

MINUTES OF THE REGULAR MEETING
OF THE
BOARD OF DIRECTORS
OF THE
SAN ANTONIO RIVER AUTHORITY
APRIL 23, 2008

The regular meeting of the Board of Directors of the SAN ANTONIO RIVER AUTHORITY was called to order by the Chairman, Thomas G. Weaver, at 2:00 p.m., Wednesday, April 23, 2008, at the General Offices of the San Antonio River Authority, 100 East Guenther Street, San Antonio, Bexar County, Texas.

Sally Buchanan, Secretary, called the roll and certified a quorum present as follows:

BEXAR COUNTY

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|----------------------|---------|
| Sally Buchanan | Present |
| Hector Morales | Present |
| Názirite Rubén Pérez | Present |
| Roberto G. Rodríguez | Present |
| Thomas G. Weaver | Present |

GOLIAD COUNTY

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| Terry E. Baiamonte | Present |
| Adair R. Sutherland | Present |

KARNES COUNTY

| | |
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| H. B. Ruckman III | Present |
| Gaylon Oehlke | Present |

WILSON COUNTY

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| A. D. Kollodziej, Jr. | Present |
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Staff members present were:

Suzanne Scott, General Manager
Steve Graham, Assistant General Manager
Steve Raabe, Director of Technical Services
Sharon McCoy-Huber, Finance Manager
Cindy Hernandez, Executive Assistant II
Dale Bransford, Manager of Park Services
Al Astran, Utilities Manager
John Chisholm, Director of Operations
Rudy Farias, Manager of Water Resources and Community Development
Steven Schauer, Manager of External Communications
Nefi Garza, Manager of Watershed Management
Susan Eason, Director of Internal Resources
Brian Mast, Intergovernmental Relations Specialist
Jim Boenig, Manager of Engineering

Other individuals present were:

David Ross, Legal Counsel
Robert Ramirez, Attorney, Westside Creeks Restoration Oversight Committee
Jeff Neathery, DNA Geoscience
The Honorable Lourdes Galvan, Councilwoman, City of San Antonio
Bobby Galvan
Olga Lizcano, Westside Creeks Restoration Oversight Committee
Yolanda Kirkpatrick
Randy Wauters, M4

Mr. Weaver called on Cindy Hernandez for **Introduction of Visitors:** Robert Ramirez, Attorney, Westside Creeks Restoration Oversight Committee; Jeff Neathery, DNA Geoscience; The Honorable Lourdes Galvan, Councilwoman, City of San Antonio; Bobby Galvan; Olga Lizcano, Westside Creeks Restoration Oversight Committee; Yolanda Kirkpatrick; Randy Wauters, M4.

Mr. Weaver stated that because of a previous schedule commitment for Robert Ramirez, if there were no objections he would like to move forward to **Agenda Item 21** and called on Suzanne Scott: **DISCUSSION AND APPROPRIATE ACTION REGARDING THE APPOINTMENT OF CO-CHAIRS FOR THE WESTSIDE CREEKS RESTORATION ADVISORY COMMITTEE AND ACTIVITIES RELATING TO THE IMPLEMENTATION OF THE WESTSIDE CREEKS RESTORATION PROJECT**

The San Antonio River Authority Board of Directors previously approved the creation of the Westside Creeks Restoration Advisory Committee to guide the development of a conceptual design for the restoration of Alazan, Apache, Martinez and San Pedro Creeks to include the creation of linear parks and hike and bike trails. The creeks are tributaries to the San Antonio River and were included within the original limits of the San Antonio Channel Improvement Project, a U.S. Army Corps of Engineers/San Antonio River Authority/Bexar County initiative authorized in 1954 to address flooding concerns. The creeks, like the San Antonio River, were channelized and denuded of much of the environment which existed when the creeks were in a natural state.

Throughout the neighborhoods adjacent to these creeks, each creek is seen as independent from the other; however, from the perspective of the restoration project they are viewed as a connected system of creeks and will be designed to account for the hydraulic and hydrologic connections between the creeks and the San Antonio River. In addition, to support the future involvement of the U.S. Army Corps of Engineers, a comprehensive review of these creeks and their connection to the original San Antonio Channel Improvements Project could maximize the potential funding participation by the federal government.

The creation of the Westside Creeks Advisory Committee will serve as the stakeholder committee to ensure that the concept design development is inclusive and reflects the ideas and input of the residents and businesses in the vicinity of the creeks

as well as those community-wide stakeholder groups with interest in the restoration and enhancement of the creeks. The program will be a long-term effort and will involve many phases of development.

The composition of the committee will be similar to the San Antonio River Oversight Committee in that it will be comprised of representatives from identified, established organizations with interest in the history, preservation, restoration, improvement, enjoyment, development and integration of the use of these creeks within community projects. The committee will have subcommittees for each of the creeks.

The Communications Committee has supported the selection of two co-chairs to lead the committee, for approval by the full board. The recommended co-chairs are Robert Ramirez, Ph.D., J.D., and Olga Lizcano, President, Donaldson Terrance Neighborhood Association. Dr. Ramirez and Mrs. Lizcano are active in the Westside community and have expressed great interest in the restoration and improvement of these creeks.

The committee will be no larger than 22 members, including the San Antonio River Authority appointed co-chairs. The selection of the organizational representatives will be finalized with input from the co-chairs.

To initiate the development of the conceptual design process, SARA will work with the co-chairs to develop a Request for Proposal for Professional Services to provide technical assistance in the development and facilitation of the conceptual design for the Westside Creeks Restoration Project. The scope for the RFP is being developed, reviewed by the co-chairs, and issued in May. Staff will send the request to professional engineers, landscape architects, urban planners and public facilitation firms with the anticipation that firms will join in teams to meet the requirements of the solicitation. Selection of a consultant will occur in June.

Simultaneous to soliciting the professional services, staff will also work with the co-chairs to finalize the organizations on the committee and to request those selected organizations to make appointments to the committee. The goal is to have both the committee and the consultants in place by July in order to initiate the community visioning process to support the development of the conceptual design document.

To meet the schedule of activity on the Westside Creeks Restoration Project detailed above, staff is notifying the Board through this item as required by the executive office policy for the solicitation and selection of professional services consultants. The required services will exceed the \$50,000 which by policy requires notification to the Board.

Rudy Farias, Manager of Water Resources and Community Development, will serve as project manager for the Westside Creeks Restoration Project, with project team members assisting from the engineering and intergovernmental/community relations departments.

Recommendation:

Motion approving the appointment of Robert Ramirez, Ph.D., J.D., and Olga Lizcano as co-chairs of the Westside Creeks Restoration Advisory Committee.

Before calling for a motion, Mr. Weaver invited Director Rodriguez to speak on this item. Mr. Rodriguez stated that this project was historical and he was very proud to be a part of it and he was appreciative of the Board of Directors for their support. Mr. Rodriguez recognized Councilwoman Lourdes Galvan for her support in the creation of the Committee and in the revitalization of Elmendorf Lake.

Mr. Weaver then called for the motion. Mr. Rodríguez moved and seconded by Ms. Buchanan.

During discussion, Mr. Weaver stated that he was pleased to have such solid citizen support from the co-chairs selected to head this committee. Ms. Buchanan also recognized Ms. Lizcano for her long-standing efforts in the community.

Mr. Weaver called for the vote and the motion carried unanimously.

At this time Mr. Ramirez addressed the Board and stated that he hoped to work toward a vibrant and integrated community of people to enhance the waterways in San Antonio's West Side.

Returning to the scheduled agenda, Mr. Weaver asked if there were any **Citizens to be Heard**. Ms. Hernandez reported that Councilwoman Galvan wished to address the Board of Directors. Councilwoman Galvan expressed her pleasure regarding the creation of the Westside Creeks Restoration Oversight Committee and the new opportunities it will bring to the community.

Mr. Weaver then continued with the regular agenda and **Recognitions**:

- Mr. Weaver recognized Kevin Luensmann for completing 10 years of service and presented him with the appropriate service pin.

Mr. Weaver called on Suzanne Scott who acknowledged the Excellence in Planning Award for the San Antonio River Basin Plan for Nature-Based Park Resources.

Mr. Weaver called for **Approval of the Minutes of the Regular Meeting of the Board of Directors Held on March 19, 2008**. Ms. Buchanan so moved and seconded by Mr. Ruckman, motion carried unanimously.

Mr. Weaver called for **Agenda Item 10: San Antonio River Authority Board of Directors Executive, Communications, Fiscal and Operations Committee and Board Member Conference Attendance Reports**.

- **Executive Committee**: Mr. Weaver indicated there was nothing new to report regarding the Executive Committee.

- Fiscal Committee: Mr. Oehlke reported the Fiscal Committee met on April 7, 2008. Mr. Oehlke stated that there was a briefing on the contract audit being conducted by the City Auditor of the City of San Antonio. The audit has not been finalized at this time. Another important topic was the proposed agreement regarding the reconciliation of the wastewater service revenues that were received by SAWS. It is on the Consent Agenda and was approved by both the Operations and Fiscal committees. The last topic discussed was the operating budget for fiscal year 2008/09. A budget workshop will be held on May 12, 2008 regarding this topic.
- Communications Committee: Mr. Rodriguez reported there was nothing new to report other than a meeting of the committee will be held on May 29, 2008, at 1:30 p.m.
- Operations Committee: Mr. Ruckman reported that the Operations Committee met on April 7, 2008. He stated that all consent agenda items brought before the full board today were supported by the Operations Committee as a result of their full presentations and discussions to the Committee.
- Regarding Board Member Conference Reports: Ms. Buchanan briefed on the trip to Washington, D.C. for the National Water Resources Association Federal Water Seminar and visits with our delegation. Ms. Buchanan was very delighted with our new local lobby team (TRPSA) and also impressed with the River Authority's new lobby team (the Carmen Group), and felt the trip was very successful.

Mr. Weaver called for the **Consent Agenda, Agenda Items 11 through 19**. Mr. Rodriguez requested that Agenda Item 18 be pulled for discussion.

Agenda Item 11: MOTION AUTHORIZING THE GENERAL MANAGER TO NEGOTIATE AN AMENDMENT TO THE MARTINEZ IV SEWER PLANT, LTD. SEWER REIMBURSEMENT AGREEMENT

The revised M4 Sewer Reimbursement Agreement, approved by the Board on December 10, 2007, provides SARA services for the design and construction of a new wastewater collection system and treatment plant in eastern Bexar County, which is also known as the Graytown Road Wastewater System. Since that time, progress has been made on Phase I of the Agreement which includes construction of Segments 1 and 2 of the new collection system, the design and purchase of easements for Segments 3-6, purchase of the land for the new treatment plant, and design of the new 2 million gallon per day (MGD) wastewater treatment plant. Due to the recent slower than expected equivalent dwelling units (EDU) sales in the area, the completion of these tasks is behind schedule, and M4 has requested an Amendment to the Agreement to complete these tasks and to proceed to Phase II.

Phase II of the Agreement includes the construction of Segments 3-6, design and easement purchases for Segments 7-13, and construction of the new 2 MGD wastewater treatment plant (WWTP). As a result of the circumstances described above, M4 has requested that Phase II be divided into the following three sub-phases:

- Phase II(a): Construct Segments 3-6 of the collection system;

- Phase II(b): Design Segments 7-13 (including a lift station) and purchase all related easements; and,
- Phase II(c): Construct the 2 MGD WWTP.

During its April 7, 2008 meeting, the Operations Committee supported staff recommendation for the amendment to be presented to the Board of Directors for approval.

Recommendation:

Motion authorizing the General Manager to negotiate an amendment to the Martinez IV Sewer Plant, LTD., Sewer Reimbursement Agreement to divide Phase II of the Agreement into three sub-phases with the associated completion and reimbursement schedules.

Agenda Item 12: MOTION APPROVING AN AGREEMENT BETWEEN THE SAN ANTONIO RIVER AUTHORITY AND THE SAN ANTONIO RIVER FOUNDATION TO SUPPORT THE FUNDING FOR THE DESIGN AND CONSTRUCTION OF A GROTTTO FEATURE IN THE MUSEUM REACH OF THE SAN ANTONIO RIVER IMPROVEMENTS PROJECT, AND AUTHORIZING THE ASSOCIATED BUDGET AMENDMENT

The River Authority and the San Antonio River Foundation approved an Agreement on April 11, 2007, for the Foundation's initial commitment of \$3,000,000 to fund construction related expenses on the Urban Segment of the Museum Reach. As part of the Agreement, the River Authority and the Foundation anticipated the need to execute subsequent agreements to support additional funding commitments made by the Foundation to support additional elements within the Urban Segment.

The River Authority and the Foundation are currently negotiating the terms and conditions of an Agreement to support the Foundation's funding of an enhanced grotto feature located between Camden Street and Newell Street in the Museum Reach-Urban Segment. The Agreement details the terms for the Foundation to fund the additional design and construction costs relating to this approved art feature. The original designs for the Urban Segment prepared by Ford Powell and Carson proposed a small grotto water feature at the location. The Authority is contracting with Ford Powell and Carson to create an enhanced Carlos Cortes grotto feature. The construction of the grotto will be coordinated within Zachry's current construction schedule.

The Agreement confirms the Foundation's funding commitment of \$498,870 for the additional design cost and \$3,012,000 for the additional construction cost. The River Authority serves as project manager and has direct oversight to ensure that design and construction schedule is coordinated with the project partners. The Agreement establishes an invoicing procedure for payment from the Foundation to the River Authority. The City of San Antonio and Bexar County have agreed that the artist installation components of the grotto may extend beyond the May 2009 project

completion date, but that this installation will not impede access to the completed project area.

| <u>Budget Account Number</u> | <u>Current Budget</u> | <u>Proposed Amendment</u> | <u>Amended Budget</u> |
|---|------------------------------|----------------------------------|------------------------------|
| <u>SAR Foundation Capital Project Fund</u> | | | |
| SRIP-Museum-Design 00001360-7320 | -0- | 33,000 | 33,000 |
| SRIP-Museum-Const 00001340-7320 | -0- | 3,478,000 | 3,478,000 |
| 511-4371 | (3,000,000) | <u>(3,511,000)</u> | (6,511,000) |
| Net change to SARF Capital Project Fund | | -0- | |

During the April 2008 Operations Committee briefing regarding this item, staff received the Committee's authorization to move forward with the \$3,478,000 construction budget amendment reflected in the table above. Since that time, staff has identified a \$33,000 difference between the original grotto design and the enhanced Ford Powell and Carson design recommended herein. The River Authority and the Foundation are in Agreement that the additional \$33,000 should be included in the proposed Agreement.

Recommendation:

Motion approving the Agreement between the San Antonio River Authority and the San Antonio River Foundation for \$3,510,870 to fund the design and construction of the enhanced Grotto feature within the Museum Reach-Urban Segment of the San Antonio River Improvements Project.

Agenda Item 13: RESOLUTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF KENEDY TO PROVIDE MAINTENANCE OF ESCONDIDO CREEK

The San Antonio River Authority and City of Kenedy (City) have negotiated an Interlocal Agreement to shred Escondido Creek three times annually to promote erosion resistant cover, slope stability and flood conveyance efficiently. The length of the maintenance runs from the end of the Karnes County airport runway to the confluence of Nichols Creek.

The City in the 1960's, 1980's, and in 2006 hired a private contractor to clear the waterway. With new growth sprouting, the City desired to maintain the Creek annually, and therefore entered into discussions with the River Authority. Watershed Operations has a maintenance facility in the City from which they maintain Nichols Creek in the City and thirteen dams in Karnes County.

The terms of the Agreement state the River Authority shall provide initial cleanup of the Creek at an estimated cost of \$15,000. These funds are available in the Debris

Removal Program. Following the initial cleanup, the City shall be responsible for payment of all costs related to general maintenance of the Creek three times per year. Each occurrence shall cost \$2,500 for a total of \$7,500 per year.

Watershed Operations currently has staff and resources within the City to provide services. This month the City of Kenedy City Council approved the Interlocal Agreement, and the Operations Committee supported a motion to present the Agreement to the Board for approval.

Recommendation:

Motion that Resolution No. R-1336 be passed and approved.

Agenda Item 14: RATIFICATION OF A PADDLING TRAIL PARTNERSHIP PROGRAM AGREEMENT WITH CANOE TRAIL GOLIAD, INC., TO BE USED FOR DESIGN AND CONSTRUCTION OF A RIVER ACCESS SITE ON THE GOLIAD PADDLING TRAIL, AND AUTHORIZING THE ASSOCIATED BUDGET AMENDMENT

As proposed in the fiscal year 2007/08 budget, Paddling Trail Challenge Grants promote river access sites in selected segments of the San Antonio River, consistent with the San Antonio River Basin Plan for Nature-Based Park Resources. The program offers a one-to-one challenge grant aimed at encouraging local entities to recognize the recreational, environmental, and economic benefits their communities would experience by co-funding the development of paddling trail access sites. The grant is not to exceed \$25,000.

In September, 2007, staff proposed the first Paddling Trail Partnership Program Agreement to Canoe Trail Goliad, Inc. (CTG). During the next few months and as required in the Agreement, CTG attained incorporation through the Texas Secretary of State and designation as a 501.c.3 organization by the IRS. They also received a private donation of \$25,000, which provided their match. At a March 5th meeting of their Executive Committee, the CTG Chairman was authorized to sign the Agreement, which was then signed by the Park Services Manager, named in the Agreement as the program administrator. Ratification of executing the Agreement through Board of Directors action will provide the proper authorization.

Major stipulations of the Agreement are that the CTG match be obtained by June 30, 2008 (already accomplished), that the funds be used for the design and/or construction of the State Park River Access Site on the Goliad Paddling Trail, and that the CTG maintain incorporation and non-profit status during the Agreement term.

| <u>General Fund</u> <u>River Access Sites</u> | <u>Budget Account</u> <u>Number</u> | <u>Current</u> <u>Budget</u> | <u>Proposed</u> <u>Amendment</u> | <u>Amended</u> <u>Budget</u> |
|--|--|---------------------------------|-------------------------------------|---------------------------------|
| Sponsorships | | | | |
| | 1011531-7543 | \$ 0 | \$ 25,000 | \$ 25,000 |
| | Net change to SARA General Fund | | \$ (25,000) | |

The Operations Committee approved a motion during their April 7, 2008, meeting to present this recommendation to the Board of Directors.

Recommendation:

Motion ratifying a Paddling Trail Partnership Program Agreement with Canoe Trail Goliad, Inc., in an amount not to exceed \$25,000, to be used for design and construction of a river access site on the Goliad Paddling Trail, and authorizing the associated fiscal year 2007/08 budget amendment.

Agenda Item 15: MOTION APPROVING THE TEXAS OUTDOOR FAMILY PROGRAM AGREEMENTS FOR A TERM OF ONE YEAR WITH THE TEXAS PARKS & WILDLIFE DEPARTMENT

The San Antonio River Authority and the Texas Parks & Wildlife Department (TPWD) agreed to conduct an initial Texas Outdoor Family Workshop held November 10-11, 2007, at Braunig Lake Park. The goal of this growing program is to merge a natural setting and an outdoor education program with families interested in learning basic outdoor skills that will promote their interest and success in future outdoor recreational activities.

Programs have again been planned for 2008 at Calaveras Lake Park, with one scheduled for May 17-18 and possibly another in the fall. Workshop topics will include camping skills, fishing, archery, paddling, geocaching, and nature activities. The capacity for the workshop is twelve families or forty-eight participants. A mandatory activity fee is required that offsets the workshop costs.

During its April 7, 2008, meeting, the Operations Committee approved presenting this item to the Board of Directors.

Recommendation:

Motion approving Texas Outdoor Family Program Agreements with the Texas Parks & Wildlife Department for a period of one year.

Agenda Item 16: APPROVAL OF AN AGREEMENT WITH THE SAN ANTONIO WATER SYSTEM REGARDING RECONCILIATION OF WASTEWATER SERVICE REVENUES

In 2007 the San Antonio Water System (SAWS) brought to the River Authority's attention a billing discrepancy discovered when SAWS began to directly bill wastewater customers residing in the Bexar Metropolitan Water District (BexarMet) water service area. SAWS discovered that BexarMet had been billing River Authority wastewater customers as SAWS wastewater customers. Once this was brought to the River Authority's attention, our staff worked with SAWS and BexarMet staff to reconcile the bill error. It has been determined that since 2001 approximately 400 River Authority customers were billed incorrectly.

The River Authority informed customers by letter in December of the error and that they would begin to be billed at the River Authority rate. SAWS has performed an audit of the amounts incorrectly billed by BexarMet and collected by SAWS and has presented [an](#) Agreement to reimburse the River Authority \$150,184.75 in fees SAWS has collected from the River Authority customers.

The River Authority's finance staff has reviewed the reconciliation performed by SAWS and concurs with the recommended reimbursement. The uncollected revenue for the River Authority since 2001 resulting from the difference between the SAWS wastewater rate and the River Authority rate is reconciled by the River Authority finance staff and will be reviewed with the board.

As previously reported, the River Authority is soliciting professional services to conduct a comprehensive review of third party billings. The findings of this audit may result in additional recommendations for the board's consideration.

During the April Operations and Fiscal Committee meetings, the Committees supported presenting to the Board of Directors the Agreement Regarding Reconciliation of Wastewater Revenues between the San Antonio River Authority and the San Antonio Water System.

Recommendation:

Motion approving an Agreement Regarding Reconciliation of Wastewater Revenues between the San Antonio River Authority and the San Antonio Water System and authorizing the General Manager to execute the Agreement.

Agenda Item 17: RESOLUTION AUTHORIZING AMENDMENT NO. 38 TO SEWAGE TRANSPORTATION, TREATMENT AND DISPOSAL CONTRACT ESTABLISHING NEW POINTS OF ENTRY WITHIN THE SALATRILLO OUTFALL LINE

The purpose of this amendment is to establish new points of entry within the Salatrillo Outfall Line. Within the Contract document, attached, Points of Entry (b) is hereby modified to read as follows:

(b) Sewage will be accepted into the system at points of entry mutually agreed upon by the wholesale Customer and the Authority. Points of Entry are shown in the Points of Entry (b) Exhibit "E" attached hereto and dated April 4, 2008. The

original Exhibit "E" dated May, 1978 has been updated to include lines added through Amendment 4 dated November 5, 1980 and areas and facilities to be operated by Converse under the authority of Amendment No. 38. As identified in Exhibit "E" identified outfall lines will be operated and maintained by the Authority.

Points of Entry (b) Exhibit "E" is hereby deleted and a new Points of Entry "E" is inserted and attached.

The Operations Committee reviewed this item during its April 2008 meeting and supported authorizing Amendment No. 38 to Sewage Transportation, Treatment and Disposal Contract establishing new points of entry within the Salatrillo Outfall Line.

Recommendation:

Motion that Resolution No. R-1338 be passed and approved.

Mr. Weaver called on Steven Schauer for **Agenda Item 19: MOTION APPROVING KEITH KINDLE AND MAGGIE HUNT AS ENVIRONMENTAL ADVISORY COMMITTEE CO-CHAIRS**

Explanation by Steven Schauer

In 2005, the SARA Board of Directors approved the creation of the San Antonio River Basin Environmental Advisory Committee (EAC). The advisory committee by-laws call for identifying a co-chair from Bexar County and another from a downstream county.

Mr. Keith Kindle was identified as co-chair from Bexar County. Mr. Kindle is active in the community and was recently named by the Greater San Antonio Chamber of Commerce to lead the San Antonio water team on the SA to DC trip upcoming in June. Mr. Kindle is very familiar with water and environmental issues and will bring his numerous leadership qualities to the EAC.

Ms. Maggie Hunt from Karnes County was identified to represent the downstream counties as co-chair on the Environmental Advisory Committee. Ms. Hunt is leading the charge to designate a Karnes County paddling trail along the San Antonio River. Ms. Hunt is also very active in the Karnes County Chamber of Commerce and is recognized as a community leader.

Maggie Hunt and Keith Kindle will provide the leadership and direction we have been seeking for the Environmental Advisory Committee co-chairs.

Recommendation:

Motion approving Mr. Keith Kindle and Ms. Maggie Hunt as co-chairs of the Environmental Advisory Committee.

Mr. Kollodziej moved for approval of the Consent Agenda, Items 11 – 17 and 19, and seconded by Ms. Buchanan, the motion passed unanimously.

Mr. Weaver called on Claude Harding for **Agenda Item 18: ORDINANCE OF THE BOARD OF DIRECTORS OF THE SAN ANTONIO RIVER AUTHORITY DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO LOT 18, BLOCK 3, LAKEWOOD ACRES, BEXAR COUNTY, TEXAS OWNED AND CLAIMED BY RAMONA RODRIGUEZ, ET. AL. FOR FLOOD CONTROL PURPOSES, 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 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**

Explanation by Claude Harding:

Bexar County has authorized San Antonio River Authority to condemn Lot 18, Block 3, Lakewood Acres, Bexar County, Texas on behalf of Bexar County as part of the Lakewood Acres Flood Buyout Program. The Lakewood Acres Flood Buyout Program was implemented as a result of the 1998 flood event. The property is located within the flood plain and subject to repeated flooding. The property is the last property of 282 properties to be acquired in Lakewood Acres. The ownership of the property is divided between approximately fourteen people. Acquisition of the property is required for flood control purposes.

During its April 7, 2008, meeting, the Operations Committee considered this eminent domain action and supported a recommendation that this item be presented to the Board of Directors for approval.

Mr. Rodriguez asked for clarification as to where we were regarding eminent domain proceedings. Mr. Ross explained that this property was what remained of Bexar County's Lakewood Acres project and this action is required before the River Authority can file the condemnation, the actual eminent domain proceeding. Staff has been working with the property owners, but, because of the number of owners and the amount of money involved, have been unable to come to an agreement. This action is required so that we can deposit the money with the court and take possession of the property.

Mr. Weaver asked that the recommendation be read by Mr. Harding.

Recommendation:

Motion that Ordinance No. O-1307 be passed and approved.

Mr. Weaver called for said motion. Mr. Ruckman moved and seconded by Mr. Kollodziej, the motion passed unanimously.

ITEMS FOR INDIVIDUAL CONSIDERATION:

Mr. Weaver called on Claude Harding for **Agenda Item 20: PRESENTATION, DISCUSSION, AND APPROPRIATE ACTION REGARDING A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN ANTONIO RIVER AUTHORITY AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN BEXAR COUNTY AND THE SAN ANTONIO RIVER AUTHORITY TO PERFORM REAL ESTATE SERVICES IN SUPPORT OF THE BEXAR COUNTY FLOOD CONTROL CAPITAL IMPROVEMENTS PROGRAM**

Explanation by Claude Harding

The Bexar County Commissioners Court has approved a Flood Control Capital Improvements Program over the next ten years in the amount of \$500,000,000. These projects include regional storm water facilities, low water crossings, natural waterway conveyances (channelization), outfall structures, and buyouts. Bexar County has requested that the San Antonio River Authority provide real estate acquisition services for the program.

At the February 20, 2008 meeting of the River Authority Board of Directors, the Board adopted Resolution R-1332 authorizing the General Manager to execute letter agreements between Bexar County and the River Authority to perform real estate services in Support of the Bexar County Flood Control Capital Improvements Program Phase 1 and to carry out all other activities necessary to complete this project.

It has subsequently been determined that an interlocal agreement is required instead of the letter agreements. Bexar County and the River Authority have developed the necessary interlocal agreement for real estate services.

Recommendation:

Motion that Resolution No. R-1337 be passed and approved.

Mr. Weaver called for said motion. Ms. Buchanan moved and seconded by Mr. Morales, the motion passed unanimously.

Mr. Weaver called on Steve Raabe for **Agenda Item 22: BRIEFING ON WATER RESOURCE PLANNING AND DEVELOPMENT ACTIVITIES**

Explanation by Steve Raabe

Mr. Raabe stated that the Region L Planning Group would be meeting on May 1, 2008, for their first quarterly meeting to discuss finishing and completing the 2011 regional water plan. Once approved, on behalf of Region L, the River Authority will submit a grant application to the Texas Water Development Board (TWDB), to obtain the funds to complete the regional water plan. Mr. Raabe indicated that the regional water plan would be brought before the board at the May Operations Committee and Regular Board authorizing submittal of the grant application to the TWDB.

The Board was also briefed on the Edwards Aquifer Recovery Implementation Program (EARIP). This is a process to voluntarily look at what can be done to preserve the continued existence of endangered species at the springs and in the Edwards Aquifer. The River Authority is on the steering committee and is currently working on developing a work plan for the preparation of a habitat conservation plan for the protection of the species. The deadline for developing the plan is 2012. A Science Advisory Committee has been appointed to review the science associated with the aquifer and the species. While the committee was fully appointed, since then a few vacancies have become available. The committee is now recommending that Mike Gonzales, the River Authority's Environmental Sciences Department Manager, be appointed to that vacancy. The EARIP Steering Committee will consider that appointment at their May meeting.

Mr. Weaver called on Suzanne Scott for **Agenda Item 23: STATUS REPORT ON THE SAN ANTONIO RIVER IMPROVEMENTS PROJECT**

Explanation by Suzanne Scott

Ms. Scott briefed on the River Improvements Project and discussed the trip to DC and the visits with members of our delegation and the U.S. Army Corps of Engineers to continue to lobby for funding for the project.

Mr. Weaver called on Karen Bishop & Ken Englehart for **Agenda Item 24: DISCUSSION REGARDING SARA-ISSUED BOARD MEMBER E-MAIL ACCOUNTS AND LAUNCH OF BOARD ROOM AUDIO/VIDEO EQUIPMENT USE**

Explanation by Karen Bishop & Ken Englehart:

Board members who utilize their personal e-mail accounts to conduct SARA business subject their personal accounts to inspection under the Public Information Act. Staff assisted Board members in transitioning to the use of their SARA-issued e-mail accounts by reviewing access procedures during the meeting. Staff also reported that, as of May 1, 2008, all SARA-related information to be communicated to the Board via e-mail would be sent through the Board members' SARA-issued e-mail addresses.

In addition, staff demonstrated the Board Room's audio/video equipment and discussed procedures to be followed at future meetings during executive sessions. Those procedures involve retiring the Board to the Salado Room for all Executive

Sessions. These procedures will go into effect for the May 12, 2008, Special and Operations Committee meetings.

Mr. Weaver called on Suzanne Scott for **Agenda Item 25: DISCUSSION REGARDING ITEMS FOR FUTURE CONSIDERATION**

Explanation by Suzanne Scott

Ms. Scott asked if there were any items in specific that the Board would like to bring to any future meetings, there were none. Ms. Scott did remind the Board that there would be an item on the regular board agenda in June to cancel all Board and Committee meetings for the month of July.

Later Ms. Sutherland requested that staff provide a full briefing of all the active committees of the River Authority.

Mr. Morales asked, now that the co-chairs of the West Side Creeks Restoration Oversight Committee have been appointed, how the remainder of the members would be selected. Ms. Scott responded that there was a table in the background information provided that identified several organizations for membership. Working with the co-chairs to coordinate with representatives from the organizations listed, we will ask them to make their appointments to the Oversight Committee. Simultaneously, we will be conducting a professional services selection of a consultant so that we can begin the process of coming up with a vision and working through the process.

Mr. Weaver called on Suzanne Scott for **Agenda Item 26: GENERAL MANAGER'S REPORT**

Explanation by Suzanne Scott

Ms. Scott introduced the new Director of Operations, John Chisholm. Mr. Chisholm will oversee Watershed Operations, Parks and Utilities departments.

Next Ms. Scott reported that we have heard from the Governor's Appointment Office that the two vacancies on the Board, one from Wilson and the other from Bexar County which are unexpired terms, will be filled very soon.

Ms. Scott reminded the directors that Personal Financial Statements are due to the Texas Ethics Commission by April 30, 2008, or a \$500 fine will be assessed to anyone who has not filed.

Ms. Scott explained that the River Authority's Community Relations department has developed a reusable bag campaign and each director should have one at their place. This is a campaign to encourage voluntary use of reusable bags as opposed to plastic bags which often end up in the river and tributaries.

Ms. Scott announced the SAWS/SARA BBQ Cook-Off, Friday, May 16, 2008, Calaveras Lake Grass Farm.

She also noted that the Adoption of Tax Rate and Public Hearing on Tax Rate are currently scheduled for August 28, 2008. The NAFSMA Conference is scheduled during same time frame, so we are looking to change the date to early September since there will be a few Board members attending the NAFSMA conference in California.

Agenda Item 27: There being no further business, the meeting was adjourned by Mr. Weaver, the Chairman, at 3:47 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 May 21, 2008.

THOMAS G. WEAVER, Board Chairman

ATTEST:

SALLY BUCHANAN, Secretary