

**BEXAR METROPOLITAN WATER DISTRICT
2055 W. MALONE, SAN ANTONIO, TEXAS 78225
P. O. BOX 245994, SAN ANTONIO, TEXAS 78224**

**REGULAR BOARD MEETING
June 22, 2009**

Notice is hereby given to the public that the Board of Directors for the BEXAR METROPOLITAN WATER DISTRICT shall have a Regular Board of Directors Meeting on the **22nd day of, June 2009. The meeting will be called to order at 4:00 p.m.** The meeting will be held in the Bexar Metropolitan Water District Board Room, 2055 W. Malone, San Antonio, Texas 78225.

The District provides unrestricted access for the disabled.

AGENDA

1. Meeting Called to Order.

EXECUTIVE SESSION:

2. The Bexar Metropolitan Water District's Board of Directors reserves the right to adjourn into Executive Session at any time to discuss any of the matters listed below, as authorized by Chapter 551 of the Texas Government Code, Subchapter D, as it pertains to consultation with attorney (§551.071); deliberation about Real Property (§551.072); deliberations about Gifts and Donations (§551.073); Personnel Matters (§551.074); deliberations about Security Devices (§551.076); and Economic Development (§551.087). EXECUTIVE SESSION ITEMS MAY BE DISCUSSED AND ACTED UPON, IF APPROPRIATE IN OPEN SESSION.
 - a) Consultation with Attorney regarding legal issues and potential litigation relating to BexarMet's water supply agreement with Water Exploration Co., Ltd. (M. Killen/Gardner).
 - b) Consultation with Attorney regarding pending or anticipated litigation:
 - i. Gilbert Garza vs. Bexar Metropolitan Water District, et al. (McKamie);
 - ii. Humberto Ramos v. Bexar Metropolitan Water District, et al. (McKamie);
 - iii. Liliana Oranday v. Bexar Metropolitan Water District, et al. (McKamie);
 - iv. Notice of Claim by Angelita Vasquez v. Bexar Metropolitan Water District, (M. Killen);
 - v. Notice of Discrimination by F. Gilbert Olivares v. Bexar Metropolitan Water District, (M. Killen).

- c) Personnel Matters – Deliberation regarding Mike Thuss, Director of Engineering (L. Wenger).
- d) Personnel Matters – Deliberation regarding the appointment, employment, and candidates for General Manager (J. Shackelford).

3. The Board will reconvene in Open Session.

4. Pledge of Allegiance.

5. Invocation.

6. The Board may take ACTION on any item discussed in Executive Session.

7. Announcements:

- Tentative Regular Board Meeting dates
- Alamo Community College (ACC) Palo Alto Campus Ground Storage Tank logo
- Ventura HOA Letters of Commendation

8. Requests by interested citizens to address the Board.

ACTION ITEMS:

THE BOARD WILL BE ASKED TO CONSIDER AND TAKE ACTION:

ITEMS FOR INDIVIDUAL CONSIDERATION:

Item(s) Brought by Water Resources:

(Humberto Ramos)

9. To authorize the Director of Engineering to execute a third amendment to the original Water Supply Agreement with East Central Water Supply Corporation.

Item(s) Brought by Engineering:

(Mike Thuss)

10. To approve award of a Design and Construction contract to PSE Contracting, LLC. to upgrade the existing electrical system at Meadowood Acres Facility #169, Northwest Service Area (District 3), in the amount of \$157,872.00 (including 10% contingency) and to allocate that amount from BP-091004 (Meadowood Acres Facility Improvements) (R. Villarreal).
11. To authorize the expenditure of funds to pay **City of San Antonio (“COSA”)** for installing an 8” Ductile Iron at Nock Avenue (District 7) Southside service area in the amount of \$76,979.12 and to allocate that amount from BP-091065 (Nock Avenue) (R. Villarreal).
12. To authorize the Director of Engineering to execute a contract with San Antonio Design Group Inc., (SADG), the engineer selected by **Bexar County** for the design of replacement to existing water facilities for the joint bid Ventura Subdivision Phase IX & X Water Main Project (District 4) for an amount of \$135,600.00 and to allocate that amount from BP-091017 (Ventura Subdivision IX & X) (R. Mengden).

13. To authorize the Director of Engineering to execute a contract with **Bexar County** to construct the Heritage Park II-Main Replacement, Northwest Service Area (District 3) in the amount of \$1,132,949.41 and to allocate that amount from BP-091015 (Heritage Park II-Main Relocation) (Jack Tucker).
14. To approve a resolution amending Chapter 13, "Impact Fees", of the Bexar Metropolitan Water District's Water Service Regulations by approving, adopting, and implementing an update of the Bexar Metropolitan Water District impact fee; amending impact fee service; providing for collection and assessment of impact fees; providing for offsets and credits against impact fees; providing for accounts for impact fees and use of funds in these accounts; providing for appeals, relief procedures and exemptions; providing for future updates; providing for agreements for capital improvements; including procedural provisions; and providing for penalties (R. Mengden).
15. To approve award of a contract to CIPPlanner Corporation, a certified Small Business Enterprise (SBE), to provide a Capital Improvement Program System Solution Software in an amount of \$114,633.00 and to allocate that amount from BE-091013 (Engineering CIP Management Software) (B. Regnier).

Item(s) Brought by IT:

(Robert Pina)

16. To approve the purchase of two (2) Dell Power Edge R805 Servers and one (1) CISCO CAT3750 Network Switch in the amount of \$36,990.67 to support the CIP Planner Corporation software package funded by BE-091012 (Dell Servers/VM Ware).
17. To approve award of a term delivery order to Dell Marketing, L.P. to provide Information Technology Equipment in an estimated annual amount of \$177,696.00 beginning upon award and ending April 30, 2010 (D. Garza).

Item(s) Brought by Administration

(Edna Wigfall Cruté)

18. To approve of a Resolution in Support of the Fiscal Year 2009-2010 Strategic Plan and in fulfillment of Chapter I.1.10 of the Bexar Metropolitan Water District's Board Administrative Policies to establish the strategic goals in the respective major functions particularly for fiscal planning, organizational direction and measurement of progress (K. McCollough).
19. Approval of a Resolution in support of amending Chapter IV on Financial Management, of the Bexar Metropolitan Water District's Board Administrative Policies, adding Chapter IV.4.30 to establish Finance/Audit Committee Bylaws and renaming the Finance Committee (K. McCollough).

Item(s) Brought by Communications & Customer Relations:

(Mike Lopez)

20. To approve a change in the current BexarMet policy for the calculation of water leak adjustment credit for residential and commercial accounts (K. Kirk).

Item(s) Brought by Individual Board Members:

21. To receive an update and list of all in-house Engineering projects by employee name and project (L. Wenger).
 - a. Engineering Department Report (M. Thuss).
 - b. IT Department Report (R. Pina).
 - c. Water Resources Report (H. Ramos).
 - d. Capital Improvement Program Report (M. Thuss).
 - e. In-House Design Report (M. Thuss).
22. Discussion and possible action regarding individual or firm to perform Public Relations services for the District (A. Carr).
23. Discussion and action regarding adopting a Board Policy to limit employee's political involvement in Board elections (L. Wenger).

24. CONSENT ITEMS:

THE BOARD WILL BE ASKED TO CONSIDER AND TAKE ACTION:

- a. To accept the Financial Report for the month ending May 31, 2009 and year-to-date (J. Morin).
- b. To approve the nomination of Guadalupe I. Lopez, President of BexarMet Water District Board of Directors, to the South Central Texas Regional Water Planning Group (Region L) (H. Ramos).
- c. To authorize the Management Team to negotiate and execute a Utility Service Agreement (USA) with Sun Belt Investments Partners I, L.P (J. Tucker).
- d. To approve a Resolution approving District Representatives authorized to execute agreements and instruments on behalf of the District (J. Morin).
- e. To authorize the Director of Engineering to execute an Amendment to the North Park Toyota Interlocal with the **San Antonio Water System** to provide for a term of thirty six (36) months (J. Tucker).
- f. To authorize the Director of Engineering to execute an Interlocal with **Yancey Water Supply Corp.** to provide for an emergency interconnect (R. Mengden).
- g. To authorize the Director of Engineering to execute an Interlocal with **Southwest Water Supply Corp.** to provide for an emergency interconnect (D. Wallace).

**25. ACTION ITEMS FOR ADMINISTRATION: (Edna Wigfall Cruté)
THE BOARD WILL BE ASKED TO REVIEW AND APPROVE:**

- a. April 27, 2009, Regular Board Meeting Minutes

- b. May 26, 2009, Special Board Meeting Minutes
- c. May 28, 2009, Special Board Meeting Minutes
- d. June 1, 2009, Special Board Meeting Minutes
- e. June 2, 2009, Special Board Meeting Minutes

26. REPORT ITEMS:

(Jesse Morin)

Management Team Monthly Reports (Information only).

- a. The purchase of materials necessary for store's inventory or for on-going projects for the month of May 2009.
 - b. The exceptional expenditures and professional fees, including legal fees, for the month of May 2009.
 - c. Top 25 Delinquent accounts (J. Morin/M. Lopez).
 - d. Commercial/Residential Accounts turned off for the month of May 2009. (M. Lopez)
 - e. Check History Report for the month of May 2009.
 - f. AIT Report (A. Rocha).
 - g. Fraud Policy (E. Garza).
 - h. Current Status of Employees for the Month of May 2009. (E. Wigfall Cruté).
27. To approve setting the end of term for the members of the Capital Improvement Advisory Committee ("CIAC") as of June 22, 2009 and to recognize their service to the District (L. Wenger/V. Ybarra).
28. Discussion and possible action regarding requesting a Conservator/Monitor from Texas Commission on Environmental Quality ("TCEQ") (A. Carr).
29. To set a date and time for a town hall meeting to be held at Bexar Metropolitan Water District to receive public input regarding the Stone Oak/Flagstone Water Tower (B. Atkinson).
30. The Board will be asked to set the date, time and order of the Open Session/Executive Session for the Board's regular monthly meeting for Monday, July 27, 2009 and/or Special Board Meeting.
31. The Board will adjourn.