

Alamo Regional Mobility Authority

*Meeting January 14, 2009, 12:00p.m.,
in the 1st Floor Conference Room of TransGuide, at 3500 N.W. Loop 410.*

Minutes

1. **Call meeting to order.** Chairman Thornton called the meeting to order at 12:02 p.m. All Board members present with the exception of M.C. Rodriguez, and R. Diaz.
2. **Swearing-in of Christel Villarreal to the Board of Directors of the Alamo Regional Mobility Authority for a term of office to expire on February 1, 2010.** Ms. Elva Abundis-Esparza with Bexar County swore in C. Villarreal.

Chairman Thornton made an announcement regarding the RMA moving their meeting location to the Alamo Area Council of Governments Board room located at 8700 Tesoro Drive, starting on the 12th of March.

3. **Approval of the December 3, 2008 Minutes.** *R. Thompson made the motion to approve the minutes as presented to the Board. J. Reed seconded. Motion carried by a 4-0 vote.*
4. **Discussion and appropriate action on a resolution approving the terms of a financial assistance agreement with the Texas Department of Transportation for related engineering and environmental activities for the US 281 project** *H. Muñoz arrived prior to discussion of item taking place. R. Thompson made the motion to accept Resolution 09-01 as presented to the Board. J. Reed seconded. Motion carried by a 4-1 vote.*

Discussion regarding the proposed 281 project and what options for design are available. C. Villarreal opposed the resolution because she believes that the RMA has a conflict of interest in doing the Environmental Impact Statement. Chairman Thornton entered into a discussion with Member Villarreal regarding her reasons for dissent.

R. Thompson stated that the RMA has absolutely no purpose in any one particular design. The new build option remains an option for the entire process. Information that is based on any one particular option, route, design, is wrong. The EIS will preclude that a certain design has been approved when compared to all other options. Whatever that is we have yet to find out. Someone has to fund it. TxDOT for various reasons is not doing it. We've been asked by the County Judge to proceed as the agency who will procure the environmental impact statement and submit it to Federal Highway Administration. I guess we as an agency could decline the County Judge's request, but by doing that it's almost as if we are changing directions if we told the County Judge we didn't want to do it. There's a commitment for us to do it but the outcome is still to be determined and I don't want us to be judgmental about what the outcome might be. It's going to be what best fits the community environmental and some of the social economic

issues that are going to be factored into it. It's going to be a very broad thorough study for the project. The outcome is going to be very therapeutic outcome, it's going to be something that this community has been involved in, that all of the options have been on the table including even the ones do nothing and what the outcome will be I'm convinced will be the best for our community. The best our leaders can provide us.

Chairman Thornton: This is a reality vote. The motion passed but if it failed and it could, TxDOT has the \$19.8 million, they would still do the study, they are headquartered in Austin, and the question before us today is would you rather have this done locally with people who live in their County, or would you like unknown unseen faces in Austin doing it. As it stands you can look across the table and say hello Henry, hello Bob, I know who's doing the study and the effects of your vote if you are to win take that option out of our community and takes it back to Austin. We are not voting on whether it will be done, we are voting on whether we will do it or whether Austin will do it. It will be done. I'm glad that my colleagues voted for this because I think it is much better that we have local control, local participation, local guidance, local involvement over the process rather than letting people we don't know today and may not know in the future, but yet will make that decision.

Citizen: Mel Borel, resident of San Antonio, expressed his opposition against the toll project and stated that the original overpass solution is indeed viable and less costly than the toll road solution. Furthermore the overpass solution can provide the relief much faster than the toll road and relative to the EIS which you have just been addressing the feds stated that they are willing to visit EIS requirements if the authorities would get together on the overpass solution which means it could be done much quicker. If this is the case I can see RMA continuing to pursue needless expenses much as he EIS and Band-Aids such as turning lanes that will be destroyed if the toll road is implemented.

Terry Brechtel stated that she had a meeting with Federal Highway Administration last week, that Mr. Reed from the board has met with them on several occasions and had the discussion about the overpasses and what you are saying is absolutely false. The overpasses as a solution are not environmentally cleared and it would require environmental clearance to do it, you cannot start an overpass project without the environmental clearance. It is not the solution for this community. I just want to be clear for the record I have heard that. There is some conversation in this community, but I've had conversations as well and it is not environmentally cleared project.

Mel Borel then asked if there an original approval, environmental approval, on the overpass solution whenever that was proposed back in the early 2000s.

Terry Brechtel stated that all environmental solutions that have been approved between the Bexar County line and up to 1604, any environmental approval that has been approved in the past has been pulled by the feds. She stated that she has a letter from the Federal Highway Administration that makes it abundantly clear, she has had that conversation because we were talking about some other things along to anyone. As far as added capacity, new improvements,

the overpasses would be considered added capacity and is not cleared by federal highway magician. Brian Cassidy our lawyer can address that if there are additional questions.

Mel Burrell stated that he was just going back was the original environmental on the overpass solution approved and Terry Brechtel responded that it is gone.

Mel Burrell asked whether then environmental clearance was approved and Terry Brechtel stated that she has representatives from TxDOT staff here that handled the project which was done by the district office and she asked Mario Medina whether they had environmental clearance that was ever approved for the overpasses. Mario Medina stated that there was never an overpass only plan. The overpass plan included mainly improvements as well.

Terry Brechtel stated that there was never an overpass only environmental clearance and the district has been the one responsible for the environment to studies that have been done on 281 and it is important to make sure we heard that information from them.

Henry Munoz stated that because of the lawsuit any environmental reports that might have been in place for any added capacity project period are no longer in place and Terry Brechtel stated that was correct.

Mel Burrell stated that the blame should not be put on the lawsuit and Henry Munoz stated that it was the lawsuit, we were ready to build.

Mel Borel responded that you are ready to build, but the environmental were not correct and Henry Munoz responded that you would not have wanted to proceed with an overpass project if the environmental studies were not correct. So now we are going back on that corridor and we are going to get environmental clearances, brand-new and correctly done period.

Terry Brechtel stated that it's going to be an environmental impact statement versus an environmental assessment, a full study.

Henry Munoz stated that we can move ahead quicker with an overpass project is false; and people need to know that that is a false statement, there are no environment clearances whatsoever on to anyone for any added capacity.

Jim Reed stated that his offices overlooked 281 S. of 1604 where there is an overpass and as he looked out there he thought about the overpass plan and said let's take out the main lanes and move the frontage road's together, which is what you would have with an overpass, for 281 N. and 1604, with all the driveways and the traffic out there and you would have the biggest mess in Bexar County because that is what you would have without added capacity; you could take Bitters and 281, take the mainlanes and get rid of them, take the two frontage roads and bring them together at the overpass, with all the driveways that are coming in and out, at 70 mph, all that will happen are rear end collisions.

Mel Borel responded that the original overpass proposal had frontage roads included in it. Terry Brechtel responded that this was correct, but that was pulled and that was the environmental clearance that all improvements like that were pulled when the lawsuit was initiated and we made the decision after some decisions came down regarding the procurement that the federal highway administration made the decision to pull the environmental. Mel Borel asked what was the cost comparison of the EIS versus the overpass approach and Henry Munoz stated that nobody knows. Chairman Thornton then stated that what will be built is a project that will have approval because it is safer and growth still continues in that area and the capacity that will be needed is much larger.

Terry Brechtel stated that does not have a cost estimate for an overpass only plan and with the overpasses there needs to be frontage roads built so that there is access for the driveways along 281. She then stated that it is nearly the same amount, and she won't put a number on it but you still have to add the frontage road capacity, the overpasses and it totals about millions of dollars and you are almost building the same solution because of the conflicting issues that Mr. Reed was discussing. Mel Morel then asked whether the footprint was much larger and Terry Brechtel responded that there is no overpass plan. Pat Irwin then stated that the EIS will determine the alternatives. Chairman Thornton then offered for the Alamo RMA staff to meet with Mr. Borel to address any additional questions he may have.

Brian Cassidy stated that in addition to the informal type discussions, the EIS process itself gives ample time opportunity for that type of input and requires it.

Chairman Thornton then discussed the use of tolling as an alternative when no other funding sources are available. R. Thornton then stated that the most difficult thing will deal with in the IES are the overpasses and the intrusion into the community.

5. **Discussion and appropriate action on a resolution approving the terms of a financial assistance agreement with the Texas Department of Transportation for related engineering and environmental activities for the Loop 1604 Project.** *H. Muñoz made the motion to approve resolution 09-02 as presented to the Board. R. Thompson seconded. Motion carried by a 4-1 vote.*

Terry Brechtel discussed the purpose of the agreement and its use for the environmental clearance on Loop 1604. She referenced the RFQP for the environmental consultant on the following agenda item. This agreement provides for a loan of the funds with the option to turn over all documents generated in lieu of repayment of the loan and there is no defined interest rate on the loan which can be paid back with bond proceeds. Terry Brechtel also noted that the project will run from SH 151 to IH 35 and the TxDOT has a desire to do express lanes or non-tolled lanes between I-35 and I-10 and some areas around Randolph Air Force Base.

Brian Cassidy then noted clerical changes to the resolution. R. Thompson then asked about doing an EIS for the entire length of 1604 as referenced or should it be split up. Chairman Thornton stated that follow up on this issue would be addressed in the next Planning

Committee meeting. R. Thompson stated that mitigation would be required because of the environmentally sensitive area and an EIS is the most therapeutic thing we can do. Chairman Thornton then addressed the traffic congestion and air quality issues and the possibility of future non-attainment. C. Villareal then raised concerns about the agency doing the environmental work that wants to build toll roads and R. Thornton then responded that the RMA is not only a toll agency, he does not like tolls and the only reason he would vote for a toll road is if there is no other source of money. C. Villareal then asked why rapid transit is not being pursued and R. Thompson stated that this topic is his main concern raised at almost every Board meeting. Terry Brechtel also stated that even with transit, you need a corridor to put the bus on and make improvements for the area to be multimodal and all of these options will be pursued in the EIS process. J. Reed then addressed there has only been one EIS in this region, tolls are only the way to pay for the roads, and the traffic in the medical center was not reduced when stipends were offered to ride the bus.

6. **Discussion and appropriate action on a resolution authorizing the issuance of a Request for Qualifications and Proposals for environmental consultant services for the US 281 project and the Loop 1604 Project.** *J. Reed made the motion to approve Resolution 09-03 as presented to the Board. R. Thompson seconded. Motion carried by a 4-1 vote.*

Terry Brechtel summarized the process and schedule for the RFQP to hire the environmental consultant teams for the 2 EIS being undertaken. She noted the on-going meetings with TxDOT and Federal Highway Administration to discuss the process and what prior reports can be used. She then reviewed the requirements and percentages allocated to each. She then introduced Lisa Adelman who will have the responsibility to over see this EIS process and discussed her prior experience. Terry Brechtel also discussed the review of proposals and who would be involved as well as who is prohibited from further work on the corridor. Henry Munoz raised questions about the selection process and splitting into up into 2 and ensuing that we get qualified respondents and Terry Brechtel stated that based upon our conversations with the firms, it will not be an issue. R. Thompson then stated his concern with 1604 being one project for the EIS and the variability of the environmental and design issues along the corridor. Terry Brechtel also stated that it could be separate or the same team for both. C. Villareal asked whether the Edwards Aquifer Authority could have oversight and Terry Brechtel stated that with the EIS process they will be invited to participate in the scoping process and Fish and Wildlife will also be involved.

7. **Discussion and appropriate action on a resolution approving a list of projects to be submitted for consideration under the proposed Federal Stimulus Package.** *J. Reed made the motion to approve Resolution 09-04 as presented to the Board. Motion carried by a 5-0 vote.*

Chairman Thornton led discussion regarding economy and proposed stimulus package and on-going discussions regarding transportation projects eligible to be financed. J. Reed then discussed projects reviewed by the Planning Committee and how they could be included. Terry Brechtel then reviewed their process for identifying the projects listed including discussions with TxDOT and prioritization. Pat Irwin then summarized each of the proposed

projects. Chairman Thornton then discussed objectives of the RMA and willingness to address alternatives other than toll roads. Henry Munoz asked for coordination between the RMA, TxDOT and the MPO. There was additional discussion regarding each of the projects and the Transportation Task Force.

8. **Discussion and appropriate action on a resolution authorizing the Executive Director, or designee, to submit an application for membership to the Alamo Area Council of Governments.** *H. Muñoz made the motion to approve Resolution 09-05 as presented to the Board. Motion carried by a 4-0 vote. Chairman Thornton stepped away.*

Terry Brechtel introduced Gloria Arriaga, Executive Director of the Alamo Area Council of Governments who gave the Board some brief history and stats regarding the Alamo Area Council of Governments. She also stated that an application would cost \$480 per year and would provide meeting space. There were group discussions regarding AACOG's responsibilities and air quality issues.

9. **Discussion and appropriate action authorizing the legislative agenda for the Alamo RMA.** *H. Muñoz made the motion to approve Resolution 09-06 as presented to the Board. Motion carried by a 4-0 vote. Chairman Thornton stepped away.*

T. Brechtel introduced B. Cassidy, General Council for the Alamo RMA. B. Cassidy stated that this Legislative Agenda is going to rely mostly on transportation funding. B. Cassidy stated that there is a new Speaker of the House, Representative Joe Strauss. He further stated that in the last legislative session with Senate Bill 792 which was the bill that had as the primary benefits that RMA's and local toll authorities retained from that bill was a right of first option right of first refusal projects within their jurisdictional areas that was part of a broader package which included a market valuation process which was something that this organization went through on the 281 project. Brian Cassidy stated that this is a general consensus since then but the market valuation process is not exactly the best fit of public policy that has been implicated. Brian Cassidy also stated that the right of first refusal is something that people are interested in retaining particularly local toll authorities; one of the primary objectives will be to restructure that part of the prior legislation but doing so with retaining the right of first refusal for local toll authorities. Brian Cassidy also stated that Sen. Nichols has actually been working kind of hard on that concept and he's been reaching out to toll authorities and RMAs, Terry, himself and other RMAs have had the opportunity to meet with Sen. Nichols and walk through some of the concepts and discuss those at some of the interim hearings that occur during the summer through the different committees that have been appointed in the interim basis. The other thing that came out of Senate Bill 792 was the accelerated expiration of authority that RMA's and other toll authorities had to do both concession comprehensive development agreements, and design build comprehensive development agreements. The authority to do concession agreements expires on August 31 of this year the same day that the moratorium on concession CDA's expires. You've got an additional two years extension on that point on design build CDA's. Our likely objective will be to extend that authority, the moratorium will expire at the there will be an effort to extend the CDA authority of both types for some time. Either

extended or it will make the sunset data altogether and actually provider partners already been progress in that. Sen. Corona has already filed a bill to extend that, the concession CDA authority to 2015, and the design build CDA authority 2017. Brian Cassidy also stated that proposition 12 was passed during the last legislative session it authorized a constitutional amendment which the voters approved to authorize the issuance of up to \$5 billion dollars in general revenue bonds to support transportation projects; there was no companion authorizing legislation so while the amendment was passed there was no ability to issue those bonds, so one of the high-priority items will be to go ahead and get authorization to issue bonds, a bill's already been filed to do that. Terry Brechtel then stated that the Commission is interested in taking a portion of this money and advance it into a pot to be used as a mini TIFIA program. And that when the RMA was going into the 281 financing and from Federal Highway administration for TIFIA loan and looking for credit enhancement for that third tier of debt this is something that the commission's been talking about and it's certainly something we want to be very supportive of the financing mechanism that we are putting together the 281 project this third tier TIFIA like credit would be extremely helpful for startup RMAs .

Brian Cassidy also stated that local option funding is a big topic of conversation and they are tools that people recognized his raise some money to leverage for local projects. - local option sales tax, and gas tax have been discussed in different areas so you benefit from any increase in tools for local funding, and really it'll come to local governments who will have to implement those funding options. Brian Cassidy also discussed the pass through program which has been a very popular program with TxDOT so there will be an effort to see that funded, it was kind of an option that could have been used on 281, it was discussed at some level on Wurzbach and some others, so the pass-through program is a good tool that think any efforts to fund it would be useful. Brian Cassidy also stated there is a clean up bill like we have every session, we find things in the statutes or experience that we could benefit from a little cleanup on, so we'll be harmonizing or streamlining provisions to the statutes, there some financing issues, we've talked about getting construction manager risk authority procurement tools like the North Texas tollway authority got that last session.

10. **Presentation of Financial Statements for the periods ending November 30, 2008 and December 31, 2008.** C. Conner presented the financial statements for period ending November 30, 2008 and December 31, 2008. Carrie 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.
11. **Presentation/briefing - Executive Director Report.** Terry Brechtel reviewed the Board calendar for the period of December through February, the GEC monthly report, and also the Personal Financial Forms that are due to the Texas Ethics Commission by April 1, 2009.
12. **Citizens to be heard.** No citizen's signed up to speak.

There being no further business to come before the board, Chairman Thornton adjourned the meeting at 2:25 p.m.

APPROVED:

DR. WILLIAM E. THORNTON, CHAIRMAN

DATE ADOPTED: 2/11/2009

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 January 14, 2009.

ATTEST: _____

**REYNALDO L. DIAZ, JR
SECRETARY/TREASURER**