of Texas, Ltd., an additional amount not to exceed \$2,100.00 for the additional project work. Total expenditures are: \$2,100.00 for a revised contract amount of: \$1,310,405.54. (KELLEY NEUMANN – FRANCES PLOCEK)
29. A Resolution amending Resolution No. 09-190, by approving Contract Amendment No. 1 for the increase of additional funds in an amount not to exceed \$300,000.00 payable to PM Construction in connection with the Annual 2009 Pipe Bursting Work Order Construction Contract Project; approving an additional amount not to exceed \$300,000.00 be made available and expended from the System’s Project Fund for construction expenses; authorizing the President/Chief Executive Officer to execute Contract Amendment No. and pay PM Construction an amount not to exceed \$300,000.00. Total expenditures are: \$300,000.00 for a revised contract amount of: \$1,897,530.00. (KELLEY NEUMANN – FRANCES PLOCEK)
30. A Resolution accepting the Best Value Bid of ADS Environmental Services, in an amount not to exceed \$275,958.00 for the period of November 3, 2009 to November 30, 2011 with the option of one one-year extension for wastewater flow metering services for the Wastewater Flow Metering Services Project; awarding a service contract to ADS Environmental Services, in an amount not to exceed \$275,958.00 for

the Wastewater Flow Metering Services Project; authorizing expenditures in an amount not to exceed \$275,958.00 from the Project Fund for wastewater flow metering services in connection with the project work; authorizing the President/Chief Executive Officer or duly appointed designee to execute the service contract with ADS Environmental Services, and to pay ADS Environmental Services an amount not to exceed \$275,958.00 for the period of November 3, 2009 to November 30, 2011 with the option of one one-year extension for the wastewater flow metering services. Total expenditures are: \$275,958.00.

(KELLEY NEUMANN – SAM MILLS)

31. A Resolution accepting the bid of Balar Equipment Corporation in the amount of \$67,088.48 for the purchase of sewer cleaning nozzles and associated equipment in connection with the cleaning of the System's small diameter sewer mains; awarding a Purchasing Contract to Balar Equipment Corporation in the amount of \$67,088.48 for the sewer cleaning nozzles and associated equipment; approving the expenditure of funds in the amount of \$67,088.48 from the System Fund for the purchase of the sewer cleaning nozzles and associated equipment; authorizing the President/Chief Executive Officer, or his designated representative, to execute a Purchasing Contract with Balar Equipment Corporation for the sewer cleaning nozzles and associated equipment and to pay Balar Equipment Corporation the amount of \$67,088.48 for the purchase of sewer cleaning nozzles and associated equipment. Total expenditures are: \$67,088.48.

(VAL RUIZ – JEFF BROWN)

32. A Resolution accepting the bid of AR Excavations, LLC, in an amount not to exceed \$126,198.94 for construction of sidewalk and pavement improvements at ten (10) water production sites; awarding a construction contract in the amount of \$126,198.94 to AR Excavations, LLC for the project work; authorizing 10% construction contingency expenses in an amount not to exceed \$12,620.00 in connection with the project work; authorizing total expenditures in an amount not to exceed \$138,818.94 from the System's Project Fund for the project work; authorizing the President/Chief Executive Officer or his designated representative to execute a contract with AR Excavations, LLC, and to pay AR Excavations, LLC, an amount of \$126,198.94 for the project work. Total expenditures are: \$126,198.94. (STEVE CLOUSE – PHIL COOK)

#### Professional Services

- (MBE) 33. A Resolution accepting the bid of Benitez Construction, Inc., in the amount of \$813,148.75 for the 2009 Open Cut Sewer Construction Contract; awarding a construction contract to Benitez Construction, Inc., in the amount of \$813,148.75 for the project work; approving the expenditure of funds in an amount not to exceed \$813,148.75 for the project work; approving construction contingency expenses in an amount not to exceed \$50,000.00; authorizing the President/Chief Executive Officer to execute a construction contract with Benitez Construction, Inc., and to pay Benitez Construction, Inc., an amount not to exceed \$863,148.75 for the project work and related construction contingencies. Total expenditures are: \$863,148.75.

(KELLEY NEUMANN – FRANCES PLOCEK)

- (SBE) 34. A Resolution amending Resolution No. 08-079 by approving the additional expenditure of funds in an amount not to exceed \$25,000.00 for engineering services by Joshua Engineering Group, Inc., in connection with the 2008 Electrical Engineering Design Services Contract II; approving additional expenditures of funds in the amount not to exceed \$25,000.00 from the System's Project Fund for continued engineering services associated with the project; authorizing the President/Chief Executive Officer to pay an additional amount not to exceed \$25,000.00 to Joshua Engineering Group, Inc., for

continued engineering services. Total expenditures are: \$25,000.00 for a revised contract amount of: \$150,000.00. (KELLEY NEUMANN – ASHOK KAJI)

## **EASEMENTS AND REAL PROPERTY**

35. A Resolution authorizing the acquisition of a permanent sewer easement affecting approximately 9.47 acres of land located along the easterly side of US Highway 281 South approximately 4 miles south of Loop 410 in the southeast quadrant of Bexar County, Texas, being out of Jose A. De La Garza Grant, Abstract No. 3, County Block No. 4006, Bexar County, Texas, in connection with the Medina River Sewer Outfall Project; authorizing the expenditure of funds from the System's Project Fund in the amount of \$177,800.00 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 \$177,800.00 to Falcon International Bank for the purchase price of the easement. Total expenditures are: \$177,800.00. (MIKE BRINKMANN – BRUCE HABY)
36. A Resolution authorizing the acquisition of a permanent sewer easement affecting approximately 10.02 acres located near the westerly side of U.S. Hwy 281 South, approximately 4 miles south of Loop 410 in the southeast quadrant of Bexar County, Texas, being out of Jose A. De La Garza Grant, Abstract No. 3, County Block No. 4006, Bexar County, Texas, in connection with the Medina River Sewer Outfall Project; authorizing the expenditure of funds from the System's Project Fund in the amount of \$105,300.00 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 \$105,300.00 to Falcon International Bank for the purchase price of the easement. Total expenditures are: \$105,300.00. (MIKE BRINKMANN – BRUCE HABY)

## **INFORMATION SERVICES ITEMS**

37. A Resolution authorizing payment to Dell/ASAP Software in a total amount not to exceed \$497,194.04 for a Microsoft Enterprise Agreement and add-on software; authorizing that \$175,808.35 of this total amount be expended from the System Fund for desktop licenses and additional products acquired during Fiscal Year 2009 under the second year of a three-year Microsoft Enterprise Agreement; authorizing that \$268,377.73 of this total amount be expended from the 2009 Fiscal Year System Fund for the third year of a three-year Microsoft Enterprise Agreement; authorizing that \$53,007.96 of this amount be expended from the 2009 Fiscal Year System Fund for additional Microsoft Products; authorizing the President/Chief Executive Officer or his designee to pay Dell/ASAP Software, an amount not to exceed \$175,808.35 for the Fiscal Year 2009 costs for related software; authorizing the President/Chief Executive Officer or his designee to execute the third year of a three-year Agreement with Dell/ASAP Software for the Microsoft Enterprise Agreement and to pay Dell/ASAP Software, an amount not to exceed \$268,377.73 for the Microsoft Enterprise Agreement; authorizing President/Chief Executive Officer or his designee to pay Dell/ASAP Software an amount not to exceed \$53,007.96 for additional Microsoft Products. Total expenditures are \$497,194.04. (DOUG EVANSON – JOE SAMPLES)

**38. BRIEFING SESSION.**

- A. Briefing and deliberation regarding the Implementing Agreement between the Edwards Aquifer Recovery Implementation Program Parties and the San Antonio Water System. (CHARLES AHRENS – CALVIN FINCH)

**ITEMS FOR INDIVIDUAL CONSIDERATION**

**WATER RESOURCES ITEMS**

39. A Resolution authorizing the President/Chief Executive Officer or his designee to enter into an Implementing Agreement between the Edwards Aquifer Recovery Implementation Program Parties and the San Antonio Water System. (CHARLES AHRENS – CALVIN FINCH)

**LEGAL SERVICES ITEMS**

40. A Resolution amending Resolution No. 09-021 to reduce the amount of total expenditures for Outside Counsel for 2009 and reallocate the expenditure of funds for Outside Legal Services from Capitalized Expenditures to Operation and Maintenance expenditures; authorizing the reduction of the total expenditures for Outside Legal Services for 2009 from \$3.875 million to \$3.26 million; authorizing the reallocation of Capital Improvement Program and Operation and Maintenance expenditures; authorizing an increase in expenditures for Outside Counsel Services for 2009 related to Operation and Maintenance to \$2.57 million; authorizing the reduction of expenditures for Outside Counsel Services for 2009 related to Capital Improvement Programs from \$1.875 million to \$694,000.00. Total reduction of the total expenditures for Outside Legal Services \$3.875 million to \$3.26 million, total increase in expenditures for Outside Counsel Services related to Operation and Maintenance to \$2.57 million and total reduction of expenditures for Outside Counsel Services related to Capital Improvement Programs from \$1.875 million to \$694,000.00. (FRANK STENGER – CASTRO)

**FINANCIAL SERVICES ITEMS**

41. A Resolution recommending and requesting that the San Antonio City Council take certain actions with respect to the issuance and sale of obligations designated as an amount not to exceed \$115,000,000.00 “City of San Antonio, Texas Water System Revenue Bonds, Series 2009A” and/or “City of San Antonio, Texas Water System Revenue Bonds, Taxable Series 2009B (Direct Subsidy – Build America Bonds)”, an amount not to exceed \$54,300,000.00 “City of San Antonio, Texas Water System Junior Lien Revenue Bonds, Series 2009”, an amount not to exceed \$35,000,000.00 “City of San Antonio, Texas Water System Junior Lien Revenue and Refunding Bonds, Series 2009”, as well as an amount not to exceed \$70,000,000.00 of a series of Revenue Refunding Bonds to be designated by Series name and Lien level; the approval of one or more Official Statements relating to these obligations. (DOUG EVANSON)

**CAPITAL IMPROVEMENT CONTRACTS**

**MISCELLANEOUS PROJECTS**

42. A Resolution accepting the bid of Payton Construction, Inc., in the amount of \$2,494,000.00 for the construction of the Primary and Secondary Well Metering Project;

awarding a construction contract in the amount of \$2,494,000.00 to Payton Construction, Inc., for the project work; authorizing the expenditure of funds in an amount not to exceed \$2,494,000.00 for the project work; authorizing construction contingency expenses in an amount not to exceed \$249,000.00 in connection with the project work; authorizing total expenditures in an amount not to exceed \$2,743,000.00 from the System's Project Fund for the project work and construction contingency expenses; authorizing the President/Chief Executive Officer or his authorized representative to execute a contract with Payton Construction, Inc., and to pay Payton Construction, Inc., the amount of \$2,494,000.00 for the project work. Total expenditures are: \$2,743,000.00. (STEVE CLOUSE – PHIL COOK)

**PROJECTS INVOLVING IMPROVEMENTS,  
EXTENSIONS AND ADDITIONAL CAPACITY  
Production, Transmission and Treatment Improvements**

43. A Resolution accepting the bid of Don Kelly Construction, Inc., in the amount of \$9,977,039.00 for the Central Watershed Sewer Relief Line, C-01 Project; awarding a construction contract to Don Kelly Construction, Inc., in the amount of \$9,977,039.00 for the project work; approving the expenditure of funds in the amount of \$9,977,039.00 for the project work; approving construction contingency expenses in an amount not to exceed \$199,541.00 in connection with the project work; approving an amount not to exceed \$10,176,580.00 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 Don Kelly Construction, Inc., and to pay Don Kelly Construction, Inc., an amount not to exceed \$10,176,580.00 for the project work and related construction contingencies. Located in Council District 4. Total expenditures are: \$10,176,580.00. (KELLEY NEUMANN – FRANCES PLOCEK)
44. A Resolution accepting the bid of RePipe Construction, Ltd., in the amount of \$2,919,435.00 for the Central Watershed Sewer Relief Line, C-01 Phase I (Rehabilitation) Project; awarding a construction contract to RePipe Construction, Ltd., in the amount of \$2,919,435.00 for the project work; approving the expenditure of funds in the amount of \$2,919,435.00 for the project work; approving construction contingency expenses in an amount not to exceed \$58,389.00 in connection with the project work; approving an amount not to exceed \$2,977,824.00 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 RePipe Construction, Ltd., and to pay RePipe Construction Ltd., an amount not to exceed \$2,977,824.00 for the project work and related construction contingencies. Located in Council District 4. Total expenditures are: \$2,977,824.00. (KELLEY NEUMANN – FRANCES PLOCEK)
45. A Resolution accepting the bid of Reynolds Inliner, LLC, in the amount of \$2,840,095.00 for the Central Watershed Sewer Relief Line, C-02 Phase II Project; awarding a construction contract to Reynolds Inliner, LLC, in the amount of \$2,840,095.00 for the project work; approving the expenditure of funds in the amount of \$2,840,095.00 for the project work; approving construction contingency expenses in an amount not to exceed \$56,802.00 in connection with the project work; approving an amount not to exceed \$2,896,897.00 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 Reynolds Inliner, LLC, and to pay Reynolds Inliner, LLC, an amount not to exceed \$2,896,897.00 for the project work

and related construction contingencies. Located in Council District 4. Total expenditures are: \$2,896,897.00. (KELLEY NEUMANN – FRANCES PLOCEK)

46. A Resolution accepting the bid of Pepper-Lawson Construction LP, in the amount of \$6,134,000.00 for the construction of the Dos Rios Water Recycling Center Sludge Thickening and Aeration System Improvements Project; awarding a construction contract in the amount of \$6,134,000.00 to Pepper-Lawson Construction LP, for the project work; authorizing the expenditure of funds in an amount not to exceed \$6,134,000.00 for the project work; authorizing construction contingency expenses in an amount not to exceed \$120,000.00 in connection with the project work; authorizing total expenditures in an amount not to exceed \$6,254,000.00 from the System's Project Fund for the project work and construction contingency expenses; authorizing the President/Chief Executive Officer to execute a contract with Pepper-Lawson Construction LP, and to pay Pepper-Lawson Construction LP, the amount of \$6,134,000.00 for the project work. Total expenditures are: \$6,254,000.00. (KELLEY NEUMANN – ASHOK KAJI)

#### Professional Services

47. A Resolution accepting the proposal of and awarding a professional services contract to Weston Solutions, Inc., in an amount not to exceed \$1,697,609.00 in connection with the Western Watershed Relief Line – Upper Segment Project; approving the expenditure of funds in an amount not to exceed \$1,697,609.00 from the System's Project Fund for the project engineering work; authorizing the President/Chief Executive Officer to execute a professional services contract with Weston Solutions, Inc., and to pay Weston Solutions, Inc., an amount not to exceed \$1,697,609.00 for the project engineering work. Located in Council Districts 4. Total expenditures are: \$1,697,609.00. (KELLEY NEUMANN – FRANCES PLOCEK)
48. A Resolution accepting the proposal of and awarding a consulting contract to Pape-Dawson Engineers in an amount not to exceed \$3,778,742.00 in connection with construction management of the Medina River Sewer Outfall; approving the expenditure of funds in an amount not to exceed \$3,778,742.00 from the System's Project Fund for the project consulting work; authorizing the President/Chief Executive Officer to execute a consulting services contract with Pape-Dawson Engineers and to pay Pape-Dawson Engineers an amount not to exceed \$3,778,742.00 for the consulting work. Located in Council Districts 3 and 4. Total expenditures are: \$3,778,742.00. (KELLEY NEUMANN – SAM MILLS)

### HUMAN RESOURCES ITEMS

49. A Resolution approving the second of a three year contract with Blue Cross Blue Shield of Texas in an amount not to exceed \$14,851,100.00 for Stop Loss Insurance, Third Party Medical Benefits Administration, Network Access, and Claims Reimbursement for the Self Funded Medical Benefits Program; authorizing expenditures in an amount not to exceed \$14,851,100.00 in Fiscal Year 2010 pursuant to and contingent upon Board approval of the 2010 budget with a line item for such expenditures; authorizing the President/Chief Executive Officer to execute the second of a three year contract with Blue Cross Blue Shield of Texas and to pay Blue Cross Blue Shield of Texas an amount not to exceed \$14,851,100.00 for Fiscal Year 2010 from January 1, 2010 through December 31, 2010 for Stop Loss Insurance, Third Party Medical Benefits Administration, Network Access, and Claims Reimbursement for the Self Funded Medical Benefits Program. Total expenditures are: \$14,851,100.00. (JERRY BAILEY – NEIRA WHITE)

50. A Resolution amending Resolution No. 08-325 by authorizing additional funds in an amount not to exceed \$500,000.00 from October 1, 2009 through December 31, 2009 payable to CVS Caremark for the Pharmacy Benefit Management Services for the System's Self-Funded Health Benefit Program; approving the second of a three year contract with CVS Caremark in an amount not to exceed \$5,800,000.00 for the Pharmacy Benefit Management Services for the System's Self-Funded Health Benefit Program; authorizing expenditures in an amount not to exceed \$500,000.00 from the System Fund for the pharmacy benefit management services for the period of October 1, 2009 through December 31, 2009; authorizing expenditures in an amount not to exceed \$5,800,000.00 for the pharmacy benefit management services for the System's Self-Funded Health Benefit Program for the period of January 1, 2010 through December 31, 2010, pursuant to and contingent upon Board approval of the 2010 budget with a line item for such expenditures; authorizing the President/Chief Executive Officer to pay an amount not to exceed \$500,000.00 to CVS Caremark for the Pharmacy Benefit Management Services from October 1, 2009 through December 31, 2009; authorizing the President/Chief Executive Officer to execute the second of a three year contract with CVS Caremark in an amount not to exceed \$5,800,000.00 and to pay CVS Caremark the not to exceed amount of \$5,800,000.00 for the period of January 1, 2010 through December 3, 2010 for the Pharmacy Benefit Management Services for the System's Self-Funded Health Benefit Program. Total expenditures are: \$500,000.00 from October 1, 2009 through December 31, 2009 for the pharmacy benefit management services and \$5,800,000.00 for the Pharmacy Benefit Management Services for the for the period of January 1, 2010 through December 31, 2010. (JERRY BAILEY – NEIRA WHITE)
51. A Resolution approving the second of a three year contract with MetLife in an amount not to exceed \$940,000.00 for Dental Benefit Services for the period of January 1, 2010 through December 31, 2010; authorizing expenditures to MetLife in an amount not to exceed \$940,000.00 for Dental Benefit Services for the period of January 1, 2010 through December 31, 2010, pursuant to and contingent upon Board approval of the 2010 budget with a line item for such expenditures; authorizing the President/Chief Executive Officer to execute the second of a three year contract with MetLife for Dental Benefit Services And to pay MetLife an amount not to exceed \$940,000.00 for Fiscal Year 2010 for dental benefit services. Total expenditures are: \$940,000.00. (JERRY BAILEY – NEIRA WHITE)
52. A Resolution approving the second of a three year contract with PayFlex for COBRA/HIPAA/flexible Spending Account Administrative Services for the System's Self Funded And Insured Employee Health Benefits Program in an amount not to exceed \$49,000.00 for Fiscal Year 2010; authorizing expenditures in an amount not to exceed \$49,000.00 for Fiscal Year 2010, pursuant to and contingent upon Board approval of the 2010 budget with a line item for such expenditures; authorizing the President/Chief Executive Officer to execute the second of a three year contract with Payfex and to pay PayFlex an amount not to exceed \$49,000.00 for Fiscal Year 2010 for COBRA/HIPAA/Flexible Spending Account Administrative Services for the System's Self Funded And Insured Employee Health Benefits Program. Total expenditures are: \$49,000.00. (JERRY BAILEY – NEIRA WHITE)
53. A Resolution authorizing the extension and funding of an insurance policy with Principal Financial Group for Basic Life, Accidental Death and Dismemberment, Long Term Disability and Voluntary Life Insurance for the System's Employee Benefit Program for the period of January 1, 2010 through December 31, 2010 in an amount not to exceed \$664,500.00; authorizing expenditures in an amount not to exceed \$664,500.00 in Fiscal Year 2010, pursuant to and contingent upon Board approval of the 2010 budget with a line item for such expenditures; authorizing the President/Chief Executive

Officer to execute the extension of an insurance policy with Principal Financial Group and pay Principal Financial Group for Basic Life, Accidental Death and Dismemberment, Long Term Disability and Voluntary Life Insurance for the System's Employee Benefit Program in an amount not to exceed \$664,500.00 from January 1, 2010 through December 31, 2010. Total expenditures are: \$664,500.00.  
(JERRY BAILEY – NEIRA WHITE)

54. A Resolution authorizing the extension of the contract with Deer Oaks EAP to provide Employee Assistance Program Services for the System's Employee Benefits Program for the period of January 1, 2010 through December 31, 2010 in an amount not to exceed \$26,928.00; authorizing expenditures in an amount not to exceed \$26,928.00 in Fiscal Year 2010, pursuant to and contingent upon Board approval of the 2010 budget with a line item for such expenditures; authorizing the President/Chief Executive Officer to execute a contract extension with Deer Oaks EAP to provide Employee Assistance Program Services for the System's Employee Benefits Program in an amount not to exceed \$26,928.00 for Fiscal Year 2010 and to pay Deer Oaks EAP an amount not to exceed \$26,928.00 for such services for Fiscal Year 2010. Total expenditures are: \$26,928.00. (JERRY BAILEY – NEIRA WHITE)
55. A Resolution authorizing expenditures to fund the San Antonio Water System Retirement Plan administered by Principal Financial Group from January 1 through December 31, 2009 in an amount not to exceed \$6,035,423.00 from the System Fund; authorizing the President/Chief Executive Officer to pay Principal Financial Group an amount not to exceed \$6,035,423.00 to fund the San Antonio Water System Retirement Plan from January 1 through December 31, 2009. Total expenditures are: \$6,035,423.00. (JERRY BAILEY – NEIRA WHITE)

56. **BRIEFING SESSION.**

No items for this meeting.

57. President/Chief Executive Officer's Report. Presentation of and deliberation on the following items:
- A. Briefing and deliberation regarding the 2010 -2015 Strategic Planning Process.
58. Inquiries.
59. The Regular Session of the November 3, 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.

60. **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 legal issues related to the Definitive Agreement between the San Antonio Water System and the Lower Colorado River Authority.  
(FRANK STENGER-CASTRO - STEVE KOSUB)
- D. Consultation with attorneys regarding pending contested case proceedings before the Gonzales County Underground Water Conservation District in regards to Applications of the San Antonio Water System for Permits to Produce and Transport Groundwater From the Carrizo Aquifer in Gonzales County, Texas.  
(FRANK STENGER-CASTRO – STEVE KOSUB)
- E. Consultation with attorneys and deliberation regarding Cause No. 2008-CI-11679; *Margaret A. Guerra v. San Antonio Water System*, in the 73<sup>rd</sup> Judicial District Court, Bexar County, Texas.  
(FRANK STENGER-CASTRO – BILL CROW)
- F. Consultation with attorneys and deliberation regarding the Alamo Ranch/Medio Creek South Sanitary Sewer Outfall, SAWS Job No. 07-1515, construction contract claim and dispute with S.J. Louis Construction of Texas, Ltd.  
(FRANK STENGER-CASTRO - SCOTT OLIVER)
- G. Consultation with attorneys and deliberation regarding Cause No. 330917, *Lassen Incorporated v. San Antonio Water System*, in the County Court at Law No. 5, Bexar County, Texas.  
(FRANK STENGER-CASTRO – JOHN REYNOLDS)
- H. Consultation with attorneys for the San Antonio Water System and its Board of Trustees, and consideration of matters in which the duty of the attorney to the San Antonio Water System and its Board of Trustees under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of the Texas Open Meetings Act.  
(FRANK STENGER-CASTRO)

- 61. The Regular Session of the Regular Board Meeting of November 3, 2009, is hereby reconvened.
- 62. A Resolution approving a Mitigation Agreement between the San Antonio Water System and the Gonzales County Underground Water Conservation District in connection with the Regional Carrizo Water Supply Project in Gonzales County, Texas; authorizing the San Antonio Water System’s President/Chief Executive Officer or his designee to finalize and execute the Mitigation Agreement between the San Antonio Water System and the Gonzales County Underground Water Conservation District.  
(CHARLES AHRENS – GARY GUY)
- 63. A Resolution approving a Settlement Agreement with Pulte Homes of Texas, LLP., and S.J. Louis Construction of Texas Ltd., in connection with the Alamo Ranch/Medio Creek South Sanitary Sewer Outfall Project; approving the System’s financial and other obligations under the Settlement Agreement; authorizing expenditures in the total amount of \$218,297.00 of which SAWS shall pay \$163,722.75 from the Project Fund for purposes of the Settlement and Pulte Homes of Texas, LLP. shall pay \$54,574.25; authorizing the President/Chief Executive Officer or his designated representative to execute all documents and perform all acts necessary to settle and dismiss the demand and to pay \$163,722.75 to S.J. Louis Construction of Texas Ltd. Total expenditures are: \$163,722.75, for a revised contract amount of: \$2,405,448.89.  
(FRANK STENGER-CASTRO – SCOTT OLIVER)

64. **A Resolution approving a Settlement Agreement with Lassen Incorporated in the amount of \$30,000.00 in connection with the lawsuit styled *Cause No. 330,917 Lassen Incorporated versus San Antonio Water System*; authorizing the expenditure of \$30,000 from the System Fund for purposes of the Settlement; authorizing the President/Chief Executive Officer or the System's General Counsel to execute a Settlement Agreement with Lassen Incorporated and to pay \$30,000 to Lassen Incorporated pursuant to such an Agreement. Total expenditures are: \$30,000.00.  
(FRANK STENGER-CASTRO – JOHN REYNOLDS)**
65. **Adjournment. THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES MEETING OF NOVEMBER 3, 2009, IS HEREBY ADJOURNED.**