

**MINUTES**  
**BEXAR METROPOLITAN WATER DISTRICT**  
**REGULAR BOARD MEETING**  
**2047 W. MALONE, SAN ANTONIO, TEXAS 78225**  
**P.O. BOX 245994, SAN ANTONIO, TEXAS 78224**  
**SEPTEMBER 24, 2007**

In accordance with Chapter 551 of the Texas Government Code, Vernon's Annotated Civil Statutes, Section 31, the Board of Directors for the BEXAR METROPOLITAN WATER DISTRICT held a **Regular Board of Directors Meeting at 4:30 p.m. on the 24 day of September 2007**, in the Board Room of Bexar Metropolitan Water District, 2047 W. Malone, San Antonio, Texas.

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**BOARD MEMBERS PRESENT:** Victor Villarreal; Jim Clement; Blanche Atkinson; Debra Eaton; Lesley Wenger; Jose Gallegos Jr.

**STAFF MEMBERS PRESENT:** F. Gilbert Olivares; Adolfo Ruiz; Edna Wigfall Crute; Serina Rivela; Laura Stryjewksi; Karl Kirk; Phil Hopkins; Andrew Vasquez; Liliana Oranday; Helen Casias; Juan Lozano; Nathan Riggs; Humberto Ramos; Alice Huron; Angelita Vasquez.

**GUESTS PRESENT:** Ben Confield (APEX Engineering); Robert Boyd (Brown and Caldwell); Janie Gonzalez; Mike Lopez (Webhead Group); Angela Garcia (Lulac); Michael Albach (Laguna Water); Tim McCallum (COPS/Metro); Joseph R. Thaxton (United Water); Felix Bernal (Klotz Associates); Chris Powers (SAWS); Lee Niles (Pape-Dawson); Buddy Barnes; Hank Waggy (Carter & Burgess); Jose A. Alfaro; Dina Villarreal (Resident); Bob Anderson (Resident); Diane Pfeil (Resident); Arthur Muriada; Andy Carr (Candidates).

**PRESS PRESENT:**

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**MINUTES**

The open session of this meeting was tape recorded. These minutes are a summary record of the Board's actions at the meeting. For a detailed record of discussions and statements made by persons speaking at the meeting, please consult the audio files at the District's office.

**Item 1.**

Mr. Villarreal called the meeting to order at 4:37 p.m.

**Item 2. Executive Session.**

Upon motion by Mr. Clement seconded by Mr. Villarreal and passed without opposition, the Board adjourned into Executive Session at 4:38 p.m.

**Item 3. Open Session.**

The Board reconvened in Open Session at 6:28 p.m. and took the following actions per discussion in Executive Session.

**Item 2a. General Litigation matters involving ongoing, pending or contemplated litigation and settlement offers.**

Mr. Clement moved to authorize the General Manager to settle the Tom Wanat vs. Bexar Metropolitan Water District case as per terms recommended by TML as discussed in executive session. Mr. Gallegos seconded the motion.

Motion carried unanimously.

**Item 2c. Personnel Matters.**

Ms. Eaton moved to authorize the General Manager to settle the Monique Quitugua vs. Bexar Metropolitan Water District claims as per terms recommended by TML as discussed in executive session. Mr. Villarreal seconded the motion.

Motion carried unanimously.

**Item 2d. To approve a Letter of intent with SJWTX Water, Inc. regarding the sale of the Comal County and Medina County Water Systems.**

Mr. Gallegos moved to approve a Letter of intent with San Jose Water Company and Canyon Lake Water Company regarding the sale of the Comal County and Medina County Water Systems. Mr. Clement seconded the motion.

Motion carried unanimously.

**Item 4. Request by interested Citizens to address the Board.**

Mr. Bob Anderson addressed the Board in regards to BexarMets financial situation.

Ms. Angela Garcia addressed the Board in regards to an employee filing a discrimination charge against Bexarmet.

**Item 5. To authorize the General Manager to negotiate and execute an Interlocal Agreement with San Antonio Water System ("SAWS") regarding SAWS' request to utilize BexarMet's water infrastructure to provide temporary water to the Monte Cristo Development.**

Mr. Clement moved to authorize the General Manager to negotiate and execute an Interlocal Agreement with San Antonio Water System ("SAWS") regarding SAWS' request to utilize BexarMet's water infrastructure to provide temporary water to the Monte Cristo Development. Mr. Villarreal seconded the motion.

Motion carried unanimously.

**Item 6. To adopt a board policy to begin every Board of Director's Meeting with the Pledge of Allegiance to begin on a date approved by the Board.**

Mr. Clement moved to adopt a board policy to begin every Board of Director's Regular and Special Board meeting with the Pledge of Allegiance to begin on September 24, 2007. Mr. Villarreal seconded the motion.

Motion carried unanimously.

**Item 7. To approve a contract with the Bexar County Elections Administrator for election services for the November 6, 2007, Director Election for District 2 and to approve a deposit, pursuant to the contract, in an amount not to exceed \$14,827.40.**

Mr. Gallegos moved to approve a contract with the Bexar County Elections Administrator for election services for the November 6, 2007, Director Election for District 2 and to approve a deposit, pursuant to the contract, in an amount not to exceed \$14,827.40. Mr. Clement seconded the motion.

Motion carried unanimously.

Mr. Andy Carr and Mr. Arthur Muraida, the District 2 candidates were introduced.

**Item 8. To approve a Special Rule of Order as an attachment to Bexar Metropolitan Water District By-Laws relating to the Board Member's attendance at Board Meetings and procedure Board Members are to follow to request to be excused from attendance.**

Mr. Villarreal stated that Item 8 be removed with no action taken.

**Item 9. To remove and/or accept the resignation of David Sosa as a Director for the Bexar Metropolitan Corporation and appoint one Director to fill the unexpired term of the vacant position (Item tabled on August 27, 2007).**

No action taken on Item 9.

**Item 10. To adopt a Resolution authorizing the "Amended Lease With An Option To Purchase Between The Bexar Metropolitan Development Corporation As Lessor And The Bexar Metropolitan Water District As Lessee".**

Mr. Clement moved to adopt a Resolution authorizing the "Amended Lease With An Option To Purchase Between The Bexar Metropolitan Development Corporation As Lessor And The Bexar Metropolitan Water District As Lessee." Ms. Atkinson seconded the motion.

Motion carried unanimously.

**Item 11. To adopt a board policy for the negotiation, approval and execution of Utility Service Agreement ("USA").**

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Mr. Clement moved to adopt the procedure of submitting the General Manager's negotiated USA's to the Finance Committee for review and recommendation of approval to the full Board. Mr. Gallegos seconded the motion.

Motion carried unanimously.

**Item 12. To approve amended Water Service Regulations.**

Mr. Gallegos moved to amend the following sections of BexarMet's Water Service Regulations, Section 2.1, General Terms as it pertains to peak daily flow; Section 12.21, regarding Oversize Water Mains; and Section 13.4, regarding determination of EDUs to include both 3/4" and 5/8" meters. Mr. Clement seconded the motion.

Motion carried unanimously.

**Item 13. To authorize the General Manager to approve the purchase of a Mueller C1-36-99002 Tapping Machine for the amount of \$17,255.78 from HD Waterworks Supply from Budget Item No. BE-4002.**

Mr. Villarreal moved to authorize the General Manager to approve the purchase of a Mueller C1-36-99002 Tapping Machine for the amount of \$17,255.78 from HD Waterworks Supply from Budget Item No. BE-4002. Mr. Clement seconded the motion.

Motion carried unanimously.

**Item 14. To approve the use of contractor Alsay, Inc. the winning bidder as solicited for the maintenance to pull 038WP2 deep turbine well and the re-install after repairs are made at New World Facility #038 for an amount not to exceed \$5,600.00 (District 4).**

Mr. Gallegos moved to approve the use of contractor Alsay, Inc. the winning bidder as solicited for the maintenance to pull 038WP2 deep turbine well and the re-install after repairs are made at New World Facility #038 for an amount not to exceed \$5,600.00 (District 4). Mr. Clement seconded the motion.

Motion carried unanimously.

**Item 15. To approve use of indefinite delivery contractor Gilbert's Concrete and Utility Work for concrete and other excavation work associated with electrical upgrades at Lemonwood Facility #023 for an amount not to exceed \$34,475.00 and to reallocate funds from Capital Budget BP-070829 (District 6).**

Ms. Wenger moved to approve use of indefinite delivery contractor Gilbert's Concrete and Utility Work for concrete and other excavation work associated with electrical upgrades at Lemonwood Facility #023 for an amount not to exceed \$34,475.00 and to reallocate funds from Capital Budget BP-070829 (District 6). Mr. Clement seconded the motion.

Motion carried unanimously.

**Item 16. To approve use of Sunbelt Electric Service, Inc. for electrical services at BexarMet Malone Facility #062 for an amount not to exceed \$8,227.00.**

Mr. Gallegos moved to approve use of Sunbelt Electric Service, Inc. for electrical services at BexarMet Malone Facility #062 for an amount not to exceed \$8,227.00. Mr. Clement seconded the motion.

Motion carried unanimously.

**Item 17. To approve expenditure as per task order with Brown and Caldwell, to conduct a Standby Generation and Arc Flash Hazard Analysis at BexarMet's 25 most critical sites for an amount not to exceed \$370,656.00 and to reallocate funds from Capital Budget BP-070824.**

Ms. Wenger moved to table the expenditure as per task order with Brown and Caldwell, to conduct a Standby Generation and Arc Flash Hazard Analysis at BexarMet's 25 most critical sites for an amount not to exceed \$370,656.00 and to reallocate funds from Capital Budget BP-070824. Mr. Clement seconded the motion.

**Ayes:** Villarreal, Gallegos, Wenger, Clement, Eaton

**Nays:**

**Abstained:** Atkinson

**Item 18. To approve an amendment to the contract with Brown and Caldwell for additional engineering design services at the Staggs Ranch Facility #094 for an amount not to exceed \$100,245.00 (BP #060760) (District 5).**

Mr. Clement moved to approve an amendment to the contract with Brown and Caldwell for additional engineering design services at the Staggs Ranch Facility #094 for an amount not to exceed \$100,245.00 (BP #060760) (District 5). Mr. Villarreal seconded the motion.

Motion carried unanimously.

**Item 19. To declare the portable building used at Southcross Facility #015 as surplus.**

Mr. Clement moved to declare the portable building used at Southcross Facility #015 as surplus. Mr. Villarreal seconded the motion.

Motion carried unanimously.

**Item 20. To approve the renewal of the Joint Funding Agreement with the U.S. Geological Survey for stream gauging and water quality monitoring in the Medina River Basin for the federal fiscal year beginning October 1, 2007 in an amount not to exceed \$77,440.00.**

Ms. Wenger moved to table item 20. Mr. Villarreal seconded the motion.

Motion carried unanimously.

**Item 21. To approve a Resolution to appoint a BexarMet representative to the Steering Committee of the Recovery Implementation Program established in Senate Bill No. 3 Article 12, Section 12.06, Sec. 1.26A .**

Ms. Wenger moved to appoint Humberto Ramos to the Steering Committee. Mr. Gallegos seconded the motion.

Motion carried unanimously.

**Item 22. To adopt a Resolution rescinding the October 24, 2006 Emergency Resolution of the Board of Directors of Bexar Metropolitan Water District To Expedite Construction Of Facilities And Infrastructure.**

Mr. Gallegos moved to adopt a Resolution rescinding the October 24, 2006 Emergency Resolution of the Board of Directors of Bexar Metropolitan Water District to Expedite Construction Of Facilities And Infrastructure. Mr. Clement seconded the motion.

Motion carried unanimously.

**Item 23. Engagement with Public Relations firm to assist in the grand opening of Bexar Metropolitan Water District Service Center.**

Mr. Gallegos moved to engage Webhead Group Incorporated to assist with the Grand opening of the Bexar Metropolitan Water District Customer Service Center. Ms. Atkinson seconded the motion.

Motion carried unanimously.

**Item 24. Consent Items**

Mr. Villarreal moved to approve consent items c and d. Ms. Wenger seconded the motion.

Motion carried unanimously.

Mr. Villarreal moved to approve consent item a. Ms. Atkinson seconded the motion.

Motion carried unanimously.

Mr. Villarreal moved to approve consent item b. Mr. Clement seconded the motion.

Motion carried unanimously.

Ms. Wenger moved to approve consent item e. Mr. Villarreal seconded the motion.

**Ayes:** Villarreal, Wenger, Clement, Eaton, Atkinson

**Nays:**

**Abstained:** Gallegos

**Item 25. Action Items Administration:**

Mr. Clement moved to approve Action Items a, b, and c with the correction of removing his name as being present from the August 27, 2007 meeting minutes. Mr. Villarreal seconded the motion.

**Ayes:** Villarreal, Clement, Eaton, Gallegos

**Nays:** Wenger, Atkinson

**Abstained:**

**26. Report Items:**

Discussion was made in regards to the Top 25 Delinquent accounts.

**Item 27. Date and Time of Next Board Meeting.**

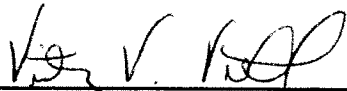
Mr. Villarreal moved to hold the next Regular Board Meeting on Monday, October 29, 2007 at 4:30 p.m. for Executive Session and 6:00 p.m. for Open Session.


**Item 28. Adjournment.**

With no opposition from the Board, the meeting was adjourned at 9:44 p.m.

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Minutes approved this 29 day of October, 2007.

  
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**Victor V. Villarreal, President  
BexarMet Water District**

  
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**Blanche Atkinson, Secretary  
BexarMet Water District**