

JOINT MEETING/PUBLIC HEARING OF  
THE ALAMO REGIONAL MOBILITY AUTHORITY,  
THE VIA METROPOLITAN TRANSIT AUTHORITY AND THE ADVANCED  
TRANSPORTATION DISTRICT

VIA Metropolitan Transit Authority  
1021 San Pedro Avenue – Eskridge Community Room  
San Antonio, Texas  
Thursday, February 5, 2009  
5:00 p.m.

*Minutes*

1) **Call meeting to order.** Chairman Thornton and Chairman Muñoz called the meeting to order at 5:10 p.m. Chairman Thornton indicated that the meetings, while separate, would be held concurrently and asked Chairman Muñoz to preside over the agenda. Alamo RMA Board members present were Chairman Thornton, J. Reed, and C. Villarreal.

2) **Moment of Reflection, Pledge of Allegiance, Announcements.** Chairman Muñoz thanked members of the audience for attending the meeting and asked for a moment of silence before calling for the Pledge of Allegiance.

3) **Presentation of the Recommendations of the Mayor and County Judge of the San Antonio / Bexar Country Transportation Task Force.**

Chairman Muñoz recognized County Judge Nelson Wolff and asked Judge Wolff to come forward and introduce the first item on the agenda.

Judge Wolff congratulated the boards of VIA and the Alamo RMA on being on the threshold of a new era in addressing the transportation needs of our community. Judge Wolff highlighted the Task Force, chaired by Chairman Thornton, and said the task force took a comprehensive look at the needs of our community and that he was pleasantly surprised by the recommendation to combine the three agencies into one entity to help bring vision and focus to the community transportation development.

Judge Wolff highlighted the past success of the voter approved advanced transportation district as a sign that the community is willing to invest in public transportation and encouraged them to continue the work to move forward with the necessary legislation at the state and federal levels to help increase support and funding for transportation and public transportation. Judge Wolff also encouraged the merger of the agencies together to fashion a plan to help address long-term needs in the community.

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Chairman Muñoz and Chairman Thornton both thanked Judge Wolff for his commitment to the community and the vision he has held for transportation improvements while in office.

Chairman Thornton introduced all members of the Task Force present and asked all staff members who have worked with the Task Force to stand and be recognized. Chairman Thornton recognized Bill Baker, chairman of the Planning for Transportation Subcommittee and Mary Briseño, chair of the Paying for Transportation Subcommittee.

Chairman Thornton introduced the draft recommendations of the Transportation Task Force and explained that the task force was given no boundaries on what could be done and how to address the issues impacting transportation in and around Bexar County. He indicated that the transportation system currently in place is fragmented along the lines of planning and operations and administration. He explained the general direction and thoughts behind the recommendations and findings of the Task Force for the benefit of the assembled board members and audience.

Chairman Thornton stressed that the report being presented as a draft report and that the proposed merger still needed approval of the Texas Legislature, the City of San Antonio, the Bexar County Commissioners Court, Texas Transportation Commission of the Texas Department of Transportation, the Alamo Regional Mobility Authority, the VIA Metropolitan Transit Authority and the Advanced Transportation District before the final merger could happen.

Chairman Thornton introduced Leilah Powell to present the recommendations of the Transportation Task Force. A copy of her presentation is included with the official record of this meeting.

Ms. Powell outlined the process undertaken by the Transportation Task Force in reaching the draft report under discussion today and she stated that the information being presented was the same as presented to the Bexar County Commissioners Court, and would be presented to the San Antonio City Council. She presented the vision endorsed by the Task Force and explored the initial findings on financing concerns, and planning concerns, as presented within the Task Force report.

Ms. Powell highlighted recommendations from the Task Force, including the recommendation that a merger be examined between the Alamo RMA, VIA Metropolitan Transit and the Advanced Transportation District. Ms. Powell also explained that this report was the draft findings of the Transportation Task Force and that the recommendations were short term. The Task Force would continue to meet over the course of 2009 to refine their detailed recommendations and would seek to issue a follow up report after receiving public

comments. The Task Force would continue to have open meetings and hold a public hearing on these draft recommendations before moving forward.

Chairman Thornton asked if any members of the Task Force wished to add to the presentation made by Ms. Powell.

Richard Perez, a member of the Transportation Task Force, addressed the combined boards on the role of the Task Force and the recommendations issued as part of the draft report.

Linda Chavez-Thompson, a member of the Transportation Task Force, and the VIA and ATD Board of Trustees, spoke of her experience on the Task Force and the positive experience that resulted from the different perspectives coming together to advance a common vision for the region. She endorsed the report being made and said the issues she previously raised were addressed and she was comfortable with the direction being taken by the Task Force.

Mary Briseño, a member of the Transportation Task Force, and the VIA and ATD Board of Trustees, spoke of her impressions of the Task Force meeting and the benefit of the collective vision developed by the group moving forward. She thanked the members for their service.

Terrell McCombs, a member of the Transportation Task Force, addressed the role the Task Force paid in addressing the needs in the community and the recommendations that developed from the process undertaken by the Task Force.

Chairman Muñoz asked if any members of the VIA, ATD or Alamo RMA Boards had questions regarding the presentation of the Transportation Task Force.

James Lifshutz, a member of the Transportation Task Force, and the VIA and ATD Board of Trustees, expressed the need for an understanding of the linkage between land use and transportation. He spoke about the lack of light rail within the community today, and that the vision for the community twenty years from now includes light rail, walkable communities, and multiple modes of transportation feeding each other seamlessly. He expressed his pleasure in being a part of this process.

Lou Miller, a member of the VIA and ATD Board of Trustees raised several questions on the task force report, including how many public hearings had been held by the Task Force on the report.

Chairman Thornton said the sequence adopted by the Task Force was to develop the recommendations and then be able to engage the community with a common document from which to seek public input. Trustee Briseno added that the ongoing recommendations from

the Task Force focused on public engagement and involvement and public hearings would be held by the Task Force as part of the continued efforts.

Trustee Miller stated that it is his understanding that the RMA is chartered as a turnpike authority and how would that enhance VIA's image.

Chairman Thornton responded that the RMA was created as a mobility authority, not a turnpike authority, and has many more powers and authority available. He further stated the blending of the three entities would allow for omni-modal activities available instead of fragmented powers retained by each separate entity.

Chairman Muñoz called C. Brian Cassidy, General Counsel for the Alamo RMA, to address the specific legislation and powers of the RMA in response to this question.

Trustee Miller questioned the amount of debt outstanding as of the date of the meeting and referenced information from the San Antonio Express-News. Specifically, he questioned if the Alamo RMA debt would transfer to the successor entity if created.

Mr. Cassidy explained the repayment mechanism contained with the financial assistance agreements currently in place between the Alamo RMA and the Texas Department of Transportation.

Chairman Muñoz asked Terry Brechtel, Executive Director of the Alamo RMA, to respond in detail about the current financial status of the Alamo RMA.

Ms. Brechtel stated that the Alamo RMA as of December 31, 2008 had \$9.8 Million in debt from the Financial Assistance Agreements with the Texas Department of Transportation. She stated the Alamo RMA has received a Financial Assistance Agreement loan from the Texas Department of Transportation for the Loop 1604 Environmental Impact Statement in the amount of \$12.3 Million, none of which has been spent to date. The Alamo RMA also has a grant of \$19.8 Million from the Texas Department of Transportation, for the US 281 environmental studies, from the Texas Mobility Funds, which does not need to be repaid.

Ms. Brechtel explained in further detail the repayment mechanism contained within the Financial Assistance Agreement loans in the event a project was not developed as a toll project, and how that differs from repayment if a toll project is developed under these funds.

Chairman Thornton stressed the lesson learned by the Alamo RMA of keeping projects under local control, and explained legislative changes resulting from SB 792 (80<sup>th</sup> Regular Session of the Texas Legislature). Chairman Thornton explained the breakdown of the debt to highlight that the majority of current debt is due to environmental studies being undertaken by the

Alamo RMA for Loop 1604 and US 281.

Chairman Muñoz asked of the \$8.5 Million in loans with the Texas Department of Transportation fell under the same repayment mechanism Ms. Brechtel previously discussed.

Ms. Brechtel confirmed that yes, this is the case.

Chairman Muñoz asked for confirmation that while the funding is carried as a loan today, if the project is not developed as a toll road, does the repayment of the funding amount still remain in place.

Ms. Brechtel answered that no, if the project is not developed as a toll road, the repayment would be in the form of returning all work product to the Texas Department of Transportation and that such action would meet the requirements and obligations of the loan under the terms of the agreements.

Vice-chairman Hank Brumett, a member of the VIA and ATD Board of Trustees questioned if the loans from the City of San Antonio and Bexar County had similar provisions for repayment in the event the project was not developed as a toll facility.

Ms. Brechtel replied that those three loans do not currently have such a provision but that the Alamo RMA is having discussions with the City and County on how such a repayment mechanism could be utilized on the existing debt.

Robert Thompson, member of the Alamo RMA Board of Directors, expressed his gratitude to Chairman Muñoz for his service on the Alamo RMA Board as finance committee chair, and shared with the combined board members his commitment to mass transit and passion for improving and enhancing the current system of transportation within the community.

Chairman Muñoz introduced James Reed, chairman of the Alamo RMA planning committee, who spoke in further detail about the terms of the Alamo RMA debt and repayment requirements for both the City and County loans, as well as the Texas Department of Transportation financial assistance agreements.

Chairman Muñoz asked Mario Medina, District Engineer for the San Antonio District of the Texas Department of Transportation to come forward and confirm the understanding of the assembled board members on the repayment mechanisms discussed by Ms. Brechtel and members of the Alamo RMA Board of Directors.

Chairman Thornton explained the vision behind the task force recommendation on removing the individual silos present today and the ability to preserve right of way corridors for future

expansion. He spoke of the removal of competition between public entities in providing services and the development of complimentary services such as those present in Denver, Colorado.

*R. Diaz joined the meeting during this agenda item, creating a quorum for the Alamo RMA, and with his attendance, the Alamo RMA meeting was officially called into session by Chairman Thornton.*

*B. Thompson joined the meeting during this agenda item.*

#### **4) Proposed Legislative Amendment(s) to the Texas Transportation Code**

Chairman Muñoz asked Tim Tuggey to come forward and discuss the proposed legislation which may allow for the merger of the entities to happen. A copy of this presentation is included with the official record of this meeting.

Mr. Tuggey gave an overview of the proposed consolidation, the proposed purposes of the draft legislation, offered some highlights of the proposed legislations, and offered information on the proposed next steps. Mr. Tuggey thanked the management of VIA, the Alamo RMA, and the legal staffs of both entities for their cooperation and collaboration in the development of the draft proposed legislation.

Mr. Tuggey explained the details of the concept of the proposed legislation and the continued use of existing revenue streams for current purposes. Mr. Tuggey stressed that without a vote of the community to redirect usage of existing funds, all funds being utilized at the time of the consolidation would remain in place for the same usage in the future. Only new revenue and new projects using local option funds or existing capacity under the sales tax cap would be available for future projects.

Mr. Tuggey discussed the process by which the consolidation could happen, as the legislation is designed to be permissive and would require action by each respective governing body in the affirmative before any consolidation could formally occur. He also discussed changes to governance of the VIA Board of Trustees which would result from this proposed legislation.

Mr. Tuggey discussed the powers to be entrusted to the new entity and restrictions which would be in place in regards to current VIA and ATD revenue sources for future uses. Mr. Tuggey stated that a usage of government revenue would require a vote of the public for any toll project to move forward, unless the toll project was developed using revenue bonds.

Mr. Tuggey explained the legislative timeline involved with seeking this permissive statute change this legislative session.

Trustee Miller asked if the Alamo RMA was still planning a toll road on US 281 north of Loop 1604.

Mr. Tuggey replied that to the best of his knowledge it was, based on public comments but deferred to the Alamo RMA Chair and Executive Director.

Ms. Brechtel responded that prior statements have been that the 281 North project would be environmentally cleared as a toll project but that if any other local option funding became available it would be considered in place of tolling 281. Ms. Brechtel further stated that the Alamo RMA is committed to seeing the project constructed but that if another revenue source can be identified 281 North and future projects do not necessarily have to be tolled.

Mr. Miller expressed his concern over the perceived image of the Alamo RMA in relation to toll projects and espoused his desire for a clear and transparent process for the future of the Alamo RMA and toll roads in San Antonio.

Chairman Muñoz recognized James Reed, chairman of the Alamo RMA planning committee who addressed Mr. Miller's last statement.

Mr. Reed expressed the position of the Alamo RMA is to first think of the improvements needed and then think of the financing structure necessary to pay for the improvements. Mr. Reed discussed other funding options including structures which have been implemented across the state of Texas.

Chairman Muñoz recognized Mr. Tuggey for a further explanation. Mr. Tuggey said in light of the proposed legislation, the board of the new entity would answer the question about the future of toll roads and other modes of transportation within the region, not the separate RMA, VIA and ATD boards.

Trustee Miller expressed his hope that the ultimate decision on toll roads would rest with the electorate of the community.

Chairman Muñoz recognized Trustee Briseño who reminded the combined board that transit relies on roads to be able to function.

Chairman Muñoz asked Trustee Briseño about the timing of the legislation and the ongoing CEO search for VIA and how these two items were being handled. Trustee Briseño indicated a positive response has been received to date.

Gerald Lee, a member of the VIA and ATD Board of Trustees questioned the timeline for the legislation, and if the bill would be a bracketed bill simply for San Antonio. Mr. Tuggey replied that the bill would not be considered a local bracketed bill and would not conflict with the legislative timelines involved with that type of bill.

Trustee Lifshutz raised questions about the use of funding, specifically if toll roads could be used to pay for transit. Mr. Tuggey replied that it would be a decision left to a future board on how unrestricted funding could be utilized. Trustee Lifshutz expressed his support for an entity that could engage in transit and toll roads, as long as toll funding supported transit operations.

Trustee Chavez-Thompson raised questions about the status of the draft legislation and if the drafting was still open to suggestions from the Board, in particular existing labor contracts with the employees of VIA.

Mr. Tuggey confirmed that the draft legislation would not affect existing labor contracts and would, in fact, obligate and confirm those contracts would remain in effect should a consolidation occur.

Trustee Miller asked Ms. Brechtel what would happen to the RMA staff if the consolidation were to occur.

Ms. Brechtel replied that the RMA staff would merge in total with VIA staff and would be paid from the Financial Assistance Agreement loan and grant currently in place for project development.

Trustee Miller asked about the governance make up of the board under the new entity. Mr. Tuggey replied it was part of the ongoing discussions between the City and County, as well as the respective origination of the three entities.

Chairman Muñoz spoke about the ongoing efforts of the Alamo RMA staff in preparing the Environmental Impact Statement for US 281 and Loop 1604 and that these studies would be needed prior to any improvements, toll or non-toll, could be undertaken. Chairman Muñoz indicated that the RMA staff would continue working on the ongoing environmental studies with the merger, which was confirmed by Ms. Brechtel.

Chairman Thornton spoke about the vision involved with the proposed legislation and that the actions today should be about what happens ten, twenty or fifty years from now. He stated that the consolidation does not have to happen, but that the impact in the future would be much more than it is today if the consolidation were to happen.

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Chairman Muñoz, seeing no other board members wishing to be heard, opened the meeting for public comment.

Chris Riley, Mayor of Leon Valley, a representative of the Suburban Cities of Bexar County, spoke on her thoughts relating to the proposed merger and the report of the Transportation Task Force.

Vic Boyer, Executive Director of the San Antonio Mobility Coalition, spoke in favor of the proposed merger legislation and the report on the Transportation Task Force. Mr. Boyer spoke also of the role SAMCo is undertaking for local option funding and the 81<sup>st</sup> Legislative session.

Mel Feldman, citizen of San Antonio, spoke about his concerns over the need for more busses in San Antonio, later hours of operation and more routes for the bus system. He also spoke about general concerns relating to current VIA operations.

Marisol Robles, Vice President of External Affairs for the San Antonio Hispanic Chamber of Commerce, spoke in favor of the proposed merger legislation and the report on the Transportation Task Force.

Terri Hall, citizen of Comal County and representative of Texans Uniting for Reform and Freedom, spoke about concerns of the proposed legislation, and the bloated size of bureaucracy. She spoke in favor of local option funding as long as everyone paid for the project and expressed concern over the lack of a bill being present for public review.

Steven Grau, citizen of San Antonio, spoke in favor of the proposed merger legislation and thanked the Task Force and Board members for their service and time.

Robert Brown, citizen of San Antonio, express his concerns over the merger and encouraged VIA to not pursue the merger as it's current operation is performing well without needing to be involved in any of the problems on the road side of transportation.

Farris Hodge Jr, citizen of San Antonio, expressed his opinion on current issues.

Having no other citizens signed to speak, Chairman Muñoz asked for an action item from the VIA Board of Directors to consider the merger at the next scheduled meeting. Seeing consent from the VIA Board of Directors, Mr. Muñoz asked VIA staff to ensure the item appeared on the next called meeting of the VIA Board of Directors.

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Chairman Thornton directed Ms. Brechtel to place the item on the next scheduled meeting of the Alamo RMA Board of Directors for consideration.

5) Public Comment

No citizens signed up to speak.

Having no other items to consider, Chairman Muñoz accepted a motion to adjourn the VIA and ATD Board of Trustee Meetings. Chairman Thornton adjourned the Alamo RMA Board of Directors meeting at 7:05 p.m.

The Alamo RMA Board of Directors did not meet in Executive Session during this meeting.

APPROVED:



DR. WILLIAM E. THORNTON, CHAIRMAN

DATE ADOPTED: 3/12/2009

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 February 5, 2009.

ATTEST: \_\_\_\_\_



REYNALDO L. DIAZ, JR

SECRETARY/TREASURER