

# AGENDA

## MEETING OF THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES

January 9, 2013, 10:00 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 Special Meeting of November 14, 2012.

B. Approval of the Minutes of the San Antonio Water System Board of Trustees Regular Meeting of December 4, 2012.

4. Ceremonial Items.

No Items for this Meeting.

5. Individuals to be Heard.

## CONSENT AGENDA ITEMS

Items 6 – 20

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

#### 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).

**6. 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 Gajeske, Inc. to provide: Bypass Around Two (2) Three Barrel Siphons, Bid No. 12-1351, for a total of \$228,220.02.**

**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 Salt Exchange, Inc. to provide: Water Softener Salt, Bid No. 12-0257, for a total of \$45,288.00.**
- 2. Acceptance of the bid of Roy C. Garrett, Inc. to provide: Cooling Tower Service Program, Bid No. 12-4047, for a total of \$75,100.00.**
- 3. Acceptance of the bid of Artcom Associates, Inc., to provide: Fiber Cabling & Pulling Service, Bid No. 12-6086, for a total of \$54,950.00.**
- 4. Acceptance of the bid of U.S. Peroxide, LLC, to provide: 50% Hydrogen Peroxide Solution, Bid No. 12-0421A, for a total of \$311,934.00.**

**(SAWS-DSP) 5. Acceptance of the bid of Witten Pest Control to provide: Pest Control and Extermination Services, Bid No. 12-0256, for a total of \$53,500.00.**

**(SAWS-DSP) 6. Acceptance of the bid of Jeka, Inc./Mr. Transmission to provide: Transmission Repair for Chrysler, General Motors, Ford and Import Products, Parts and Service, Bid No. 12-4051, for a total of \$86,662.50.**

**(SAWS-DSP) 7. Acceptance of the bid of Trico Tower Service, Inc., to provide: Outdoor Wireless Service, Maintenance & Repair Parts, Bid No. 12-1315A, for a total of \$148,500.00.**

**(SAWS-DSP) 8. Acceptance of the bid of BFI Waste Services of Texas, LP, dba Allied Waste of San Antonio II Republic Services of San Antonio to provide: Garbage Disposal Services, Bid No. 12-0332, for a total of \$357,481.24.**

**(SAWS-DSP) 9. Acceptance of the bid of CMC Construction Services to provide: Reinforcing Steel Products, Bid No. 12-0304, for a total of \$76,843.01.**

**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 Mobility National to provide: Mobile Phones and Voice Plans, AT&T DIR-SDD-1777, Bid No. 12-1370, for a total of \$37,286.40.
2. Acceptance of the bid of Verizon Wireless to provide: Mobile Phones and Voice Plans, DIR-SDD-1779, Bid No. 12-1371, for a total of \$78,436.80.
3. Acceptance of the bid of Sprint Solutions, Inc., to provide: Mobile Phones and Voice Plans, DIR-SDD-1780, Bid No. 12-1372, for a total of \$101,068.80.
4. Acceptance of the bid of ESRI to provide: ESRI-ArcGIS Software Annual Maintenance, Bid No. 12-1368, for a total of \$104,400.00.

## CAPITAL IMPROVEMENT CONTRACTS

### PROJECTS INVOLVING IMPROVEMENTS, EXTENSIONS AND ADDITIONAL CAPACITY

#### Developer Customer Contracts

7. 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	Acreege	Water EDUs	WW EDUs	DISTRICT SPECIAL PROJECT (BMWD)	Board Reason	Water CCN	WW CCN
1	Shavano Park Unit 18, Ph1A	Rogers Shavano Park Unit 18/19 Ltd.	0.97	6	5	NO	EA/B	Inside	Inside
2	The Cliffs at Crownridge	RM Bush Properties	19.3	167	161	NO	EA/B	Inside	Outside
<b>Totals</b>			<b><u>20.27</u></b>	<b><u>173</u></b>	<b><u>166</u></b>				
<b>Totals (January 2013)</b>			<b><u>20.27</u></b>	<b><u>173</u></b>	<b><u>166</u></b>				

8. A Resolution approving Utility Service Agreements to provide water and/or wastewater service to the tracts listed below which are not located over the Edwards Aquifer Recharge or Contributing Zone and are not within the 5-mile Awareness Zone of Camp Bullis. (KELLEY NEUMANN – SAM MILLS)

No.	Tract Name	Developer	Acreege	Water EDUs	WW EDUs	DISTRICT SPECIAL PROJECT (BMWD)	Board Reason	Water CCN	WW CCN
1	Kallison Ranch East	D.R. Horton, Inc..	754.11	2960	0	YES	AC	Inside	Outside
2	Kallison Ranch North	One K.R. Venture, L.P.	523.24	3866	0	YES	AC	Inside	Outside
3	Kallison Ranch South	One K.R. Venture, L.P..	132.69	514	0	YES	AC	Inside	Outside
<b>Totals</b>			<b><u>1410.04</u></b>	<b><u>7340</u></b>	<b><u>0</u></b>				
<b>Totals (January 2013)</b>			<b><u>1410.04</u></b>	<b><u>7340</u></b>	<b><u>0</u></b>				

**EDU/Acreage Comparison Totals  
2013 – 2012**

EDU/Acreage Comparison Totals 2013 - 2012 (Year to Date - All Categories)	Total Acreage	Total Water EDU's	Total WW EDU's
<b>TOTAL (January 2013)</b>	3,002	11,348	3,666
<b>TOTAL (January 2012)</b>	208	747	647
<b>TOTAL (January 2012 – December 2012)</b>	5,130	17,853	16,430
<b>TOTAL (January 2011 – December 2011)</b>	6,309	17,415	22,703

**Production, Transmission and Treatment Improvements**

9. A Resolution approving Change Order No. 1 in the increased amount of \$204,240.82 in connection with the Lift Stations Rehabilitation – Phase 3 Project; approving total payment in the amount of \$204,240.82 to Pepper-Lawson Waterworks, LLC, for the additional project work; amending Resolution No. 12-413 by increasing the authorization of construction contingency funds by \$205,000.00 for a total construction contingency of \$314,000.00; authorizing additional funds in the amount not to exceed \$205,000.00 from the System's Project Fund for the additional contingency expenses associated with the project work; authorizing the President/Chief Executive Officer or his duly appointed designee to execute Change Order No. 1 and to pay Pepper-Lawson Waterworks, LLC, the additional sum of \$204,240.82 for the additional project work associated with Change Order No. 1. Total expenditures: \$202,240.82. (KELLEY NEUMANN – ASHOK KAJI)

**REPLACEMENT AND ADJUSTMENT PROJECTS**

**Governmental Relocations and Replacements**

10. A Resolution approving the expenditure of funds in the amount of \$233,212.00 for the adjustment of water facilities by Bexar County in connection with the Loop 1604 East Pass-Through Project; approving construction contingency expenses related to the project work in an amount not to exceed \$23,321.20; approving a total amount not to exceed \$256,533.20 be made available and expended from the System's Project Fund for the project work and related construction contingencies; approving an Interlocal Agreement with Bexar County and authorizing the President/Chief Executive Officer or his duly appointed designee to execute an Interlocal Agreement and to pay in advance to Bexar County an amount not to exceed \$256,533.20 for the project work. Total expenditures: \$256,533.20. (KELLEY NEUMANN – JOSE CARRENO)
11. A Resolution approving the expenditure of funds in the amount of \$1,475,776.03 for the adjustment of water and sewer facilities by Bexar County in connection with the Babcock Road Phase V: Heuermann Road to Camp Bullis Road Project; approving construction contingency expenses related to the project work in an amount not to exceed \$73,788.80; approving a total amount not to exceed \$1,549,564.83 be made available and expended from the System's Project Fund for the project work and related construction contingencies; approving an Interlocal Agreement and authorizing the President/Chief Executive Officer or his duly appointed designee to execute an Interlocal Agreement and to pay in advance to Bexar County an amount not to exceed \$1,549,564.83 for the project work. Total expenditures: \$1,549,564.83. (KELLEY NEUMANN – JOSE CARRENO)

12. A Resolution amending Resolution No. 12-404 by approving the expenditure of additional funds in the amount of \$30,943.42 for the adjustment of water and sewer facilities by Bexar County in connection with the Galm Road Phase I: F.M. 1560 to Silver Bells Project; amending Resolution No. 12-404 by approving additional construction contingency expenses in an amount not to exceed \$3,094.34 for the project work; authorizing that a total additional amount not to exceed \$34,037.76 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 or his duly appointed designee to pay an additional amount not to exceed \$34,037.76 to Bexar County for the project work and related construction contingencies. Total expenditures: \$34,037.76.  
(KELLEY NEUMANN – JOSE CARRENO)

### **WATER RESOURCES PROJECTS**

13. A Resolution approving Change Order No. 1 in the amount of \$96,241.15 to the construction contract with S. J. Louis Construction of Texas, Ltd., in connection with the Regional Carrizo Program, Water Supply Pipeline Project; authorizing the additional expenditure of funds in the amount of \$96,241.15 for Change Order No. 1 from the project construction contingency fund; authorizing the President/Chief Executive Officer or his duly appointed designee to execute Change Order No. 1 and to pay S. J. Louis Construction of Texas, Ltd., an additional amount not to exceed \$96,241.15 for the additional project work associated with Change Order No. 1. Total expenditures: \$96,241.15. (CHARLES AHRENS – DARREN THOMPSON)

### **EASEMENTS AND REAL PROPERTY**

14. A Resolution authorizing an amendment to the Shopping Center Sublease Agreement between the San Antonio Water System and CPS Energy for a term of thirty-six months at the Las Palmas Shopping Center for approximately 2,857 sf of office space located at 803 Castroville Road, Suite 406, San Antonio, Texas in a total base rent amount not to exceed \$98,977.00 and the total annual pro rata share of maintenance and utility expenses in an amount not to exceed \$42,000.00 or a total sum of \$140,977.00 for the thirty-six month sublease term; authorizing the expenditure from the System Fund in an amount not to exceed \$41,727.00 for Fiscal Year 2013 and that expenditures in the subsequent fiscal years shall not exceed \$99,250.00 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 duly appointed designee to execute an amendment to the Sublease Agreement and to pay the total amount not to exceed \$140,977.00 during the term of the Sublease Agreement to CPS Energy for said sublease. Total expenditures: \$140,977.00.  
(MIKE BRINKMANN – BRUCE HABY)

15. A Resolution authorizing the expenditure and making available from the Project Fund the amount of \$50,000.00 being a settlement amount and the amount of an agreed Special Commissioners' Award in litigation between the City of San Antonio by and through its San Antonio Water System and Richard L. Wagener, Marian Lee Schendel, and Laura Jean Wagener, et al, in connection with the acquisition of the permanent waterline easement described as a 6.012 acre tract and a temporary construction easement described as a 3.595 acre tract located on the east side of County Road 127, north of F.M. 1117, in the southwestern quadrant of Gonzales County, Texas, for the Regional Carrizo Program, Water Supply Pipeline Project; authorizing the deposit into the Registry of the Court and/or direct payment to the

Owners in the amount of \$50,000.00 to obtain possession of said Easements; authorizing and ratifying the System's attorneys to settle the above-styled litigation for the amount of \$50,000.00 and authorizing the System's attorneys to take all necessary or advisable action to obtain a final judgment for such amount. Total expenditures: \$50,000.00. (MIKE BRINKMANN – BRUCE HABY)

### MISCELLANEOUS ITEMS

16. A Resolution authorizing the President/Chief Executive Officer to administratively approve in CY 2013 additional expenditures in an amount not to exceed \$10,000.00 in the aggregate for each contract or agreement previously approved by the San Antonio Water System Board of Trustees; authorizing appropriation of funds in an amount not to exceed \$100,000.00 for this purpose; directing the staff to provide the San Antonio Water System Board of Trustees with an end-of-year report and to seek re-delegation of this authority on an annual basis. Total expenditures: \$100,000.00. (NANCY BELINSKY – PHILIP CAMPOS)
17. A Resolution delegating the authority for selecting the use of a Competitive Sealed Proposal or Alternative Delivery Method under Local Government Code Chapter 252 or Government Code Chapter 2267 from the Board of Trustees to the SAWS President/Chief Executive Officer; such delegation is based upon the current State Law and any future amendments pertaining to these chapters. (NANCY BELINSKY – PHILIP CAMPOS)
18. A Resolution accepting the bid of and awarding a construction contract to KST Electric, Ltd. in the amount of \$132,128.70 for the Kelly Building 356 Switchgear Project; approving the expenditure of funds in an amount not to exceed \$ 132,128.70 for the project work; approving construction contingency expenses in an amount not to exceed \$13,213.00 in connection with the project work; approving a total amount not to exceed \$145,341.70 be made available and expended from the Project Fund for the project work and related construction contingencies; authorizing the President/Chief Executive Officer or his duly appointed designee to execute a construction contract with KST Electric, Ltd. and to pay KST Electric, Ltd. an amount not to exceed \$145,341.70 for the project work and related construction contingencies. Total expenditures: \$145,341.70. (MIKE BRINKMANN – DAN MYERS)
19. A Resolution, concerning both the San Antonio Water System and the District Special Project, accepting the proposal and awarding of a new contract with various temporary employment agencies to provide temporary worker services for Information Systems related positions for the System from January 09, 2013 through December 31, 2016 with two successive one-year term extensions; authorizing funds to be expended in FY 2013 from the System's Project Fund, and System and DSP Funds, and that future years' expenditures are pursuant to and contingent upon Board approval of the subsequent years' budgets with a line item for such expenditures; authorizing the President/Chief Executive Officer or his duly appointed designee to execute a new contract with various temporary employment agencies and to pay various temporary employment agencies an amount not to exceed \$867,100.00 for temporary worker services for Information Systems related positions for FY 2013. Total expenditures: \$867,100.00. (DOUG EVANSON – JOE SAMPLES)
20. A Resolution approving the Annual Internal Audit Plan for 2013. (CECILIA TANKERSLEY)

# ITEMS FOR INDIVIDUAL CONSIDERATION

## WATER RESOURCES ITEMS

21. A Resolution appointing Marcy Andrade, Ayda Gonzalez, Tj Haygood, and Harold Orosco as Citizens' Advisory Panel new members for a two-year term expiring December 31, 2014; reappointing Dr. Alan Dutton, Roxane Faz, Dr. Deborah Gilbertson, Adam Greenup, Sonia Imperial, Kay Kutchins, Adrian Reyes, and Marc Stroope as Citizens' Advisory Panel members for a two-year term expiring December 31, 2014; appointing Kay Kutchins as the Chairperson of the 2013 Citizens' Advisory Panel for a one-year term expiring December 31, 2013.  
(CHARLES AHRENS – DARREN THOMPSON)
22. A Resolution appointing Gina Candelario, Dr. Afamia Elnakat, Monika Maeckle, Amy Hardberger, Gabriel Durand-Hollis, John Parlett, and Anna Lisa Aguirre as Community Conservation Committee new members for a two-year term expiring December 31, 2014; reappointing David Adams, Donna S. Irwin, Dolores Mendez, Jason Siptak, Donna Thompson, Linda Tippins, Christel Villarreal, Joanne Moore Walsh, and Golda Weir as Community Conservation Committee members for a two-year term expiring December 31, 2014; reappointing Carlos Silva as the Chairman of the 2013 Community Conservation Committee for a one-year term expiring December 31, 2013. (CHARLES AHRENS – KAREN GUZ)
23. A Resolution approving Contract Amendment No. 1 to the existing professional services contract with Black and Veatch Corporation for additional funds in an amount not to exceed \$18,680,000.00 for additional program management and engineering services in connection with the Brackish Groundwater Desalination Program; authorizing the President/Chief Executive Officer or his duly appointed designee to execute Contract Amendment No. 1; appropriating an additional \$250,000.00 for the contract performance incentive provision; authorizing the expenditure of funds in an amount not to exceed \$18,930,000.00 from the System's Project Fund for the additional program management and engineering services and appropriation for the contract performance incentive in connection with the program; amending Resolution No. 12-271 by approving additional expenditures in an amount not to exceed \$18,930,000.00 from the System's Project Fund; authorizing the President/Chief Executive Officer or his duly appointed designee to pay an additional amount not to exceed \$18,680,000.00 to Black and Veatch Corporation for additional program management and engineering services in connection with the program. Total expenditures: \$18,680,000.00.  
(KELLEY NEUMANN – ASHOK KAJI)

## CAPITAL IMPROVEMENT CONTRACTS

### PROJECTS INVOLVING IMPROVEMENTS, EXTENSIONS AND ADDITIONAL CAPACITY

#### Developer Customer Contracts

24. 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	Rahaei Tract Subdivision	Landquest Acquisitions, LLC	27.188	35	0	NO	CZ/B	Inside	Outside
<b>Totals</b>			<b><u>27.188</u></b>	<b><u>35</u></b>	<b><u>0</u></b>				
<b>Totals (January 2013)</b>			<b><u>27.188</u></b>	<b><u>35</u></b>	<b><u>0</u></b>				

25. 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 not within the 5-mile Awareness Zone of Camp Bullis. (KELLEY NEUMANN – SAM MILLS)

No.	Tract Name	Developer	Acreage	Water EDUs	WW EDUs	Board Reason	Water CCN	WW CCN
1	Crescent Hills	3009 Land Ltd.	1545	3800	3500	AC/EA	Inside	Outside
<b>Totals - January 2013</b>			<b><u>1545</u></b>	<b><u>3800</u></b>	<b><u>3500</u></b>			
<b>Totals (January 2013)</b>			<b><u>1545</u></b>	<b><u>3800</u></b>	<b><u>3500</u></b>			

#### Production, Transmission and Treatment Improvements

26. A Resolution accepting the proposal of and awarding a construction contract to Garney Companies, Inc., in the amount of \$3,985,987.46 in connection with the Leon Creek Sewer Emergency Project; approving the expenditure of funds in an amount of \$3,985,987.46 for the project work; approving construction contingency expenses in the amount of \$120,000.00; approving a total amount not to exceed \$4,105,987.46 be made available from the System’s Project Fund for the project work and related construction contingency expenses; authorizing the President/Chief Executive Officer or his duly appointed designee to execute a construction contract with Garney Companies, Inc., and to pay Garney Companies, Inc., an amount not to exceed \$4,105,987.46 for the project work. Total expenditures: \$4,105,987.46. (KELLEY NEUMANN – FRANCES PLOCEK)
27. A Resolution approving Change Order No. 1 in an amount not to exceed \$1,206,976.10 in connection with the Southwest Bexar Sewer Pipeline – Segment 4 Project; amending Resolution No. 12-234 by approving additional contingency funds in the amount of \$583,344.00; approving the expenditure of additional funds in an amount not to exceed \$1,206,976.10 from the System Project Fund for Change Order No. 1; authorizing the President/Chief Executive Officer or his duly appointed designee to execute Change Order No. 1 and to pay Merryman Excavation, Inc., an additional amount not to exceed \$1,206,976.10 for the additional project work associated with Change Order No. 1. Total expenditures: \$1,206,976.10. (KELLEY NEUMANN – FRANCES PLOCEK)

#### MISCELLANEOUS ITEMS

28. A Resolution for the benefit of the District Special Project authorizing sale to the Water Exploration Co. Ltd. (WECO) of certain infrastructure and equipment on the (DSP) WECO groundwater production site at or in the vicinity of 27631 Crazy Horse Drive in San Antonio, Texas, for the cash sum of \$800,000.00; directing the President/Chief Executive Officer to execute a bill of sale for the infrastructure and equipment. Total cash sum: \$800,000.00. (STEVE CLOUSE)



29. A Resolution authorizing the President/Chief Executive Officer at the recommendation of the General Counsel to continue or negotiate new letters of engagement, as appropriate, with existing and new law firms to provide legal services to the San Antonio Water System; authorizing the expenditure of an amount not to exceed \$4,485,000.00 for CY 2013 from the System Fund and Project Fund for legal services provided for the operation and maintenance and capital projects of the System; directing the General Counsel to follow certain criteria and requirements in the negotiation and execution of letters of engagement. Total expenditures: \$4,485,000.00. (NANCY BELINSKY)
30. A Resolution authorizing the expenditure of funds in an amount not to exceed \$263,134.00 from the System Fund to reimburse the City of San Antonio Department of Human Services for administrative and direct staff costs related to the certification and qualification of eligible ratepayers for the Affordability Discount Program (ADP) and Project Agua Program in calendar year 2013; authorizing the President/Chief Executive Officer or his duly appointed designee to pay the City of San Antonio Department of Human Services for administrative and direct staff costs related to the certification and qualification of eligible ratepayers for the ADP and Project Agua Program in calendar year 2013 in an amount not to exceed \$263,134.00; further determining the need to update the Affordability Discount Program eligibility requirements to exclude customers whose consumption exceeds 17,205 gallons in any one billing cycle of the calendar year for one calendar year in support of the City's outdoor water conservation efforts. Total expenditures: \$263,134.00. (GREG FLORES)

31. **PUBLIC HEARING: AMENDMENT OF  
THE 2013 ANNUAL BUDGET FOR THE  
SAN ANTONIO WATER SYSTEM**

**PUBLIC HEARING OPENS**

- A. Public Hearing Briefing (DOUG EVANSON – DAN CROWLEY)
- B. Public Hearing on the Following Items:
1. Amendment of the Annual Budget for the San Antonio Water System for the Fiscal Year ending December 31, 2013 and proposed rates and fees adjustments.

**PUBLIC HEARING CLOSES**

32. A Resolution amending the Annual Budget for the San Antonio Water System for the Fiscal Year ending December 31, 2013; authorizing the amendment of the Annual Budget for the Fiscal Year ending December 31, 2013 be submitted to the City. (DOUG EVANSON – DAN CROWLEY)
33. A Resolution determining the necessity for adjustments to all Water Supply Fee and wastewater rates; determining the necessity for no adjustment to any water delivery, irrigation, and recycled water rates; directing that a full report of the basis for the proposed adjustments to all Water Supply Fee and wastewater rates be submitted to the City Council of the City of San Antonio; recommending that the City Council

adopt such adjustments to the Water Supply Fee and wastewater rates; further recommending that the City Council adopt certain amendments to Chapter 34 of the City Code of the City of San Antonio and rate schedules incorporated therein; making the rates adjustments effective for consumption on or about March 1, 2013.

(DOUG EVANSON – DAN CROWLEY)

**34. BRIEFING SESSION.**

No items for this Meeting.

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

- A. Joint Base San Antonio Privatization Proposal**
- B. Legislative Update and Outreach Efforts**
- C. Employee Recognition**

**36. Inquiries.**

**37. The Regular Session of the January 9, 2013, 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.**

**38. 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 and deliberation regarding potential litigation relating to Endangered Species Act issues. (NANCY BELINSKY – JOHN REYNOLDS)**
- D. Consultation with attorneys and deliberation regarding potential initiation of legal proceedings seeking easement acquisition for the Kings Highway Sanitary Sewer Project – 8-Inch Sanitary Sewer Replacement, 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 potential initiation of legal proceedings seeking easement acquisition for the Huebner Creek LC 17 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)**
- F. Consultation with attorneys and deliberation regarding Cause No. 375747, *Amy Dacy v. San Antonio Water System*, in the County Court at Law No. 3, Bexar County, Texas. (NANCY BELINSKY - BILL CROW)**

- G. Consultation with attorneys and deliberation regarding Cause No. 373345, *Jessica Maria Leyva v. San Antonio Water System*, In the County Court at Law No. 3, Bexar County, Texas. (NANCY BELINSKY – BILL CROW)
  - H. Consultation with attorneys and deliberation regarding certain personnel matters related to the Chief of Internal Audit pursuant to Texas Open Meetings Act Sections 551.071 (consultation with attorneys) and 551.074 (personnel matters). (NANCY BELINSKY)
  - I. 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)
39. The Regular Session of the Regular Board Meeting of January 9, 2013, is hereby reconvened.
  40. 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 a permanent sewer line easement for the Kings Highway Sanitary Sewer Project – 8-Inch Sanitary Sewer Replacement Project, located in an area bound by Fulton Avenue and West Gramercy Place continuing south to the intersection of West Summit Avenue and Ripley Avenue in New County Block 6436 in the Northwestern Quadrant of Bexar County, Texas. (MIKE BRINKMANN – BRUCE HABY)
  41. 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 a permanent sanitary sewer and recycled water line easement and a temporary construction easement for the Huebner Creek LC 17 Project, located in an area generally following the flowline of Huebner Creek beginning at Ingram Road and terminating in Bandera Road, in New County Block 18084 in the Northwestern Quadrant of Bexar County, Texas. (MIKE BRINKMANN – BRUCE HABY)
  42. A Resolution ratifying the settlement of the lawsuit of Amy Dacy against the San Antonio Water System and the System's financial obligation under the settlement; ratifying the payment from the System Fund of \$4,000.00 to Amy Dacy and her attorney, for the System's obligations under the terms of the Settlement Agreement. Total expenditures: \$4,000.00. (NANCY BELINSKY – BILL CROW)
  43. A Resolution approving settlement of the lawsuit of Jessica Marie Leyva against the San Antonio Water System; authorizing expenditures in the total amount of \$10,000.00 from the System Fund for purposes of the settlement; authorizing the President/Chief Executive Officer and the System's Legal Counsel to execute the settlement agreement and pay \$10,000.00 to Jessica Marie Leyva and her attorneys, for the System's obligations under the terms of the Settlement Agreement. Total expenditures: \$10,000.00. (NANCY BELINSKY – BILL CROW)
  44. A Resolution amending Resolution No. 12-028 and ratifying the expenditure of an additional amount not to exceed \$28,557.50, to a total increased amount authorized for expenditure not to exceed \$194,375.50 from the System Fund for legal fees for Ruben Barrera of the law firm of Bracewell & Giuliani, L.L.P., as Special Counsel to the Board for the remainder of the 2012 calendar year. Total expenditures: \$28,557.50. (BERTO GUERRA, JR., CHAIRMAN)

45. **A Resolution approving the expenditure of an amount not to exceed \$165,818.00 from the System Fund for Ruben Barrera of the law firm of Bracewell & Giuliani, L.L.P., to act as Special Counsel to the Board for the calendar year 2013 and granting authority to the Chairman of the Board of Trustees to execute a letter of engagement for the retention of Ruben Barrera's legal services for the calendar year 2013. Total expenditures: \$165,818.00. (BERTO GUERRA, JR., CHAIRMAN)**
46. **Adjournment. THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES MEETING OF JANUARY 9, 2013, IS HEREBY ADJOURNED.**