

# MINUTES

## REGULAR MEETING OF THE BOARD OF DIRECTORS

### SAN ANTONIO RIVER AUTHORITY

November 12, 2009, 2:00 p.m.



#### ***GENERAL AND CEREMONIAL ITEMS:***

- 1. CALL TO ORDER WAS MADE BY THE CHAIRMAN, MR. THOMAS G. WEAVER, AT 2:02 P.M.**
- 2. PLEDGE OF ALLEGIANCE WAS CONDUCTED**
- 3. THE SECRETARY, MS. SALLY BUCHANAN, CALLED THE ROLL AND REPORTED THE FOLLOWING BOARD MEMBERS PRESENT:**

#### **BEXAR COUNTY:**

- Sally Buchanan
- Hector R. Morales
- Michael W. Lackey, P.E.
- 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 J. Flieller
- A.D. Kollodziej, Jr.

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

**5. INTRODUCTION OF VISITORS**

Ms. Moreno announced the visitors present in the audience.

**6. CITIZENS TO BE HEARD**

Ms. Moreno announced the citizens, Dan Ramos of San Antonio and Henrietta La Grange and Angie Garcia both from LULAC, who were signed up to speak and each recognized and thanked Mr. Rodríguez for his service on the Board.

**7. A TRIBUTE TO JEFFREY S. NEATHERY FOR HIS SERVICE ON THE SAN ANTONIO RIVER AUTHORITY BOARD OF DIRECTORS WAS CONDUCTED**

**8. EMPLOYEE RECOGNITIONS**

**AWARDING OF SERVICES PINS**

Mr. Weaver and Ms. Scott recognized Ernest Moran for his 25 years of service, John Dupnik for his 20 years of service, Jim Boenig for his 15 years of service, Claude Harding for his 10 years of service, and Georgia Snodgrass and Laura Govea for their five years of service as employees of the River Authority and awarded them each with a service pin.

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

- Fiscal Committee: a short briefing was given by Committee Chairman, Gaylon J. Oehlke, regarding the last meeting held on November 2, 2009
- Operations Committee: a short briefing was given by Committee Chairman, Mr. Ruckman, regarding the last meeting held on November 2, 2009.
- *No reports needed to be given for Board member conferences, the Communications, or Executive Committee meetings.*

**CONSENT AGENDA ITEMS:**

**10. APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF DIRECTORS MEETING HELD ON OCTOBER 14, 2009**

**11. APPROVAL OF THE SALATRILLO REUSE PROJECT AND NECESSARY INTERLOCAL AGREEMENTS**

12. **RESOLUTION SUPPORTING SAN ANTONIO RIVER AUTHORITY PARTICIPATION IN THE KENEDY TAX INCREMENT REINVESTMENT ZONE, DESIGNATING A REPRESENTATIVE TO THE REINVESTMENT ZONE BOARD, AND AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN AGREEMENT WITH THE CITY OF KENEDY AND THE KENEDY REINVESTMENT ZONE, CITY OF KENEDY, TEXAS**
13. **RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN ANTONIO RIVER AUTHORITY AUTHORIZING THE GENERAL MANAGER TO EXECUTE A PERMANENT WATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT BETWEEN THE SAN ANTONIO RIVER AUTHORITY AND THE SAN ANTONIO WATER SYSTEM FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A WATER LINE WITHIN SAN ANTONIO RIVER RIGHT-OF-WAY AND TO BE LOCATED UNDER THE MISSION ROAD BRIDGE, BEXAR COUNTY, TEXAS**

Mr. Weaver called for a motion that all of the items presented on the consent agenda be passed and approved collectively, with the exception of Item 10 which new Board member, Mr. Lackey, went on record to state that he would not vote on as he was not a member of the Board on the date of the October 14th meeting.

Motion made by H.B. Ruckman III

Seconded by Adair R. Sutherland

Motion passed unanimously

***INDIVIDUAL AGENDA ITEMS:***

14. **PRESENTATION, DISCUSSION, AND APPROPRIATE ACTION REGARDING THE APPOINTMENT OF A NOMINATING COMMITTEE BY MAJORITY VOTE OF THE BOARD OF DIRECTORS TO RECOMMEND SLATES OF OFFICERS FOR THE BOARD AND FOR THE BOARD COMMITTEES OF THE SAN ANTONIO RIVER AUTHORITY AND TO RECOMMEND SLATES OF MEMBERS FOR THE BOARD COMMITTEES OF THE SAN ANTONIO RIVER AUTHORITY**

After discussion, Sally Buchanan moved to appoint a Nominating Committee by majority vote of the Board. This motion was seconded by Trip Ruckman and the motion carried.

After further discussion, Gaylon Oehlke moved that the Nominating Committee recommend a full slate of Board officers, and officers and members of the Executive, Communications, Fiscal and Operations Committees. This motion was seconded by Al Kollodziej and the motion carried.

After further discussion, Sally Buchanan moved that the members of the Nominating Committee be Terry Baiamonte, John Flieller, Adair Sutherland, Nazirite Perez and Tom Weaver. This motion was seconded by Trip Ruckman.

After further discussion in which a modification to the previous motion was discussed, Sally Buchanan moved the previous nomination; this motion was seconded by Trip

Ruckman and the motion carried.

The chair called for the vote on Sally Buchanan's motion concerning the members of the Nominating Committee and the motion carried.

After further discussion, Michael Lackey moved that the membership of the Nominating Committee be increased by one member to allow a Director to volunteer to serve on the Nominating Committee. This motion was seconded by Nazirite Perez and the motion carried.

Mr. Rodriguez requested that he serve on the Nominating Committee and no other Directors volunteered to serve on the Nominating Committee.

**15. PRESENTATION, DISCUSSION, AND APPROPRIATE ACTION REGARDING A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN ANTONIO RIVER AUTHORITY SUPPORTING A REQUEST FOR FINANCIAL ASSISTANCE FROM THE SAN ANTONIO ALTERNATIVE HOUSING CORPORATION TO PROVIDE FOR THE DEVELOPMENT OF A LINEAR PARK ALONG APACHE CREEK WITHIN THE PROJECT LIMITS OF THE WESTSIDE CREEKS RESTORATION PROJECT**

Staff recommended a motion that Resolution No. R-1382 be passed and approved, authorizing the General Manager to negotiate and execute an agreement, substantially in the form presented to the Board, with the San Antonio Alternative Housing Corporation.

Motion made by Roberto G. Rodríguez

Seconded by Sally Buchanan

Motion passed unanimously

**16. EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 FOR CONSULTATION WITH ATTORNEY ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH CHAPTER 551 OF THE TEXAS GOVERNMENT CODE CONCERNING THE UNION PACIFIC RAILROAD EASEMENT IN VICTORIA AND REFUGIO COUNTIES**

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 3:16 pm for deliberation for consultation with attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with chapter 551 of the Texas Government Code concerning the Union Pacific Railroad easement in Victoria and Refugio counties. The Executive Session having concluded, the Regular Meeting of the Board of Directors resumed into Open Session at 3:35 pm.

**17. DISCUSSION AND APPROPRIATE ACTION REGARDING ENFORCEMENT OF THE UNION PACIFIC RAILROAD EASEMENT IN VICTORIA AND REFUGIO COUNTIES**

Staff recommended a motion authorizing the General Manager to negotiate an amendment to the current easement on file with Union Pacific to revisit the language in the existing easement in an effort to formalize the specific maintenance procedures addressing drift removal at the bridge.

Motion made by Michael W. Lackey, P.E.  
Seconded by Gaylon J. Oehlke  
Motion passed unanimously

**18. REVIEW AND DISCUSSION OF CONSULTANT SELECTION ACTIVITIES AND/OR CONSULTANT CONTRACT AUTHORIZATION, RENEWALS, AMENDMENTS OR EXTENSIONS:**

**NOTIFICATION OF REQUEST FOR QUALIFICATIONS OF CONSULTANT ENGINEERING FIRM TO PROVIDE DESIGN AND CONSTRUCTION ADMINISTRATION SUPPORT OF MISCELLANEOUS SANITARY SEWER, POTABLE WATER AND OTHER ENGINEERING PROJECTS**

There being no action taken on this item, Mr. Weaver called for Agenda Item 19.

**19. STATUS REPORT ON THE SAN ANTONIO RIVER IMPROVEMENTS PROJECT**

There being no action taken on this item, Mr. Weaver called for Agenda Item 20.

**20. REVIEW OF EMPLOYEES HIRED SINCE JUNE 2009**

After discussion, Mr. Kollodziej requested that future reports show the hire date of replaced employees. There being no action taken on this item, Mr. Weaver called for Agenda Item 21.

**21. GENERAL MANAGER'S REPORT CONCERNING THE FOLLOWING:**

- **UPCOMING EVENTS CALENDAR;**
- **FUTURE BOARD AND/OR COMMITTEE MEETINGS;**
- **MEETINGS INVOLVING THE ATTENDANCE OF ONE OR MORE BOARD MEMBERS; AND**
- **FIRST QUARTERLY PERFORMANCE REPORT.**

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

**22. ITEMS FOR FUTURE CONSIDERATION**

Mr. Lackey requested a briefing regarding property owners located up- and downstream of the Olmos Dam needing help resolving an issue with the first flush of water that flows through the dam and the high volume of trash that gets caught in those areas.

**23. NEXT MEETING DATE**

After Board discussion, it was decided that the next Regular Board of Directors meeting will be Wednesday, December 16, 2009, at 2:00 p.m.

**24. ADJOURN**

There being nothing further to report, Ms. Sutherland moved to adjourn, and therefore, Mr. Weaver called the meeting adjourned at 4:09 p.m.

**PREPARED AND RECOMMENDED FOR BOARD APPROVAL BY THE MANAGER.**

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**SUZANNE B. SCOTT, General Manager**

**APPROVED BY THE BOARD OF DIRECTORS AT THE REGULAR BOARD OF DIRECTORS MEETING HELD ON DECEMBER 16, 2009.**

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**Board Chairman**

**ATTEST:**

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**Board Secretary**