

MINUTES

REGULAR MEETING OF THE BOARD OF DIRECTORS

SAN ANTONIO RIVER AUTHORITY

February 18, 2009, 2:00 p.m.



GENERAL AND CEREMONIAL ITEMS:

1. **CALL TO ORDER WAS MADE BY THE CHAIRMAN, MR. THOMAS G. WEAVER AT 2:00 P.M.**
2. **PLEDGE OF ALLEGIANCE**
3. **THE SECRETARY, MS. SALLY BUCHANAN, CALLED THE ROLL:**
**Board members present for this meeting are indicated with a checked box:*

BEXAR COUNTY:

- Sally Buchanan
- Hector Morales
- Jeff Neathery
- Názirite Rubén Pérez
- Roberto G. Rodríguez
- Thomas G. Weaver

GOLIAD COUNTY:

- Terry E. Baiamonte
- Adair R. Sutherland

KARNES COUNTY:

- Gaylon J. Oehlke
- H.B. Ruckman III

WILSON COUNTY:

- John Flieller
- A.D. Kollodziej, Jr.

4. CERTIFICATION OF A QUORUM WAS MADE BY THE SECRETARY, MS. BUCHANAN

Staff members present were:

Suzanne B. Scott, General Manager
Steve Graham, Assistant General Manager
Larry Anderson, Director of Support Services
John Chisholm, Director of Operations
Susan Eason, Internal Resources Director
Steven Raabe, Technical Services Director
Claude Harding, Real Estate Manager
James Blair, Watershed Operations Manager
Steven Schauer, Manager of External Communications
Rudy Farias, Water Resources & Community Development Manager
Sharon L. McCoy-Huber, Financial Services Manager
Al Astran, Utilities System Manager
Karen Krueger-Guerrero, Contract Administrator
Melissa Bryant, Project Engineer
Brian Mast, Intergovernmental Relations Specialist
Hector Villanueva, Real Estate Representative
John Gomez, Utilities Engineering Assistant
Tommy Mitchell, Maintenance Foreman
Dawn Cunningham, Human Resources Generalist
Rick Acosta, Computer Technician
Karen Bishop, Executive Services Supervisor
Cindy Hernandez, Executive Assistant
Lupe Moreno, Executive Assistant

Others present were:

David Ross, Legal Counsel
Aaron Schrandt, Clear Site
Chad Burns, Clear Site
Reggie Winters, City of Kenedy
Walter Hill, City of Kenedy
Ray Kroll, City of Kenedy

5. INTRODUCTION OF VISITORS

Ms. Moreno announced that the following visitors were present:

Aaron Schrandt, Clear Site
Chad Burns, Clear Site
Reggie Winters, City of Kenedy
Walter Hill, City of Kenedy
Ray Kroll, City of Kenedy

6. CITIZENS TO BE HEARD

Ms. Moreno announced that no citizens had signed up to speak at the present time.

7. EMPLOYEE RECOGNITIONS

AWARDING OF SERVICE PINS:

The General Manager and Chairman Weaver recognized Tommy Mitchell for 15 years of service at the River Authority.

8. APPROVAL OF THE MINUTES FOR THE REGULAR MEETING OF THE BOARD OF DIRECTORS HELD ON JANUARY 21, 2009 AND THE SPECIAL MEETING OF THE BOARD OF DIRECTORS HELD ON JANUARY 26, 2009

Staff recommended a motion to approve the minutes as presented to the Board.

Motion made by Gaylon J. Oehlke

Second by A.D. Kollodziej, Jr.

Motion passed unanimously

9. SAN ANTONIO RIVER AUTHORITY BOARD OF DIRECTORS EXECUTIVE, COMMUNICATIONS, FISCAL AND OPERATIONS COMMITTEE; SPECIAL PURPOSE COMMITTEE; AND BOARD MEMBER CONFERENCE ATTENDANCE REPORTS

- The Communications Committee Chairman, Roberto Rodríguez, briefed the Board on the Committee's discussions from the last meeting held on January 28, 2009.
- The Operations Committee Chairman, H.B. Ruckman III, briefed the Board on the Committee's discussions from the last meeting held on February 9, 2009.
- Board Member Conference Reports were discussed by Mr. Weaver and Mr. Neathery who attended the SA to DC trip in February.
- *No reports needed to be given for the Executive, Fiscal, General Manager Appraisal Special Purpose, and Board Handbook Special Purpose Committees.*

CONSENT AGENDA ITEMS:

10. AWARD OF CONTRACT FOR FLOOD DEBRIS CLEANUP IN GOLIAD COUNTY

11. **APPROVAL OF RESOLUTION NO. R-1344 OF THE BOARD OF DIRECTORS OF THE SAN ANTONIO RIVER AUTHORITY AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE JOINT FUNDING AGREEMENT WITH THE UNITED STATES GEOLOGICAL SURVEY FOR STREAM MONITORING AND WATER RESOURCE PROJECTS FOR THE FISCAL YEAR 2008/09**

12. **APPROVAL OF ORDINANCE NUMBER O-1317 OF THE BOARD OF DIRECTORS OF THE SAN ANTONIO RIVER AUTHORITY DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO AND PERMANENT AND TEMPORARY EASEMENTS ON CERTAIN PROPERTY WITHIN NEW CITY BLOCKS 7650, 7657, 7675, 10931, 10932 AND 11175 IN BEXAR COUNTY, TEXAS, TO CONSTRUCT, MODIFY, OPERATE, MAINTAIN AND REPAIR THE SAN ANTONIO RIVER IMPROVEMENTS PROJECT MISSION REACH, PHASE III, AUTHORIZING ALL APPROPRIATE ACTION BY THE GENERAL MANAGER, EMPLOYEES, AGENTS AND ATTORNEYS OF SAN ANTONIO RIVER AUTHORITY IN THE INSTITUTION AND PROSECUTION OF EMINENT DOMAIN PROCEEDINGS TO ACQUIRE SAID PROPERTY INTERESTS AND RELATED RIGHTS OF INGRESS AND EGRESS THAT CANNOT BE ACQUIRED THROUGH NEGOTIATION; RATIFYING AND CONFIRMING ALL ACTS AND PROCEEDINGS PREVIOUSLY DONE OR INITIATED BY EMPLOYEES, AGENTS AND ATTORNEYS OF SAN ANTONIO RIVER AUTHORITY TO ACQUIRE SUCH PROPERTY INTERESTS; AND AUTHORIZING SUCH OTHER LAWFUL ACTION NECESSARY AND INCIDENTAL TO SUCH ACQUISITION OR EMINENT DOMAIN PROCEEDINGS TO SURVEY, SPECIFY, DEFINE AND SECURE THE NECESSARY INTERESTS IN REAL PROPERTY**

Mr. Weaver called for a motion to approve, collectively, all consent items presented to the Board after brief discussion.

Motion made by H.B. Ruckman III

Second by Sally Buchanan

Motion passed unanimously

INDIVIDUAL AGENDA ITEMS:

13. **PRESENTATION, DISCUSSION, AND APPROPRIATE ACTION REGARDING A REQUEST FROM THE CITY OF KENEDY TO SUPPORT AND PARTICIPATE IN A MUNICIPAL INITIATED TAX INCREMENT REINVESTMENT ZONE**

Staff recommended a motion indicating Board of Director interest in supporting and participating in a City of Kenedy Initiated Tax Increment Reinvestment Zone and authorizing the General Manger to appoint a designee to meet with the City of Kenedy to discuss the project and financing plans, and begin the evaluation process.

Motion made by A.D. Kollodziej, Jr.

Second by Roberto G. Rodríguez

Motion passed unanimously

14. DISTRIBUTION OF FINANCIAL STATEMENTS FOR THE PERIOD ENDING DECEMBER 31, 2008

There being no action taken on this item, Mr. Weaver called for Agenda Item 15.

15. PRESENTATION, DISCUSSION, AND APPROPRIATE ACTION REGARDING PROFESSIONAL SERVICES POLICY AND RELATED BOARD BYLAW AMENDMENTS

Staff recommended a motion approving amendment of the Selection, Monitoring, and Evaluation of Professional Services/Consultants Policy, FN 0001, to provide guidelines when services expected to cost less than \$50,000 are proposed/bid at more than \$50,000; to provide guidelines when staff anticipate the services will involve a multi-year or amended contract that exceeds \$50,000 over the life of the contract; and to permit the Board greater flexibility to meet the interests of the District when selecting an auditor; and Resolution Number R-1345 approving an amendment to the Board Bylaws allowing greater flexibility during the auditor selection process, consistent with policy FN 0001.

Motion made by Jeff Neathery

Second by Sally Buchanan

Motion passed unanimously

16. PRESENTATION, DISCUSSION, AND APPROPRIATE ACTION ON SCOPE OF SERVICES AND SELECTION CRITERIA FOR AUDITOR

There being no action taken on this item, Mr. Weaver called for Agenda Item 17.

17. PRESENTATION, DISCUSSION AND APPROPRIATE ACTION REGARDING THE 81st SESSION OF THE TEXAS LEGISLATURE

There being no action taken on this item, Mr. Weaver called for Agenda Item 18.

18. PRESENTATION, DISCUSSION, AND APPROPRIATE ACTION REGARDING SUBMITTAL WITH THE TEXAS A&M INSTITUTE OF RENEWABLE NATURAL RESOURCES OF JOINT APPLICATIONS TO THE UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE FOR THE CONSERVATION INNOVATION GRANT PROGRAM AND THE AGRICULTURAL WATER ENHANCEMENT PROGRAM

Staff recommended a motion authorizing the General Manager to 1) submit a joint application with Texas A&M Institute of Renewable Natural Resources to the United States Department of Agriculture NRCS Conservation Innovation Grant Program to design a market-based program to implement brush and range management practices to enhance recharge to the Edwards Aquifer in the San Geronimo Creek watershed in western Bexar and eastern Medina counties; 2) submit an application to the United States Department of Agriculture NRCS Agricultural Water Enhance Program for a grant to fund the brush and range management practices for recharge enhancement resulting from the market-based program designed under the Conservation Innovation Program; and 3) do and carry out all acts necessary to complete such projects.

Motion made by Adair R. Sutherland
Second by Sally Buchanan
Motion passed unanimously

19. EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071, CONSULTATION WITH ATTORNEY FOR ADVICE REGARDING PENDING OR CONTEMPLATED LITIGATION OR SETTLEMENT OFFERS IN CAUSE NO. 2007-CI-03314, JOHN K. SAUNDERS, ET. AL. VS. SAN ANTONIO RIVER AUTHORITY, IN THE 73RD DISTRICT COURT, BEXAR COUNTY, TEXAS

After appropriate disclosure in accordance with Chapter 551 of the Texas Government Code, the Open Meetings Act, Section 551.071, Mr. Weaver then recessed to meet in Executive Session at 3:50 pm for deliberation with attorney, David Ross, for advice regarding pending or contemplated litigation or settlement, offers in Cause No. 2007-CI-03314, JOHN K. SAUNDERS, ET. AL. VS. SAN ANTONIO RIVER AUTHORITY, IN THE 73RD DISTRICT COURT, BEXAR COUNTY, TEXAS. The Executive Session having concluded, the Regular Meeting of the Board of Directors resumed into Open Session at 4:06 pm.

20. PRESENTATION, DISCUSSION AND APPROPRIATE ACTION CONCERNING PENDING OR CONTEMPLATED LITIGATION OR SETTLEMENT OFFERS IN CAUSE NO. 2007-CI-03314, JOHN K. SAUNDERS, ET. AL. VS. SAN ANTONIO RIVER AUTHORITY

Staff recommended a motion to accept the \$180,000 payment as being for 400 connections, agree to the terms of the settlement proposal and authorize the General Manager to execute the settlement agreement and to perform the actions required in the settlement agreement.

Motion made by Gaylon J. Oehlke
Second by Sally Buchanan
Motion passed unanimously

21. DISCUSSION AND APPROPRIATE ACTION REGARDING AMENDMENT OF THE 2006 REGION L WATER PLAN

There being no action taken on this item, Mr. Weaver called for Agenda Item 22.

22. BRIEFING ON WATER RESOURCES AND DEVELOPMENT ACTIVITIES

There being no action taken on this item, Mr. Weaver called for Agenda Item 23.

23. STATUS REPORT ON THE SAN ANTONIO RIVER IMPROVEMENTS PROJECT TO INCLUDE

- **PROFESSIONAL SERVICES CONTRACT FOR PHASE III MISSION REACH APPRAISALS**
- **PROFESSIONAL SERVICES CONTRACT FOR DESIGN OF SOUTHTON ROAD DISPOSAL SITE**
- **OTHER PROJECT-RELATED UPDATES**

There being no action taken on this item, Mr. Weaver called for Agenda Item 24.

24. ITEMS FOR FUTURE CONSIDERATION

Board member Ms. Buchanan requested to show the full Board the DVD from the NAFSMA conference. Ms. Scott recommended to show it at the Budget meeting while the deliberation process is going on so that the Board can discuss the way in which the money can be allocated.

25. GENERAL MANAGER'S REPORT CONCERNING THE FOLLOWING:

● **UPDATE ON CPS ENERGY REQUEST FOR PROPOSAL (RFP) SCHEDULE;**

Ms. Scott informed the Board that there was still no RFP and that she had received information that it is currently held up by CPSE's legal team.

● **SECOND QUARTER REPORT ON SARA PERFORMANCE MEASURES;**

Ms. Scott referenced page 82 and requested the Board's thorough review.

● **FUTURE BOARD AND/OR COMMITTEE MEETINGS AND MEETING CALENDAR;**

● **UPCOMING EVENTS CALENDAR; AND**

● **MEETINGS INVOLVING THE ATTENDANCE OF ONE OR MORE BOARD MEMBERS**

For these three items, Ms. Scott read over and distributed calendars and explained that there will now be two separate calendars. One for upcoming Board and Committee meetings and one with the non-Board activities.

Ms. Scott also distributed a thank you letter from Mr. Puente in regards to the reception.

26. NEXT MEETING DATE

Ms. Scott announced that the next Regular Board of Directors meeting will be March 18, 2009.

27. ADJOURN

There being nothing further to report, Ms. Sutherland moved to adjourn, and therefore, Mr. Weaver called the meeting adjourned at 4:39 p.m.

PREPARED AND RECOMMENDED FOR BOARD APPROVAL BY THE MANAGER.

SUZANNE B. SCOTT, General Manager

**APPROVED BY THE BOARD OF DIRECTORS AT THE REGULAR BOARD OF
DIRECTORS MEETING HELD ON MARCH 18, 2009.**

**_____
THOMAS G. WEAVER, Board Chairman**

ATTEST:

**_____
SALLY BUCHANAN, Board Secretary**