

MINUTES

SPECIAL MEETING OF THE BOARD OF DIRECTORS

SAN ANTONIO RIVER AUTHORITY

June 28, 2010, 2:00 p.m.



GENERAL AND CEREMONIAL ITEMS:

1. **CALL TO ORDER WAS MADE BY THE CHAIRMAN, MR. GAYLON J. OEHLKE, AT 2:00 P.M.**
2. **PLEDGE OF ALLEGIANCE WAS RECITED**
3. **THE BOARD SECRETARY, MR. ROBERTO G. RODRÍGUEZ, CALLED THE ROLL AND REPORTED THE FOLLOWING BOARD MEMBERS PRESENT:**

BEXAR COUNTY:

- Sally Buchanan
- Michael W. Lackey, P. E.
- Hector R. Morales
- Názirite Rubén Pérez
- Roberto G. Rodríguez
- Thomas G. Weaver

GOLIAD COUNTY:

- Terry E. Baiamonte
- Adair R. Sutherland (2:04 p.m. arrival)

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, MR. RODRÍGUEZ**

5. INTRODUCTION OF VISITORS

Ms. Sanchez announced the visitors who were present in the audience.

6. CITIZENS TO BE HEARD

Bexar County Judge, Nelson Wolfe, addressed the Board to express his appreciation for the great leadership shown by SARA on all of the river improvements, especially those on the Mission Reach.

Mr. Oehlke then called for Agenda Item 8 to accommodate Judge Wolfe and several other visitors present for discussion on that item.

INDIVIDUAL AGENDA ITEMS:

8. PRESENTATION, DISCUSSION, AND APPROPRIATE ACTION REGARDING A DESIGN BUILD CONSTRUCTION CONTRACT FOR THE MISSION REACH ECOSYSTEM PROJECT - PACKAGE 3

Staff recommended a motion authorizing the General Manager to execute a contract with Zachry Construction Corporation for the Mission Reach Ecosystem Restoration and Recreation Project - Package 3 for \$99,333,333.20 and authorizing the General Manager or her designee to amend the contract if field changes are required up to the amount of the Cooperative Agreement with Bexar County and the City of San Antonio.

Motion made by Sally Buchanan

Seconded by Thomas G. Weaver

Motion passed unanimously

Mr. Oehlke returned to the regular order of business and called for Agenda Item 7.

7. THE SAN ANTONIO RIVER AUTHORITY EMPLOYEE VOLUNTEER OF THE YEAR AWARD

Mr. Oehlke and Ms. Scott recognized Megan Gunnells, Lock & Dam Operator, as SARA's Employee Volunteer of the Year.

9. EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE 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 A PROPOSED DESIGN BUILD CONSTRUCTION CONTRACT FOR THE MISSION REACH ECOSYSTEM PROJECT - PACKAGE 3

Having no need for an Executive Session relating to this matter, Mr. Oehlke called for Agenda Item 10.

10. EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 FOR CONSULTATION WITH ATTORNEY REGARDING *THE ARANSAS PROJECT V. SHAW, ET. AL.*, CIVIL ACTION NO. 10-75 IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS – CORPUS CHRISTI DIVISION

After appropriate disclosure in accordance with Chapter 551 of the Texas Government Code, the Open Meetings Act, Section 551.071, Mr. Oehlke then recessed to meet in Executive Session at 2:26 p.m. for consultation with attorney regarding *The Aransas Project v. Shaw, et. al.*, Civil Action No. 10-75 in the United States District Court for the Southern District of Texas - Corpus Christi Division. The Executive Session having concluded, the Special Meeting of the Board of Directors resumed into Open Session at 3:14 p.m.

11. PRESENTATION, DISCUSSION AND APPROPRIATE ACTION REGARDING *THE ARANSAS PROJECT V. SHAW, ET. AL.*, CIVIL ACTION NO. 10-75 IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS – CORPUS CHRISTI DIVISION

Legal Counsel presented to the Board a motion authorizing the General Manager and legal counsel to appeal the order denying the motion to intervene in the Aransas Project Lawsuit and to seek a request for a stay of the trial court litigation pending that appeal.

Motion made by Michael W. Lackey, P.E.

Seconded by John J. Flieller

Motion passed unanimously

12. PRESENTATION, DISCUSSION, AND APPROPRIATE ACTION REGARDING THE SAN ANTONIO RIVER AUTHORITY'S FEDERAL LEGISLATIVE AGENDA FOR THE 111th SESSION OF CONGRESS, 2nd SESSION, AND UPDATE ON STATE LEGISLATIVE ISSUES

There being no action taken on this item, Mr. Oehlke called for Agenda Item 13.

13. STATUS REPORT ON THE MEDINA DAM UPGRADES PROJECT CONTRACT AWARD

There being no action taken on this item, other than direction to staff to provide a status update to the full Board in August, Mr. Oehlke called for Agenda Item 14.

14. 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. Oehlke called for Agenda Item 15.

15. ADJOURN

There being nothing further to report, Mr. Oehlke called the meeting adjourned at 3:36 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 MEETING HELD ON AUGUST 18, 2010.

GAYLON J. OEHLKE, Board Chairman

ATTEST:

ROBERTO G. RODRÍGUEZ, Board Secretary