

REVISED AGENDA

MEETING OF THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES

Tuesday, August 7, 2012, 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 July 10, 2012.**
- B. Approval of the Minutes of the San Antonio Water System Board of Trustees Policy and Planning Meeting of June 25, 2012.**

4. Ceremonial Items.

No items for the Meeting.

5. Citizens to be Heard.

6. BRIEFING SESSION.

- A. Briefing and deliberation regarding the Citizens' Advisory Panel Demand Management Benchmarking. (JUDGE REYNOLDS CATE, CHAIRMAN, CITIZENS' ADVISORY PANEL)**
- B. Briefing and deliberation regarding Online Engagement and Social Media. (GREG FLORES – MICHAEL GRAEF)**
- C. Briefing and deliberation regarding Equipment and Vehicle Replacement Program. (VAL RUIZ)**

**SAN ANTONIO WATER SYSTEM
HANDICAPPED ACCESSIBILITY STATEMENT**

The San Antonio Water System Buildings and Meeting Rooms are accessible to individuals with disabilities. Accessible visitor parking spaces as well as the accessible entrance and ramp are located at the west side main entrance of the SAWS Headquarters Building, Tower I, 2800 U.S. Highway 281 North. Individuals with disabilities in need of auxiliary aids and services, including Deaf interpreters, must request such aids and services forty-eight (48) hours prior to the meeting. For assistance, contact the Board Administrator at 210-233-3690 or 711 (Texas Relay Service for the Deaf).

CONSENT AGENDA ITEMS

Items 7 – 29

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 – YVONNE TORRES)
- A. Award of Contracts for the Purchase of Materials, Equipment and Services.
1. Acceptance of the bid of Grande Truck Center to provide: six (6) each 19,000 GVWR (minimum) 4 door, crew cab trucks with mounted fiberglass utility body and 2,000 lb. crane, Bid No. 12-1255A, for a total of \$377,622.00.
 2. Acceptance of the bid of Grande Truck Center to provide: three (3) each 30,000 GVWR (minimum) cab chassis, 84" CA with installed crane service body and 5,000 lb crane (single cab), Bid No. 12-1265, for a total of \$422,199.00.
 3. Acceptance of the bid of Grande Truck Center to provide: one (1) each 30,000 GVWR cab-chassis with mounted 8'x16' platform bed and accessories, Bid No. 12-1233, for a total of \$84,955.00.
- B. Award of Annual Service and Supply Contracts. Estimated annual purchases are based on unit prices bid. Actual totals may vary from estimate.
1. Acceptance of the bid of Quarter Moon Plumbing to provide: "Best Value" bid for commercial toilet installation and plumbing services in support of SAWS Commercial Toilet Retrofit Programs, Bid No. 10-5028, for a total of \$575,884.00.
 2. Acceptance of the bid of Arbico-Organics to provide: Beneficial Biological Parasites for Non-Toxic Pest Control, Bid No. 08-1041A, for a total of \$60,000.00.
 3. Acceptance of the bid of Act Pipe and Supply to provide: PVC SDR-26 Pipe and Fittings, Bid No. 12-0155, for a total of \$163,497.00.
 4. Acceptance of the bid of Ferguson Water Works to provide: PVC SDR-26 Pipe and Fittings, Bid No. 12-0155, for a total of \$140,142.20.
 - (SAWS-DSP) 5. Acceptance of the bid of Act Pipe & Supply to provide: Ductile Iron MJ Compact Fittings, Bid No. 12-0065, for a total of \$57,780.10.
 - (SAWS-DSP) 6. Acceptance of the bid of HD Supply Water Works to provide: Ductile Iron MJ Compact Fittings, Bid No. 12-0065, for a total of \$29,941.79.
 - (SAWS-DSP) 7. Acceptance of the bid of Morrison Supply to provide: Ductile Iron MJ Compact Fittings, Bid No. 12-0065, for a total of \$14,278.84.

(SAWS-DSP) 8. Acceptance of the bid of Marshall Distributing Co. to provide: Fuel Service of Off-Road Equipment, Bid No. 12-1027, for a total of \$158,710.00.

(SAWS-DSP) 9. Acceptance of the bid of H&M Uniforms to provide: Purchase of Work Uniforms, Bid No. 12-5050, for a total of \$311,338.80.

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 AT&T to provide: AT&T Telephone Service Lines, Bid No. 12-1275, for a total of \$110,400.00.

(SAWS-DSP) 2. Acceptance of the bid of Automatic Gate, Cameras & More to provide: Gate Operator Maintenance Repairs & Replacement Parts, Bid No. 12-3043, for a total of \$222,073.40.

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 are within the 5-mile Awareness Zone of Camp Bullis. (KELLEY NEUMANN – SAM MILLS)

No.	Tract Name	Developer	Acreage	Water EDUs	WW EDUs	DISTRICT SPECIAL PROJECT (BMWD)	Board Reason	Water CCN	WW CCN
1	Olive Tree Ministries	Olive Tree Ministries	5.075	5	5	NO	EA/B	Inside	Inside
2	Tradesman Quarry Phase 2	Tradesman, LLC	95	2	2	NO	EA/B	Inside	Inside
Totals			<u>100.075</u>	<u>7</u>	<u>7</u>				
Totals (January 2012 - August 2012)			<u>1238.975</u>	<u>5,313.5</u>	<u>4800.025</u>				

**EDU/Acreage Comparison Totals
2012 – 2011**

EDU/Acreage Comparison Totals 2012 - 2011 (Year to Date - All Categories)	Total Acreage	Total Water EDU's	Total WW EDU's
TOTAL (January – August 2012)	3,341.69	13,453.50	12,454.025
TOTAL (January – August 2011)	3,651.41	11,431.00	10,555.00

Production, Transmission and Treatment Improvements

9. A Resolution ratifying the actions of the Senior Vice President of Strategic Resources by approving Change Order No. 9 in the amount of \$42,674.68 in connection with the Southwest Bexar Sewer Pipeline – Segment 1 Project; amending Resolution No. 10-291 in the amount of \$42,674.68 in connection with the project; approving the expenditure of additional funds in an amount not to exceed \$42,674.68 payable to Oscar Renda Contracting, Inc., for Change Order No. 9; authorizing the President/Chief Executive Officer or his duly appointed designee to pay Oscar Renda Contracting, Inc., an additional amount not to exceed \$42,674.68 for the additional project work. Total expenditures are: \$42,674.68. (KELLEY NEUMANN – FRANCES PLOCEK)

REPLACEMENT AND ADJUSTMENT PROJECTS

Governmental Relocations and Replacements

10. A Resolution rescinding Resolution No. 12-046, approved February 7, 2012, in the total amount of \$1,662,532.34 for advance payment to Bexar County and the execution of an interlocal agreement in connection with the Hausman Drainage LC-9 Project; authorizing the return of funds in the total amount of \$1,662,532.34 to the Project Fund. Total amount returned is: \$1,662,532.34. (KELLEY NEUMANN – CINDY KOVACIC)
11. A Resolution amending Resolution No. 12-077 by approving the expenditure of additional funds in an amount not to exceed \$100,000.00 payable to Pronto Sandblasting & Coating & Oil Field Services, Inc. for additional construction contingency expenses in connection with the 2012 Water and Sewer Construction Contract, Package I Project; approving an additional amount not to exceed \$100,000.00 be made available and expended from the System Project Fund for additional construction contingency expenses; ratifying the actions of the Senior Vice President of Strategic Resources in approving Change Order No. 2 in the amount of \$94,881.90; authorizing the President/Chief Executive Officer or his duly appointed designee to pay Pronto Sandblasting & Coating & Oil Field Services, Inc. an additional amount not to exceed \$100,000.00 for the additional project work and additional construction contingency expenses. Total expenditures are: \$100,000.00. (KELLEY NEUMANN – CINDY KOVACIC)

Professional Services

12. A Resolution approving Contract Amendment No. 1 in the total amount of \$100,000.00 in connection with the 2009 Engineering Design Services – Replacements and Improvements Contract II; amending the scope of services to be performed by Greg Gomez, Inc., dba GGI Engineers; amending Resolution No. 09-369 by approving additional expenditures in an amount not to exceed \$100,000.00 for additional water project engineering work; approving the expenditure of funds in a

total amount not to exceed \$100,000.00 from the System's Project Fund for the project engineering work; authorizing the President/Chief Executive Officer or his duly appointed designee to execute Contract Amendment No. 1 and to pay Greg Gomez, Inc., dba GGI Engineers, an amount not to exceed \$100,000.00 for the project engineering work. Total expenditures are: \$100,000.00.
(KELLEY NEUMANN – FRANCES PLOCEK)

WATER RESOURCES PROJECTS

13. A Resolution ratifying the action of the Senior Vice President of Strategic Resources in approving and executing Change Order No. 2 in the amount of \$166,674.49 to the construction contract with Layne Christensen Company in connection with the Brackish Groundwater Desalination Program Class I Test Injection Well Project; authorizing the additional expenditure of funds in the amount of \$166,674.49 from the project construction contingency fund; amending Resolution No. 11-399 by increasing the authorization of the construction contingency expenses by \$27,000.00; authorizing additional funds in the amount not to exceed \$27,000.00 from the System's Project Fund for additional contingency expenses associated with the project work; authorizing the President/Chief Executive Officer or his duly appointed designee to pay Layne Christensen Company the additional sum of \$166,674.49 for the additional project work. Total expenditures are: \$166,674.49.
(KELLEY NEUMANN – ASHOK KAJI – ESTHER HARRAH)

Professional Services

14. A Resolution approving the Contract Amendment No. 1 to the professional services contract to Atkins North America, Inc., (formerly PBS&J, Inc.) in an amount not to exceed \$64,777.60 in connection with the Regional Carrizo Program, Project 1: Water Supply Pipeline Project; amending Resolution No. 11-051 to approve additional expenditures in an amount not to exceed \$64,777.60 from the System's Project Fund for the project engineering work; authorizing the President/Chief Executive Officer or his duly appointed designee to execute Contract Amendment No. 1 to the professional services contract with Atkins North America, Inc., and to pay Atkins North America, Inc., an amount not to exceed \$64,777.60 for the project engineering work. Total expenditures are: \$64,777.60.
(CHARLES AHRENS – GARY GUY)

MISCELLANEOUS PROJECTS

15. A Resolution approving Final Recapitulation Change Order No. 3 in the decreased amount of \$90,184.40 to the construction contract with Underground Technologies, Inc., in connection with the 2006 Annual Pipe Bursting Work Order Construction Contract Project; authorizing the return of funds in the amount of \$90,184.40 to the Project Fund; authorizing the President/Chief Executive Officer or his duly appointed designee to execute Final Recapitulation Change Order No. 3 and close the contract. Total decreased amount is: \$90,184.40.
(KELLEY NEUMANN – FRANCES PLOCEK)

EASEMENTS AND REAL PROPERTY

16. A Resolution approving the acquisition of a permanent water line easement affecting 2.249 acres, located at the south corner of Loop 410 and Old Pearsall Road (F. M. 2536) in Bexar County, being out of Lot 3, Block 1, Traders Village Subdivision Plat, Bexar County, Texas, in connection with the Water Resources Integration Program, Project 1: Pipeline, Segment II; authorizing the expenditure of funds from the Project

Fund in a total amount not to exceed \$133,500.00 for the acquisition of the easement and related closing and title insurance costs; authorizing the President/Chief Executive Officer or his duly appointed designee to execute all documents necessary to effectuate the acquisition of the easement and to pay the amount not to exceed \$130,000.00 to J. C. Pace, Ltd and/or any other owners of the property as shown on a binding title commitment and up to \$3,500.00 to AmeriPoint Title Company for related closing and title insurance costs. Total expenditures are: \$133,500.00.

(MIKE BRINKMANN – BRUCE HABY)

17. A Resolution authorizing the President/Chief Executive Officer or his duly appointed designee to execute a partial transfer of non-exclusive easement on the Pinn Road Recycle Booster Station site located in Bexar County, Texas with City Public Service Energy; authorizing the acceptance of funds in the amount of \$193,000.00 as consideration for the execution of partial transfer of non-exclusive easement. Total funds received are: \$193,000.00. (MIKE BRINKMANN – BRUCE HABY)
18. A Resolution authorizing the President/Chief Executive Officer or his duly appointed designee to execute a renewal to the Office Building Lease Agreement between the San Antonio Water System and Texas Medical Association for a term of twenty-four months at the Texas Medical Association Building for approximately 1,163 sf of office space located at 401 W. 15th Street, Suite 985, Austin, Texas in a total rent amount not to exceed \$39,542.00, tenant parking in an amount not to exceed \$7,200.00 and a pro rata share of operating expenses estimated not to exceed \$32,564.00 for a total not to exceed sum of \$79,306.00 for the twenty-four month lease term; authorizing the expenditure from the System Fund in an amount not to exceed \$9,913.23 for Fiscal Year 2012, an amount not to exceed \$39,652.92 for Fiscal Year 2013, and that expenditures in the Fiscal Year 2014 shall not exceed \$29,739.85 and are pursuant to and contingent upon board approval of subsequent year's budget with a line item for such expenditures; authorizing the President/Chief Executive Officer or his designated representative to pay the total amount not to exceed \$79,306.00 during the renewal term of the lease to Texas Medical Association or successor or assigns. Total expenditures are: \$79,306.00. (MIKE BRINKMANN – BRUCE HABY)
19. RESERVED

MISCELLANEOUS ITEMS

20. A Resolution approving an Interlocal Agreement with the City of Hollywood Park for billing services; authorizing the President/Chief Executive Officer or his duly appointed designee to execute an Interlocal Agreement between the San Antonio Water System and the City of Hollywood Park to provide billing services. (STACEY ISENBERG)
21. A Resolution approving an Interlocal Agreement with the City of Hill Country Village for billing services; authorizing the President/Chief Executive Officer or his duly appointed designee to execute an Interlocal Agreement between the San Antonio Water System and the City of Hill Country Village to provide billing services. (STACEY ISENBERG)
22. A Resolution approving an Interlocal Agreement with the City of Converse for billing services; authorizing the President/Chief Executive Officer or his duly appointed designee to execute an Interlocal Agreement between the San Antonio Water System and the City of Converse to provide billing services. (STACEY ISENBERG)
23. A Resolution accepting the bid of and awarding a service contract to Ace Pipe

Cleaning, Inc., in the amount of \$855,750.00 with an initial base term of 17 months and with four additional one-year renewal options in connection with the Annual Small Diameter Sanitary Sewer Cleaning and Inspection Work Order Contract; approving the expenditure of funds and to make available the amount of \$855,750.00 from the System Fund for the project work and that expenditures for subsequent years be pursuant to and contingent upon Board approval of subsequent years' budget with a line item for such expenditures; authorizing the President/Chief Executive Officer or his duly appointed designee to execute a service contract with Ace Pipe Cleaning, Inc., and to pay Ace Pipe Cleaning, Inc., the amount of \$855,750.00 for the project work. Total expenditures are: \$855,750.00.
(VAL RUIZ – JEFF BROWN)

24. A Resolution accepting the bid of and awarding a construction contract to National Power Rodding Corporation in the amount of \$617,373.13 in connection with the 2012 Annual Water Distribution Leak Repairs Construction Contract Package 1; approving the expenditure of funds in the amount of \$617,373.13 for the project work; approving construction contingency expenses in an amount not to exceed \$61,737.31 in connection with the project work; authorizing the total expenditures in the amount of \$679,110.44 from the System Fund for the project work and construction contingency expenses for Fiscal Year 2012; authorizing the President/Chief Executive Officer or his duly appointed designee to execute a contract with National Power Rodding Corporation and to pay National Power Rodding Corporation the amount of \$679,110.44 for the project work and construction contingency expenses. Total expenditures are: \$679,110.44.
(VAL RUIZ – JEFF ANDREWS)

25. A Resolution accepting the bid of and awarding a construction contract to Austin Constructors, LLC in the amount of \$614,215.00 in connection with the 2012 Annual Water Distribution Leak Repairs Construction Contract Package 2; approving the expenditure of funds in the amount of \$614,215.00 for the project work; approving construction contingency expenses in an amount not to exceed \$61,421.50 in connection with the project work; authorizing the total expenditures in the amount of \$675,636.50 from the System Fund for the project work and construction contingency expenses for Fiscal Year 2012; authorizing the President/Chief Executive Officer or his duly appointed designee to execute a contract with Austin Constructors, LLC and to pay Austin Constructors, LLC the amount of \$675,636.50 for the project work and construction contingency expenses. Total expenditures are: \$675,636.50.
(VAL RUIZ – JEFF ANDREWS)

(SAWS-DSP) 26. A Resolution, concerning both the San Antonio Water System (System) and the District Special Project (DSP), accepting the proposal of and awarding a professional services contract to Tetra Tech, Inc., in the amount of \$900,000.00 for the Water Production Facility Painting and Rehabilitation Design Services Contract I; authorizing the expenditure of funds in an amount not to exceed \$900,000.00 from the System and DSP Funds for the engineering services in connection with this project; authorizing the President/Chief Executive Officer or his duly appointed designee to execute a professional services contract with Tetra Tech, Inc., and to pay Tetra Tech, Inc., an amount not to exceed \$900,000.00 for engineering services in connection with the project. Total expenditures are: \$900,000.00. (KELLEY NEUMANN – ASHOK KAJI)

(SAWS-DSP) 27. A Resolution, concerning both the San Antonio Water System (System) and the District Special Project (DSP), accepting the proposal of and awarding a professional services contract to Freese and Nichols, Inc., in the amount of \$900,000.00 for the Water Production Facility Painting and Rehabilitation Design Services Contract II;

authorizing the expenditure of funds in an amount not to exceed \$900,000.00 from the System and DSP Funds for the engineering services in connection with the project; authorizing the President/Chief Executive Officer or his duly appointed designee to execute a professional services contract with Freese and Nichols, Inc., and to pay Freese and Nichols, Inc., an amount not to exceed \$900,000.00 for engineering services in connection with the project. Total expenditures are: \$900,000.00.
(KELLEY NEUMANN – ASHOK KAJI)

28. A Resolution delegating authority to the President/Chief Executive Officer or his duly appointed designee to (1) adopt amendments to the specified benefit plans where such amendments do not materially alter SAWS' obligation to contribute to, or participants' benefits under, such plans, and (2) enter into administrative agreements with third party administrators and/or contracts with other vendors for the proper operation of such plans where such agreements and contracts do not require the expenditure of more than \$50,000.00. (SHARON DE LA GARZA)
(SAWS-DSP)
29. A Resolution amending Resolution No. 01-276 in part, by increasing and granting authority for the settlement and payment authority for automobile, general liability and employment practices liability claims not yet in litigation; by granting authority for settlement of such claims to the President/Chief Executive Officer or his designee. (NANCY BELINSKY – BILL CROW)

ITEMS FOR INDIVIDUAL CONSIDERATION

CAPITAL IMPROVEMENT CONTRACTS

MISCELLANEOUS PROJECTS

30. A Resolution accepting the bid of and awarding a construction contract to PSE Contracting, LLC, in the amount of \$1,345,000.00 for the construction of the Northeast Service Center Parking Lot Addition Project; authorizing the expenditure of funds in the amount of \$1,345,000.00 for the project work; authorizing construction contingency expenses in an amount not to exceed \$27,000.00 in connection with the project work; authorizing total expenditures of funds in an amount not to exceed \$1,372,000.00 from the System's Project Fund for the project work and construction contingency expenses; authorizing the President/Chief Executive Officer or his duly appointed designee to execute a contract with PSE Contracting, LLC, and to pay PSE Contracting, LLC, the amount of \$1,345,000.00 for the project work. Total expenditures are: \$1,345,000.00. (KELLEY NEUMANN – ASHOK KAJI)

MISCELLANEOUS ITEMS

31. A Resolution, concerning both the San Antonio Water System (System) and the District Special Project (DSP), authorizing the President/Chief Executive Officer to exercise the option to extend the Radio Communications Inter-Governmental License Agreement with CPS Energy in an amount not to exceed \$1,404,480.00 for radio communications for the period January 2012 through January 2017; authorizing expenditures of an amount not to exceed \$1,404,480.00 from both the System and DSP Funds to utilize the CPS Energy Radio Communications System and that expenditures for subsequent years be pursuant to and contingent upon Board approval of subsequent years' budgets with a line item for such expenditures; authorizing the President/Chief Executive Officer or his duly appointed designee to pay CPS Energy an amount not to exceed \$1,404,480.00 for both the System's and DSP's obligations under the terms of the agreement to utilize the CPS Energy Radio
(SAWS-DSP)

**Communications System. Total expenditures are: \$1,404,480.00.
(DOUG EVANSON – JOE SAMPLES)**

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

- A. BexarMet Legislative Oversight Committee Meeting**
- B. Status of DSP personnel moves into SAWS facilities**

33. Inquiries.

34. The Regular Session of the August 7, 2012, 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.

35. EXECUTIVE SESSION.

- A. Consultation with attorneys and deliberation regarding the appointment, employment, reassignment, duties, discipline, or dismissal of a public officer or employee. (NANCY BELINSKY - BILL CROW)**
- B. Consultation with attorneys and deliberation regarding potential litigation relating to matters in connection with wastewater permit compliance issues. (NANCY BELINSKY – JOHN REYNOLDS)**
- C. Consultation with attorneys regarding Civil Action No. C-10-75 in the United States District Court for the Southern District of Texas, Corpus Christi Division; *The Aransas Project v Shaw, et al.* (NANCY BELINSKY – STEVE KOSUB)**
- D. Consultation with attorneys and deliberation regarding potential initiation of legal proceedings seeking acquisition of property in fee simple and an easement for the Crescent Park Booster Station Project, located in the Northwestern Quadrant of Bexar County, Texas, and deliberation regarding the value of real property for said Project. (NANCY BELINSKY – MARK BREWTON)**
- E. Consultation with attorneys and deliberation regarding Cause No. 2010-CI-17097; *Elizabeth Tesson and Norma Martinez as next friend of Virginia Martinez v. San Antonio Water System*, in the 37th Judicial District Court, Bexar County, Texas. (NANCY BELINSKY - BILL CROW)**
- F. Consultation with attorneys and deliberation 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. (NANCY BELINSKY)**

36. The Regular Session of the Regular Board Meeting of August 7, 2012, is hereby reconvened.

37. A Resolution declaring a public necessity for public use the acquisition of certain privately owned real property interests in the City of San Antonio being fee simple and permanent water line easements, this project being generally located along Dominion Drive and more particularly located at Lot 1, Block 104, NCB 16386,

according to plat thereof recorded in Volume 9560, Page 98 of the official public records of Bexar County, Texas, in the northwest quadrant of Bexar County, Texas, which property interests shall be acquired by negotiation and/or condemnation, if necessary, for the public use of the expansion and operation of the System through the construction of the Crescent Park Booster Station Project; requesting that the City Council of the City of San Antonio: (i) adopt an ordinance reaffirming and declaring that the project is for a public use and a public necessity exists for the acquisition of the property interests; (ii) authorize the System to take all appropriate action to acquire the property interests by negotiation and/or condemnation; (iii) declare that the conveyance of the property interests 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 and prosecute such proceedings through final judgment and any appeals, if deemed necessary; providing and approving funding for the project. (MIKE BRINKMANN – BRUCY HABY)

38. A Resolution approving settlement of the lawsuit of Elizabeth Tesson and Norma Martinez as next friend of Virginia Martinez, against the San Antonio Water System; approving the System's financial obligation under the settlement; authorizing expenditures in the total amount of \$96,400.00 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 \$89,500.00 to Elizabeth Tesson and her attorney and \$6,900.00 to Norma Martinez as next friend to Virginia Martinez and their attorney, for the System's obligation under the terms of the Settlement Agreement. Total expenditures are: \$96,400.00.
(NANCY BELINSKY – BILL CROW)

39. Adjournment. THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES MEETING OF AUGUST 7, 2012, IS HEREBY ADJOURNED.