

Alamo Regional Mobility Authority

*Meeting April 9, 2009, 1:00p.m.,
in the Al J. Notzon III Conference Room
of the Alamo Area Council Of Governments,
at 8700 Tesoro Drive.*

Minutes

1. **Call meeting to order.** Chairman Thornton called the meeting to order at 1:04 p.m. All Board members present with the exception of M.C. Rodriguez and J. Reed.
2. **Approval of the minutes from the Board of Directors Meeting of March 12, 2009.** *R. Thompson made the motion to approve the minutes as presented to the Board. R. Diaz seconded. Motion carried by a 5-0 vote.*

Chairman Thornton stated that J. Reed would be late and asked T. Brechtel to adjust the agenda.

3. **Discussion and appropriate action on a resolution authorizing the submission to the Texas Department of Transportation of an application for pass-through financing for the Wurzbach Parkway Project.** T. Brechtel made a power point presentation that addressed the location, prior history of the project, including the prior determination that it is not feasible to toll this project, the proposed submission of an application for pass-through funds. The project includes the interchange, Starcrest to Jones Maltsberger and Blanco to West Avenue. There was a discussion on assumptions and timing including the City's financial contribution, the environmental work would be undertaken by TxDOT and the current MPO funds for the project are not currently scheduled to be available until 2019 so this means there is a gap in funding.

As a result, the RMA staff is looking at 3 proposed funding options:

- Option 1 - Pass-through plus Proposition 12 funds or other new dollars being added to the project;
- Option 2 - Pass-through plus re-allocation of Texas Mobility Fund dollars from existing projects as a swap for the 2019 availability of funds for Wurzbach Parkway;
- Option 3 - Pass-Through plus potential reprogramming of stimulus funds from across the state, local funds, or another round of stimulus dollars.

The next step is to submit an application and to refine the options. Chairman Thornton asked a question on the available revenue sources for the projects proposed to be funded with the gas tax given that the gas tax is anticipated to run out in the future. T. Brechtel stated that this is a question staff is discussing with TxDOT and the MPO and since there are existing Texas Mobility Funds allocated to 281 and 1604 that can be used for this project and the RMA will seek new sources of revenue but currently, Bexar County's only option is for a gas tax and there is a state bill with access to the vehicle registration fee. Chairman Thornton asked Sid Martinez of the MPO about this and he stated that they will support what the RMA wants to do and there is no guarantee past 2019 to back-fill these projects with funds if they are switched out. Julie Brown of TxDOT stated they are working with the RMA staff to discuss and decide which is the best option. Chairman Thornton asked if all of the right of way had been purchased and T. Brechtel and Julie Brown stated that all but 2 parcels of ROW had been purchased with an estimated \$4million costs left for these purchases and these costs have been split 50/50 by TxDOT and the City. R. Thompson stated that it is important to take advantage of the pass-through financing and it is a chance to complete a project that is already 2/3 complete. He stated he has concerns about the security of 281 funding and he doesn't want it to impact 281. He stated that he wants to supplement mass transit into all planning and not automatically build new roads but Wurzbach Parkway has already been started. R. Diaz stated he is in support of

this financing. C. Villarreal requested the addition of "to TxDOT" in the final paragraph of the resolution to clarify that the application is submitted to TxDOT. She also stated that the concept is good if you get the money. Chairman Thornton asked about the 3 funding options and T. Brechtel re-reviewed those. Chairman Thornton then asked C. Villarreal to be on the Finance Committee and she said yes. R. Thompson stated that if taking the 281 funding leaves a gap, how do we keep the confidence and trust of the public that there will be a future source of funds. T. Brechtel stated the she went to the MPO with 4 projects for approximately \$325 Million of public equity, which, due to cuts, is now down to \$216 Million available, for 4 projects – (1) 281 North , (2)1604 Western Extension, (3) 1604 from IH10 to 281, (4) the 281/1604 Interchange and since the 281/1604 interchange is now using federal stimulus funds and since this frees up some of the available funds, the RMA can make sure 281 is still funded with Mobility Funds and keep money available and we must make sure we backfill with the funds originally allocated to the interchange and make sure funds are available for 281. R. Thompson stated he is encouraged and comforted by the experience of T. Brechtel and Milo Nitschke. Chairman Thornton stated he wants to move the projects forward and R. Diaz stated it is a good idea to maximize our resources.

*R. Diaz made the motion to accept resolution 09-17 as presented. R. Thompson seconded.
Motion passed by a 4-0*

A copy of the power point from this presentation is attached to the official copy of these minutes.

J. Reed arrived.

4. **Discussion and appropriate action on a resolution approving the execution of the contracts for the preparation of the Environmental Impact Statements for the 281 North Project and the Loop 1604 Project.** L. Adelman made a power point presentation summarizing the process, consultants and the major contract provisions. The contracts are written as maximum amounts with general scope of services and approval by the Executive Director of project authorizations with detailed budgets, costs and schedules. The project authorizations will be reviewed and approved by staff and will be submitted to Planning Committee prior to execution by T. Brechtel. The contracts call for the work on US 281, performed by Jacobs Engineering and related consultants, to be a maximum of \$7,120,155 and the work on Loop 1604, performed by Michael Baker Jr, Inc and related consultants to be a maximum of \$10,789,464.

Chairman Thornton called citizens up who had asked to address the Board on this item prior to Board deliberation and discussion.

Citizen Mel Borel, Bexar County resident, made a brief statement. Mr. Borel stated that it is one that they have made previously, but it includes a statement from Rep. Jim Dunham, that there is an alternative to the protracted environmental impact studies that this agency is proposing for starting work on 281 and 1604. He stated that they have said before they have been told by the Fed's that they would be willing to consider alternatives to the EIS if the RMA and TxDOT would work with the citizens to come up with a less invasive approach rather than the massive proposed toll road. Yet this agency has repeatedly said that the Feds have not taken such a position. According to Mr. Borel, during a committee hearing of the House Select Committee on Federal Stimulus Funding Rep. Jim Dunham chastised someone for saying that EIS's were required on such projects. He said the Fed's told him that they would indeed consider alternatives to such environmental studies, if it were quicker and more economical while providing solutions for the citizens. Mr. Borel also stated that Leroy Alloway of this agency was present at Dunham's meeting but he left before Dunham made this statement. Dunham further said that he would have the feds appear before his committee to reiterate their position for anyone who may doubt the Fed's position on this subject. So again the bottom line is that there are alternatives to providing a solution to 281 and delays are not the fault of Turf and

Agua.

Chairman Thornton then asked everyone to review the letters of October 2008 and November 2008 which are available on our websites and includes the letter from the Federal Highway Administration that an EIS is required and the lawsuit, initiated by TURF and AGUA, mentions an EIS specifically.

Byron Junen, citizen, then stated that his understanding of the lawsuit was that the judge asked for a combined EIS and the Alamo RMA agreed to it.

L. Alloway responded that he was in attendance at the Dunham meeting but that Dunham referred to the decision-making process by EPA and L. Alloway stated that the EPA is a participant in the EIS process but the environmental decisions are made by FHWA. L. Alloway then used the website to show where the documents are available on the websites. L. Alloway restated Biery's opinion and the reference to any decision on 1604 was moot and would be resolved as part of the EIS process. L. Alloway reviewed the SOS letter and the lawsuit/opinion on the overhead.

Mel Borel then stated that the EPA has the decision-making authority in deciding on the EIS.

R. Thompson then stated the he was wrong and that FHWA controls and issues and approves the highway projects and that the FHWA is the highest authority and the authority that requires the EIS.

Mel Borel stated that the EPA won't get involved in local politics and he stated they were told that FHWA would sit down and discuss the options.

R. Diaz stated that regardless of what the opinion says, the issue for this community is the aquifer as our sole source of water and the RMA does not want to fall short of what is truly necessary to protect the aquifer and the community.

Mel Borel stated that we must protect the environment and look at other alternatives besides tolls.

J. Reed stated that there were several meeting with Jan Brown and FHWA staff regarding the requirements for an EIS. Chairman Thornton stated that he does not want to misrepresent what can be done and don't want to give the public any false expectations. Chairman Thornton asked Byron Junen whether TURF has local attorneys and Byron Junen responded that they do. Chairman Thornton then discussed the involvement of Art Downey in the 281 area and that they need the truth about the projects and the EIS. Byron Junen then responded that he had attended several District 9 meetings with Art Downey and that there were at most 11 people attending with 4 to 7 of those being board members and it is not a fair representation of the project. T. Brechtel then stated that she as well as her staff have gone to those meetings, which were taped by Mr. Junen's group, and they had more people in attendance than he is quoting.

Chairman Thornton asked about light rail and T. Brechtel stated that it will be included as part of the EIS process and we have had discussions with the consultants about this.

Jack Finger, citizen, then stated that the reason for the lawsuit is that the RMA lied and had not done its due diligence for the environmental requirements and that no real studies on the environment had been done. Chairman Thornton stated that this was not true, that the previous environmental work had been done by TxDOT, the RMA had no involvement with it and there have been 11 environmental studies since 1984. Jack Finger then stated that there is no need for tolls with the overhead pass plan that was approved and money allotted and referred to a series of fabrications quoting the Chairman and then passed out a handout with quotes and asked for Chairman Thornton to resign.

L. Alloway clarified the confusion regarding the 281/1604 interchange and that it will be non-tolled as a result of the stimulus funds. R. Thompson stated that part of the EIS contract include interns from UTSA and this is a benefit to the community and shows the consultants are willing to work with the local community and a way to bring sensitivity to the environment to the youth and our community.

C. Villarreal stated she feels as if she comes in at the tail end of things and although she met with T. Brechtel and discussed it with others, she sees that the firms are nationally recognized, she is still confused as to why it can't be one report or one consultant. R. Thompson and T. Brechtel discussed the review process and responsibilities and the reasons for 2 contractors. C. Villarreal stated she is concerned it will be challenged. R. Thompson discussed the EIS process for determining purpose and need and the diversity of the communities and advantage for splitting them up. Chairman Thornton reminded C. Villarreal that she opposed taking funds from TxDOT to fund these environmental reviews and he wants to help her understand and the RMA staff will make the resources available to her and she will have to make decisions as part of the Finance Committee. J. Reed stated when it comes to the Finance Committee, there must be trust as part of this process and same goes for the review done by the Planning Committee.

R. Thompson made the motion to accept resolution 09-16 as presented. R. Diaz seconded. Motion passed by a 4-1 vote. C. Villarreal voted against the resolution.

A copy of the power point from this presentation is attached to the official copy of these minutes.

5. Discussion and appropriate action on the financial statement for the periods ending March 31, 2009.

Carrie Conner, Comptroller, presented the financial statements for period ending March 31, 2009. Carrie reviewed the balance sheet stating that cash and cash equivalents totaled \$5 million, 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 asked about the feasibility study and T. Brechtel stated that it was the light rail study done by VIA.

R. Thompson made the motion to accept the financials as presented to the Board. J. Reed seconded. The motion carried on a 5-0 vote.

Chairman Thornton then asked the question about whether there would be challenges to the EIS in the future and specifically noted that when C. Villarreal stated that she had concerns that the EIS would be challenged, Byron Junen nodded and stated that it would be challenged. Mr. Junen stated that they will file something with the judge and that his objective as a member of the toll party is to require the RMA to comply with the judge's order. R. Thompson then asked him comply with what? In addition, Byron Junen then stated that it is for a joint EIS. R. Thompson then stated that the judge's order does not require a joint EIS for 281 and 1604, he did not get that reading from the opinion and he asked Mr. Junen to show him where it states that in the opinion. There was a review of the opinion on the overhead and what it stated.


6. **Presentation/briefing - Executive Director Report.**

There was discussion on moving the Planning Committee meetings to Monday. T. Brechtel reviewed the GEC report and discussion for increased tasks. T. Brechtel presented the legislative update and summaries of several bills. There was discussion regarding local funding options and the current status of the bill for options for Bexar County. There was additional discussion regarding the bill which proposes to merge VIA with the RMA. R. Thompson stated that regardless of the outcome of this bill, there should be joint planning between the 2 agencies. Chairman Thornton stated that there is a model and asked the Planning Committee to review it. J. reed stated that he has been asked to participate in VIA planning meetings and he will do so and report back on its effectiveness. R. Diaz stated that he knows the idea of tolling is not popular but better that it is paid for by those that use it than by a gas tax that applies to everyone and even if not popular, it may be necessary. Chairman Thornton stated the RMA now has 4 projects and all are non-tolled. L. Alloway then made a presentation on the 411 website and the results of ongoing media activities since the start of 2009.

A copy of the power point presentation for this section is attached with the official minutes of this meeting

7. **Citizens to be heard.** There were no citizens signed up to speak.
8. **Executive Session.** There was no Executive Session.
9. **Adjournment.** There being no further actions for the Board Chairman Thornton called the meeting to adjournment at 3:07 p.m.

APPROVED:

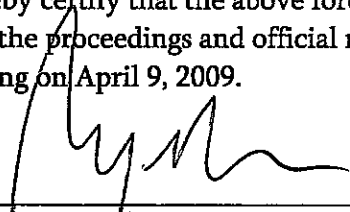


DR. WILLIAM E. THORNTON, CHAIRMAN

DATE ADOPTED: 5/14/2009

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 April 9, 2009.

ATTEST:



REYNALDO L. DIAZ, JR
SECRETARY/TREASURER