

MINUTES

MEETING OF THE BOARD OF DIRECTORS' OPERATIONS COMMITTEE

SAN ANTONIO RIVER AUTHORITY

August 9, 2010, 2:00 p.m.



GENERAL AND CEREMONIAL ITEMS:

1. **CALL TO ORDER WAS MADE BY THE CHAIRMAN, MR. H. B. RUCKMAN III, AT 2:00 P.M.**
2. **PLEDGE OF ALLEGIANCE WAS RECITED**
3. **THE COMMITTEE SECRETARY, NÁZIRITE RUBÉN PÉREZ, CALLED THE ROLL AND REPORTED THE FOLLOWING BOARD MEMBERS PRESENT:**

- John J. Flieller**
- Michael W. Lackey, P.E.**
- Názirite Rubén Pérez**
- H. B. Ruckman III**
- Adair R. Sutherland**
- Thomas G. Weaver**

4. **CERTIFICATION OF A QUORUM WAS ANNOUNCED BY THE SECRETARY, MR. FLIELLER**

5. **INTRODUCTION OF VISITORS**

Ms. Sanchez announced the visitor who was present in the audience.

6. **CITIZENS TO BE HEARD**

Ms. Sanchez announced that there were no citizens signed up to speak.

7. **APPROVAL OF THE MINUTES OF THE OPERATIONS COMMITTEE MEETING HELD ON JUNE 7, 2010**

Staff recommended a motion to approve the minutes of the Operations Committee meeting held on June 7, 2010, as presented.

Motion made by Thomas G. Weaver
Seconded by Názirite Rubén Pérez
Motion passed unanimously

8. PRESENTATION, DISCUSSION AND APPROPRIATE ACTION REGARDING AWARD OF A CONSTRUCTION CONTRACT ON THE REHABILITATION OF CALAVERAS SITE NO. 6 (CHUPADERAS CREEK DAM)

Staff recommended a motion indicating Operations Committee support for presenting to the San Antonio River Authority Board of Directors a request for approval of the Calaveras Creek Watershed Floodwater Retarding Structure Site No. 6 Rehabilitation Project in Eastern Bexar County and award of contract to Jerdon Enterprises, L.P. in the amount of \$1,838,219.90.

Motion made by Adair R. Sutherland
Seconded by John J. Flieller
Motion passed unanimously

9. PRESENTATION, DISCUSSION AND APPROPRIATE ACTION REGARDING A RESOLUTION TO CONVEY A PERMANENT EASEMENT TO EFS MIDSTREAM, LLC ACROSS THE THREE RIGHTS OF WAY LOCATED ON THE SAN ANTONIO RIVER, THE ECLETO CREEK NORTH AND ECLETO CREEK SOUTH, ALL LOCATED IN KARNES COUNTY, TEXAS

Motion indicating Operations Committee support for presenting to the San Antonio River Authority Board of Directors a recommendation to authorize the General Manager to convey a permanent easement under and across the San Antonio River, Ecletto Creek North and Ecletto Creek South in Karnes County, Texas, to EFS Midstream, LLC for the purpose of installation, operation and maintenance of natural gas and condensate (oil) pipelines.

Motion made by Thomas G. Weaver
Seconded by Adair R. Sutherland
Motion passed unanimously

10. PRESENTATION, DISCUSSION AND APPROPRIATE ACTION REGARDING A RESOLUTION TO CONVEY A PERMANENT EASEMENT TO ENTERPRISE TEXAS PIPELINE, LLC ACROSS CIBOLO CREEK IN KARNES COUNTY, TEXAS

Staff recommended a motion indicating Operations Committee support for presenting to the San Antonio River Authority Board of Directors a recommendation to authorize the General Manager to convey a permanent easement under and across the Cibolo Creek in Karnes County, Texas to Enterprise Texas Pipeline, LLC for the purpose of installation, operation and maintenance of natural gas and condensate (oil) pipelines.

Motion made by Adair R. Sutherland
Seconded by John J. Flieller

Motion passed unanimously

11. PRESENTATION, DISCUSSION AND APPROPRIATE ACTION REGARDING A RESOLUTION TO CONVEY A PERMANENT EASEMENT TO DCP MIDSTREAM, LP ACROSS THE SAN ANTONIO RIVER IN KARNES COUNTY, TEXAS

Staff recommended a motion indicating Operations Committee support for presenting to the San Antonio River Authority Board of Directors a recommendation to authorize the General Manager to convey a permanent easement across the San Antonio River in Karnes County, Texas, to DCP Midstream, LP for the purpose of installation, operation and maintenance of hydrocarbon pipelines.

Motion made by Názirite Rubén Pérez

Seconded by Thomas G. Weaver

Motion passed unanimously

Due to a conflict of interest, Mr. Ruckman excused himself as Chairman for the next two agenda items and handed the gavel to the Vice-Chair, Mr. Flieller.

12. EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.072 FOR DELIBERATION REGARDING THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY TO BE ACQUIRED IN BEXAR COUNTY, TEXAS TO SUPPORT A STREAM MITIGATION BANK AND ESTABLISHMENT OF A CONSERVATION EASEMENT

13. EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 FOR CONSULTATION WITH ATTORNEY REGARDING CONTEMPLATED LITIGATION CONCERNING THE AGREEMENT WITH KILOWATT PARK LAND, LLC FOR THE HIGHWAY 181 WASTEWATER TREATMENT PLANT

After appropriate disclosure in accordance with Chapter 551 of the Texas Government Code, the Open Meetings Act, Sections 551.072 and 551.071, Mr. Flieller then recessed to meet in Executive Session at 2:36 p.m. for deliberation regarding the purchase, exchange, lease or value of real property to be acquired in Bexar County, Texas to support a stream mitigation bank and establishment of a conservation easement and for consultation with attorney regarding contemplated litigation concerning the agreement with Kilowatt Park Land, LLC for the Highway 181 Wastewater Treatment Plant. Both Executive Sessions having concluded, the Operations Committee Meeting resumed into Open Session at 3:23 p.m.

14. PRESENTATION, DISCUSSION AND APPROPRIATE ACTION REGARDING CONTEMPLATED LITIGATION CONCERNING THE AGREEMENT WITH KILOWATT PARK LAND, LLC FOR THE HIGHWAY 181 WASTEWATER TREATMENT PLANT

Staff recommended a motion for presentation to the full Board authorizing general counsel to proceed with litigation concerning SARA's agreement with Kilowatt Park Land, LLC.

Motion made by Thomas G. Weaver
Seconded by Adair R. Sutherland
Motion passed unanimously

15. PRESENTATION, DISCUSSION AND APPROPRIATE ACTION REGARDING REAL PROPERTY TO BE ACQUIRED IN BEXAR COUNTY, TEXAS TO SUPPORT A STREAM MITIGATION BANK AND ESTABLISHMENT OF A CONSERVATION EASEMENT

Staff recommended a motion indicating Operations Committee support for presenting to the San Antonio River Authority Board of Directors giving the General Manager authority to negotiate an Interlocal Agreement (ILA) Option Agreement with Bexar Metropolitan Water District regarding an interlocal agreement to operate and maintain the Straus Medina Ranch in Bexar County, Texas, for an annual amount of \$20,000 with an option to purchase.

Motion made by Michael W. Lackey, P.E.
Seconded by Thomas G. Weaver
Motion passed unanimously

16. STATUS REPORT ON THE SAN ANTONIO RIVER IMPROVEMENTS PROJECT

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

17. GENERAL MANAGER'S REPORT CONCERNING THE FOLLOWING:

- **UPCOMING EVENTS CALENDAR,**
- **FUTURE BOARD AND/OR COMMITTEE MEETINGS, AND**
- **MEETINGS INVOLVING THE ATTENDANCE OF ONE OR MORE BOARD MEMBERS**

There being no action taken on this item, Mr. Flieller handed the gavel back over to Chairman Ruckman who then called for Agenda Item 18.

18. ITEMS FOR FUTURE CONSIDERATION

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

19. NEXT MEETING DATE

After Committee discussion, the next Operations Committee meeting will be Tuesday, September 7, 2010, at 2:00 p.m., due to the Labor Day Holiday.

20. ADJOURN

There being nothing further to report, Ms. Sutherland moved to adjourn, and therefore, Mr. Ruckman called the meeting adjourned at 3:46 p.m.

**PREPARED AND RECOMMENDED FOR COMMITTEE APPROVAL BY THE
GENERAL MANAGER.**

SUZANNE B. SCOTT, General Manager

**APPROVED BY THE BOARD OF DIRECTORS' OPERATIONS COMMITTEE AT THE
MEETING HELD ON SEPTEMBER 7, 2010.**

H. B. RUCKMAN III, Committee Chairman

ATTEST:

NÁZIRITE RUBÉN PÉREZ, Committee Secretary