

Alamo Regional Mobility Authority

Meeting January 11, 2006, one P.M., in the Greater Kelly Development Authority Main Conference Room, 143 Billy Mitchell Blvd., Suite 6, San Antonio, Texas

Minutes

1. **New Board member swear in.** Jesse F. Jenkins was sworn in by Chairman Thornton. He stated that he hopes he can do a fourth as good as his predecessor, General McBride, and that he will try.

General McBride was honored for his service to the RMA. Chairman Thornton had some very kind and enlightening words to say about General McBride. General McBride stated that he was not only pleased, but honored because of the caliber of the people on the board. He also told Mr. Jenkins that he is very lucky to be serving with this group because he will be working with some very dedicated people who are trying to do the right thing.

2. **Meeting called to order.** Chairman Thornton called the meeting to order at 1:10pm. All board members were present.

3. **Approval of AlamoRMA December 12, 2005 Special Board of Directors Meeting and December 14, 2005 Board of Director Meeting Minutes.** *R. Thompson made the motion to accept the minutes of both the December 12, 2005 special board of directors meeting and the December 14, 2005 board of directors meeting minutes as presented. R. Diaz seconded. Motion passed.*

Chairman Thornton asked that T. Brechtel, Executive Director of Alamo RMA, introduce the individuals that are leaving and those who are new. T. Brechtel introduced Carrie Conner, who will be taking over for J. Lopez as Comptroller. C. Conner has a CPA certification from Maryland. She also pointed out that Alfred Rodriguez, who has taken the minutes since the beginning will no longer be transcribing the minutes. Joelle Sierra, the Office Administrator of the RMA, will be taking over the transcribing of the minutes.

4. **Discussion and appropriate action to amend the Alamo RMA bylaws.** Brian Cassidy, General Council for the Alamo RMA, discussed the changes that had to be made to the Bylaws because of statutory developments from the last legislative session and the election concerning permissible terms for RMA Directors. Bylaws needed to be amended to conform the Board terms for Board of Directors. Previously the bylaws were written under the prior law which provided for six term years, they are being amended due to provide for the two year terms and the initial transitional period where half the board will serve one year terms so that no more than one half of the board turns over in any particular year as is required by statute. B. Cassidy went over a few of the other changes briefly. *Reynaldo Diaz made the motion to approve Resolution 06-01 Adopt Changes of the Alamo RMA Bylaws. C. Rodriguez seconded. Motion passed.*

Chairman Thornton asked that the election of officers be held on the February Board of Directors meeting. The two offices that will be opening will be the Vice-Chairman and the Secretary of Treasury. Elections for those two positions will be held in February. On January 11, 2006 the commissioners court designated the terms as required by the state. For the record there are 3 board members who serve one year terms (H. Munoz, C. Rodriguez, and R. Thompson), and 3 who serve 2 year terms (J. Reed, R. Diaz, J. Jenkins). Chairman Thornton is appointed by the governor and is also a two year term.

4. **Project Status Report**

A. **Loop 1604/US281 CDA project:** David Casteel, TxDOT District Engineer, explained to the board the Comprehensive Development Agreement, and indicated the current level of the CDA process for the Loop 1604/US 281 projects.

B. **I35 Managed toll lanes:** Frank Holzman, TxDOT Engineer, updated the board on the status of I35. All of the information has been turned over to the RMA for evaluation. The information consists of IH35 rough schematic of what TxDOT thinks the lane configurations should be for the managed toll lanes, information regarding the traffic on IH35, and some high level traffic and revenue studies.

C. **Wurzbach Parkway:** F. Holzman told the Board that the Wurzbach Parkway was 100% complete on the schematic and about 75% complete on the environmental assessment and some core permits for some of the waterways.

D. **SH16:** F. Holzman said that they are close to completing the toll feasibility study for the project and that TxDOT received the information from their consultant about a week ago and are evaluating it now to make sure that it's in good shape before giving it to the RMA.

Citizen speaker Terri Hall, who resides in Comal County and represents of the Texas Toll Party, expressed that she and the people feel that the board remaining silent because of an NDA (Non Disclosure Agreement) regarding the CDA is a violation of open government. She stated that she believes that the public has a right to know what is in those agreements, and that the public has a right to know and have involvement in the process of setting toll rates that "they will have to pay for their lifetimes." She also stated that she believes that the board has not followed federal laws of the national Environmental Policy Act on this project and that "the people's voices have not been heard or heeded."

Chairman Thornton asked General Council Brian Cassidy to briefly state the legal considerations of why the board is bound by the confidentiality component. Mr. Cassidy explained that the statutory provision governing the CDA procurement process which this CDA falls under requires that information contained in proposals be kept confidential until the process is complete. This ensures a fair and competitive process. In order to not put either party at a disadvantage, information has to stay confidential during the procurement process. Mr. Cassidy informed Ms. Hall that these rules are from Transportation Code Chapter 370 & 223 which are specific to these processes and exceptions to the open records act.

Chairman Thornton pledged to T. Hall that what parts of the CDA they (the Board) are able to share, they will share. B. Cassidy reiterated that there are no agreements made at this time. R. Thompson stated that there are no toll rates, no formula, no amount, and no duration agreed upon. He also stated that the board has the authority to negotiate, if in fact, one of the two contractors is found to be acceptable, then, there will be an agreement. J. Reed stated that there are three options, with the original option still on the table. He also states that there was approved by the Board which contains a list of demands that the proposers should comply with. C. Rodriguez told T. Hall that as a board they are pretty diversified, and have struggled with many of the same issues and have many of the same concerns that T. Hall has. They've worked very hard as a board to be proactive instead of reactive. C. Rodriguez also encouraged T. Hall's organization to help the board along the path and to come forward with suggestions. She (C. Rodriguez) states that the board was prepared to dissolve if they did not have the commitment from TxDot that they would give the board the control over the issues that T. Hall was expressing to them (the Board).

5. Resolution 06-02 Discussion and appropriate action on GEC work Authorizations for the development of IH35, SH16, and Wurzbach Parkway Interchange as potential toll projects. T.

Brechtel introduced Tom Ellis, Vice President of HNTB, to give a presentation regarding work authorizations and staff consultants. T. Ellis stated that they will be completing an environmental assessment, which is critical to have completed before being able to make a decision whether to go with a CDA, a design build, or a conventional design build bid concept. To get to the previously noted point HNTB will need to develop a route study; which looks at where the roads are going to be placed. After developing the route study then they will develop a schematic map. T. Ellis went on to explain the rest of the executive summary. T. Ellis explained the total estimated fees for the services of the different projects, and the breakdown of the fees by Design Team; which include HNTB, CEC, PCI, Vickery, and Rivera. T. Ellis also went over the Assumptions and Exclusions, the summary of deliverables, the transfer projects development implementation plan, and the draw down of the transfer projects.

Chairman Thornton praised HNTB for distributing the consulting dollars to 90% of local companies, and that 50% of those are minority owned or women owned businesses.

Chairman Thornton opened the issue for discussion. H. Munoz wants to know how do we amend if the work plan is not approved by TxDOT. Secondly H. Munoz asked T. Ellis what his version of project management is versus TxDOT's version. T. Ellis states that they would not be doing the work themselves, but would be managing all three projects. H. Munoz wants to know who will be managing the various projects from HNTB, and who from the RMA will be managing the consultants since typically TxDOT has at least three project managers overseeing the project. P. Irwin, Director of Engineering for the Alamo RMA, tells H. Munoz that he will be overseeing the various projects. H. Munoz asked him if he can do that, and P. Irwin told him that he will have to, and that the RMA is looking for more people. T. Brechtel tells H. Munoz that the RMA has budgeted to add a few more positions. H. Munoz also wants to make sure that HNTB has the information from the prior consultants and that they are using information that has already been paid for by TxDOT, and building on that basis. H. Munoz also asked who TxDOT uses for traffic and revenue studies, and will the RMA have the ability to choose which one is the best fit for them. D. Casteel stated that the RMA will be working off of one of the TxDOT Contractors. J. Brown stated that TxDOT has been using URS for this region.

R. Thompson had an in depth discussion regarding the environmental analysis. T. Ellis told the board that Stacy Benningfield will be leading the environmental phase of the project, and that she will be brought in next time to discuss the findings and how things will be handled. HNTB will be completing a monthly status report instead of a quarterly report. *R. Thompson made the motion to approve resolution 06-02. R. Diaz and H. Munoz seconded. Motion passed.*

6. Resolution 06-03, approval of workplan to be submitted to TxDOT. T. Ellis went over what will be included in the work plan that is to be submitted to TxDOT. T. Brechtel stated that she had met with General Council early on in her appointment particularly about the governance of the board and making sure that the RMA begins a process of having resolutions memorializing the actions that the board is taking. *H. Munoz made the motion to approve Resolution 06-03. J. Reed seconded. Motion passed.*

Citizen speaker, Shirlene Harris, from the I-10/Dezavala area, stated that she has lived out of the country, specifically in Mexico, where they depend heavily on mass transit, and though she believes that the United States will never not depend on independent automobile use, she would like to see that more consideration be given for mass transit, and that the toll roads not encompass all of the roads in Texas.

7. Resolution 06-04, Discussion and appropriate action on resolution supporting the SAMCo delegation presentation to the Texas Transportation Commission. T. Brechtel went over the SAMCo delegation's presentation to the Texas Transportation Commission, what it will entail, and who will be there. *H. Munoz made the motion. R. Diaz seconded. Motion passed.*

Citizen, Terri Hall, resident of Comal County, talked about how she believes that the people's voices have not been heard, nor heeded.

8. Discussion and appropriate action on financial statements for the period ending December 31, 2005. J. Lopez, Comptroller, presented the financial statements for the period ending December 31, 2005. She reviewed the Balance Sheet, described the Assets, Liabilities, and Fund Equity; the Statement of Revenue, Expenses and Changes in Fund Deficit, explained the monies allocated for each column; and the Statement of Cash Flow. *R. Thompson made the motion to approve the financial statements as received. C. Rodriguez seconded. Motion passed.*

9. Citizens' Communications. Citizen speaker Richard Reeves, from Burleson TX, stated his displeasure at the prospect of Toll Roads.

Before closing R. Diaz wanted again to commend HNTB for finding so many local, qualified minority businesses to sub out the work to.

10. Executive Session.

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The Alamo Regional Mobility Authority did not meet in Executive Session
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There being no further business to come before the board, Chairman Thornton adjourned the meeting at 3:05p.m.

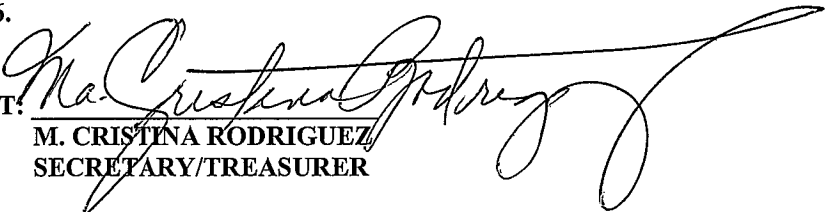
APPROVED:



BILL THORNTON, CHAIRMAN

DATE ADOPTED: 2/8/04

I hereby certify that the above foregoing pages constitute the full, true, and correct minutes of all the proceedings and official records of the Alamo Regional Mobility Authority at its meeting on January 11, 2006.

ATTEST: 

M. CRISTINA RODRIGUEZ
SECRETARY/TREASURER