

**MINUTES**

**REGULAR MEETING OF THE BOARD OF DIRECTORS**

**SAN ANTONIO RIVER AUTHORITY**

**August 19, 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 PM**
- 2. PLEDGE OF ALLEGIANCE WAS CONDUCTED**
- 3. ROLL CALL WAS TAKEN BY THE BOARD SECRETARY, MS. SALLY BUCHANAN**

***\*Board members present for this meeting are indicated with a checked box:***

**BEXAR COUNTY:**

- Sally Buchanan
- Hector R. Morales
- Jeffrey S. 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 J. Flieller
- A.D. Kollodziej, Jr.

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

**5. INTRODUCTION OF VISITORS**

Ms. Moreno announced the visitors present.

**6. CITIZENS TO BE HEARD**

Ms. Moreno announced that no citizens were signed up to speak.

**7. EMPLOYEE RECOGNITIONS**

Ms. Scott and Mr. Weaver took this time to recognize Al Astran and his Seven Oaks Water Supply Team for the Texas Commission on Environmental Quality 2009 Public Drinking Water Recognition Program Award they recieved for their Small Systems Security Program.

**8. 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, Mr. Oehlke, regarding the last meeting held on August 10, 2009.
- Operations Committee: a short briefing was given by Committee Chairman, Mr. Ruckman, regarding the last meeting held on August 10, 2009.
- Board Handbook Special Purpose Committee: Committee Chairman, Mr. Neathery, gave a report on and distributed the 2009/10 Board of Directors Handbook and Project Map Book to each Board member present.
- A Conference Report was given by Mr. Oehlke who attended the National Water Resource Association (NWRA) in Albuquerque, New Mexico on July 31, 2009.
- *No reports needed to be given for the Communications or Executive Committees.*

**CONSENT AGENDA ITEMS:**

**9. APPROVAL OF THE MINUTES FOR THE REGULAR BOARD OF DIRECTORS MEETING HELD ON JUNE 17, 2009**

**10. RATIFICATION OF THE NOMINATION OF VELMA DANIELSON, GENERAL MANAGER OF THE EDWARDS AQUIFER AUTHORITY, TO THE LIST OF NOMINEES TO SERVE ON THE ENVIRONMENTAL FLOWS ADVISORY GROUP GUADALUPE, SAN ANTONIO, MISSION AND ARANSAS RIVERS, AND MISSION, COPANO, ARANSAS AND SAN ANTONIO BAYS STAKEHOLDER COMMITTEE**

**11. APPROVAL OF THE STATE FUNDED AGREEMENT BETWEEN THE SAN ANTONIO RIVER AUTHORITY AND THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO ADMINISTER AND CONDUCT WATER QUALITY MONITORING ACTIVITIES IN ACCORDANCE WITH THE CLEAN RIVERS PROGRAM (SB 818)**

12. **AUTHORIZATION OF AN INTERGOVERNMENTAL REIMBURSEMENT AGREEMENT BETWEEN THE SAN ANTONIO RIVER AUTHORITY AND THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO PROVIDE WATER QUALITY MODELING SERVICES FOR THE TEXAS INSTREAM FLOWS PROGRAM AND THE LOWER SAN ANTONIO RIVER INSTREAM FLOW STUDY AND AMENDMENT TO THE FISCAL YEAR 2009/10 BUDGET**
14. **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN ANTONIO RIVER AUTHORITY AUTHORIZING THE GENERAL MANAGER TO EXECUTE A PERMANENT SEWER EASEMENT BETWEEN THE SAN ANTONIO RIVER AUTHORITY AND THE SAN ANTONIO WATER SYSTEM FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A SANITARY SEWER LINE UNDER AND ACROSS THE SAN ANTONIO RIVER LOCATED PARALLEL TO THE BRIDGE AT VFW BOULEVARD, BEXAR COUNTY, TEXAS PERFORMED IN CONJUNCTION WITH THE SAN ANTONIO RIVER IMPROVEMENTS PROJECT (SARIP) MISSION REACH PHASE II**
15. **APPROVAL OF SAN ANTONIO RIVER AUTHORITY PARTICIPATION AND SUPPORT IN THE DEVELOPMENT OF A REGIONAL HABITAT CONSERVATION PLAN FOR THE SOUTHERN EDWARDS PLATEAU**
16. **APPROVAL OF THE SARA WATER SYSTEMS IMPROVEMENTS**

Mr. Weaver called for a motion to approve consent items 9 - 16. After brief discussion, and at the request of Mr. Rodríguez, Mr. Weaver pulled Agenda Item 13 for further discussion and modified his call for motion to approve consent items 9 - 12 and 14 - 16.

Motion made by Sally Buchanan

Seconded by Hector R. Morales

Motion passed unanimously

#### ***INDIVIDUAL AGENDA ITEMS:***

13. **APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH THE TEXAS GENERAL LAND OFFICE REGARDING THE EXPLORATION AND PRODUCTION OF OIL AND GAS FROM BENEATH THE BED AND BANKS OF THE SAN ANTONIO RIVER**

Staff recommended a motion of the San Antonio River Authority's Board of Directors authorizing the General Manager to execute a Memorandum of Understanding between the General Land Office and the San Antonio River Authority regarding the exploration and production of oil and gas from beneath the bed and banks of the San Antonio River.

Motion made by H.B. Ruckman III

Seconded by John J. Flieller

Motion passed unanimously

**17. PRESENTATION, DISCUSSION AND APPROPRIATE ACTION REGARDING 2009 AD VALOREM TAX RATE**

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

**18. PRESENTATION, DISCUSSION AND APPROPRIATE ACTION REGARDING AN ORDINANCE DESIGNATING THE CONSOLIDATION OF POLLING PLACES AND PRECINCTS WITHIN BEXAR, WILSON, GOLIAD AND KARNES COUNTIES AND DESIGNATING THE OFFICIAL REPRESENTATIVE OF THE BOARD TO RECEIVE THE RETURNS OF THE ELECTION**

Staff recommended a motion that Ordinance No. O-1329 be passed and approved.

Motion made by Gaylon J. Oehlke

Seconded by Sally Buchanan

Motion passed unanimously

**19. DISCUSSION AND APPROPRIATE ACTION REGARDING THE FISCAL YEAR 2009/10 BUDGET**

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

**20. DISTRIBUTION OF FINANCIAL STATEMENTS FOR THE PERIOD ENDING JUNE 30, 2009**

There being no action taken on this item, Mr. Weaver called for Agenda Item 21.

**21. PRESENTATION, DISCUSSION AND APPROPRIATE ACTION REGARDING APPROVAL TO EXECUTE CONTRACTS TO AWARD BIDS FOR VEHICLES FOR THE UTILITY DEPARTMENT**

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

**22. PRESENTATION, DISCUSSION, AND APPROPRIATE ACTION REGARDING AWARD OF A CONSTRUCTION CONTRACT FOR THE MARTINEZ II ADMINISTRATION BUILDING**

Staff recommended a motion authorizing the General Manager to negotiate and execute a contract with Davila Construction, Inc. in the amount of \$1,339,000 and authorizing the General Manager or her designee to amend the contract if field changes are required.

Motion made by Roberto G. Rodríguez

Seconded by Sally Buchanan

Motion passed unanimously

**23. EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071, CONSULTATION WITH ATTORNEY FOR ADVICE REGARDING PENDING OR CONTEMPLATED LITIGATION REGARDING CAUSE NO. 08-0964, EDWARDS AQUIFER AUTHORITY AND THE STATE OF TEXAS VS. BURRELL DAY AND JOEL MCDANIEL, IN THE TEXAS SUPREME COURT**

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 3:17 pm for deliberation concerning the pending or contemplated litigation regarding Cause No. 08-0964, Edwards Aquifer Authority and the State of Texas vs. Burrell Day and Joel McDaniel, in the Texas Supreme Court. The Executive Session having concluded, the Regular Meeting of the Board of Directors resumed into Open Session at 3:54 pm.

**24. PRESENTATION, DISCUSSION AND APPROPRIATE ACTION REGARDING PENDING OR CONTEMPLATED LITIGATION REGARDING CAUSE NO. 08-0964, EDWARDS AQUIFER AUTHORITY AND THE STATE OF TEXAS VS. BURRELL DAY AND JOEL MCDANIEL, IN THE TEXAS SUPREME COURT**

Thomas G. Weaver made a motion that the Board go on record as not taking action to file an amicus brief with the Supreme Court in this case and as directing the General Manager to forward this information to the Edwards Aquifer Authority.

Seconded by H.B. Ruckman III  
Motion passed unanimously

**25. DISCUSSION AND APPROPRIATE ACTION TO SCHEDULE THE DATE AND/OR LOCATION OF THE OCTOBER REGULAR BOARD MEETING AND THE DATE OF THE NOVEMBER REGULAR BOARD OF DIRECTORS MEETING**

Sally Buchanan made a motion to hold the October, 2009, Regular Board meeting in Wilson County at The Warehouse Historic Meeting Hall, 1302 S. Second Street, Floresville, Texas, on Wednesday, October 14, 2009, at 2:00 p.m.; and to hold the November, 2009, Regular Board meeting on Thursday, November 12, 2009, at 2:00 p.m. in the SARA Board Room.

Seconded by H. B. Ruckman III  
Motion passed unanimously

**26. CONSULTANT SELECTION ACTIVITIES AND/OR CONSULTANT CONTRACT AUTHORIZATIONS, RENEWALS, AMENDMENTS OR EXTENSIONS:**

**PROFESSIONAL SERVICES CONTRACT FOR THIRD PARTY ADMINISTRATOR FOR EMPLOYEE BENEFITS**

There being no action taken on this item, Mr. Weaver called for Agenda Item 27.

**27. PRESENTATION, DISCUSSION AND WRAP-UP REVIEW OF LEGISLATIVE ACTIVITY IN THE 81ST SESSION OF THE TEXAS LEGISLATURE RELATING TO SAN ANTONIO RIVER AUTHORITY**

There being no action taken on this item, Mr. Weaver called for Agenda Item 28.

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

There being no action taken on this item, Mr. Weaver called for Agenda Item 29.

**29. ITEMS FOR FUTURE CONSIDERATION**

There being no future items mentioned, Mr. Weaver called for Agenda Item 30.

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

- **CPS ENERGY AIR RIGHTS LICENSE AGREEMENT UPDATE;**
- **4th QUARTERLY SARA PERFORMANCE REPORT;**
- **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. Weaver called for Agenda Item 31.

**31. NEXT MEETING DATE**

After a brief discussion by the Board, it was decided that the next Regular Board of Directors meeting will be held on Wednesday, September 16, 2009, at 2:00 p.m.

**32. ADJOURN**

There being nothing further to report, Ms. Sutherland moved to adjourn, and therefore, Mr. Weaver called the meeting adjourned at 4:41 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 SEPTEMBER 16, 2009.**

---

**THOMAS G. WEAVER, Board Chairman**

**ATTEST:**

---

**SALLY BUCHANAN, Board Secretary**