

**AUSTIN–SAN ANTONIO INTERMUNICIPAL COMMUTER RAIL DISTRICT**

**BOARD MEETING**

Friday, November 4, 2005

10:00 a.m.

**AACOG Conference Room**

8700 Tesoro

San Antonio, Texas

**I. Call to Order:**

Notice was duly posted and a meeting of the Austin-San Antonio Intermunicipal Commuter Rail District Board was held on November 4, 2005. Chairman Covington called the meeting to order at approximately 10:25 a.m.

**Participants:**

Sid Covington, Chairman

Tommy Adkisson

Gerald Daugherty

Betty Dunkerley

Fred Harless

Dave Marsh

Al Notzon

Richard Perez

Carroll Schubert

J. Tullos Wells

Senator Gonzalo Barrientos, Sam Barshop, Mariano Camarillo and Tim Tuggey were unable to attend. Additionally, Joe Morris attended in Senator Jeff Wentworth's absence. Other participants included Bill Bingham, Ross Milloy and Alison Schulze.

**II. Chairman and Member Comments:**

Chairman Covington thanked the Members and the audience for attending.

Chairman Covington also welcomed Mr. Richard Perez, San Antonio City Council Member, to the Board.

**III. Consider Approval of September 9 Board Meeting Minutes:**

The Members, upon a motion by Tullos Wells and second by Gerald Daugherty, unanimously approved the September 9, 2005 meeting minutes.

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### **IV. Consider Approval of 2006 Board Meeting Calendar:**

The Members, upon a motion by Tullos Wells and second by Betty Dunkerley, unanimously approved the proposed 2006 Board Meeting Calendar and, as requested by Gerald Daugherty, moved the July 7, 2006 meeting to July 14, 2006. The approved calendar follows:

- 01/13/06 – CAPCOG, Austin, Texas (10:00 a.m.);
- 02/03/06 – AACOG, San Antonio, Texas (10:00 a.m.);
- 03/03/06 – Activity Center, San Marcos, Texas (10:00 a.m.);
- 04/07/06 – CAPCOG, Austin, Texas (10:00 a.m.);
- 05/05/06 – AACOG, San Antonio, Texas (10:00 a.m.);
- 06/02/06 – Activity Center, San Marcos, Texas (10:00 a.m.);
- 07/14/06 - CAPCOG, Austin, Texas (10:00 a.m.);
- 08/04/06 – AACOG, San Antonio, Texas (10:00 a.m.);
- 09/08/06 – The Meeting Place, San Marcos, Texas (10:00 a.m.);
- 10/06/06 – CAPCOG, Austin, Texas (10:00 a.m.);
- 11/03/06 – AACOG, San Antonio, Texas (10:00 a.m.); and
- 12/08/06 – The Meeting Place, San Marcos, Texas (10:00 a.m.).

The Members discussed possible Executive Committee meetings for: February, April, June, August, October and December.

### **V. Report on Status of Appointments to the Board and Administration of Oath of Office to any Newly Appointed Board Members:**

Bill Bingham reported to the Board that Carroll Schubert and Richard Perez have signed Oath(s) of Office and are now official Members of the Board.

### **VI. Consider Approval of Resolution of Support Endorsing Proposition 1 on November Ballot:**

Ross Milloy discussed and urged the Members to consider approving the proposed resolution of support endorsing Proposition 1 on the November ballot. Upon motion by Fred Harless, and second by Richard Perez, the Board unanimously approved the resolution (attached).

**VII. CLOSED SESSION:**

Chairman Covington announced a brief recess pursuant to Section 551.071 of the Texas Open Meetings Act in order to consult with legal counsel on consultant contracts in a closed meeting. Covington invited the audience to wait for the Board to reconvene momentarily.

The Board recessed at 10:41 A.M. and reconvened at 11:32 A.M. Attached is the Certified Agenda for the Closed Portion of the Meeting of the Board of the Austin-San Antonio Intermunicipal Commuter Rail District.

**VIII. Committee Reports:**

**A. PMO Committee Meeting October 21, 2005:**

In Mariano Camarillo's absence, Alison Schulze briefly reported to the Board regarding the PMO Committee meeting held Friday, October 21, 2005. Each of the Members was provided with "Meeting Summary" notes regarding said meeting.

A brief discussion ensued.

**IX. Contracts:**

**A. Consider and Take Appropriate Action on Work Authorization for TOD-based Demographic and Ridership Forecasts**

Ross Milloy briefly discussed proposed work authorization for TOD-based Demographic and Ridership Forecasts.

Upon motion by Tommy Adkisson, and second by Fred Harless, the Board unanimously approved and authorized the staff to execute a work authorization for the proposed scope of work to conduct an analysis of potential ridership based on updated demographic forecasts and commuter rail service levels.

**B. Consider and Take Appropriate Action on Carter-Burgess Contract Amendment to Add Additional Subconsultants and Authorize Executive Director to Approve Revised Scope and Funding**

Bill Bingham briefly discussed the Carter-Burgess contract amendment to add an additional subconsultant, Public Financial Management, Inc. and authorize Executive Director to approve revised scope and funding.

Upon motion by Tullos Wells, and second by Richard Perez, the Board unanimously approved and authorized contract amendment to add additional subconsultant and authorize Executive Director to approve revised scope and funding.

**X. Report on Interlocal Agreement for Seaholm Station Location Study:**

Chairman Covington reported on the proposed joint planning group for the redevelopment of the Seaholm power plant in Downtown Austin. This will include the proposed central Austin rail station. Each of the Members were provided with a copy of a letter from Lee Walker, Chairman, Board of Directors of Capital Metro, to Chairman Covington regarding Capital Metro's interest in this important project.

Chairman Covington also noted that he will report back to the Board once the scope of work has been completed. Al Notzon thanked the City of Austin and Capital Metro for partnering with the Rail District on the study.

**XI. Consider and Take Appropriate Action on Annual Budget and 2005 Milestones/2006 Goals:**

Mr. Milloy provided the following reports for the Board's review and consideration:

- "2005-2006 Fiscal Year Budget - - Locally Funded Expenses: October 2005 through September 2006";
- ASACRD 2005 Achievements and Mileposts;
- ASACRD 2005-6 Goals;
- ASACRD 2005 Annual Report (draft);
- Next Steps: 2006 Goals; and
- Status of Rail District's Federal Funds.

A brief discussion ensued.

Upon motion by Mr. Harless, and second by Mr. Perez, the Board unanimously approved the proposed 2005-2006 Fiscal Year Budget. The Board requested additional time to study the 2005-6 goals and asked that approval of the goals be delayed until the December meeting.

**XII. Consider and Take Appropriate Action on Negotiation of TIF Agreements and Related TOD Ordinances for Local Governments:**

Mr. Bingham discussed the Board's need to consider and take appropriate action regarding negotiation of TIF agreements and related TOD ordinances for local governments. This is a part of the development of local funding alternatives and the Federal New Starts application.

A lengthy discussion ensued.

Upon motion by Mr. Wells, and second by Commissioner Adkisson, the Board unanimously approved authorizing its general counsel, McGinnis, Lochridge and Kilgore, to prepare drafts of tax increment financing and transit oriented development documents and assist local governmental entities in preparing and adopting such agreements and ordinances to support construction and operations for the Rail District, at a cost not to exceed \$100,000.

**XIII. Financial Report:**

Mr. Milloy provided the Board with the following financial reports for the Board's review and consideration:

- 2005 Third Quarter Statement of Billable Expenses; and
- Reconciliation Detail: Checking Account, Period Ending 10/27/2005.

**XIV. Legislative Report:**

There were no legislative items to report.

**XV. Other Business:**

There were no other items of business brought before the Board.

**XVI. Public Comment:**

There were no comments from the public.

**XVII. Adjourn:**

Chairman Covington thanked the Members and the audience for their attendance and participation.

There being no further items of business brought before the Board, Chairman Covington adjourned the meeting at 12:10 P.M.

**Austin-San Antonio Intermunicipal Commuter Rail District**

**The State of Texas**

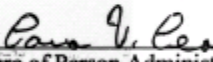
**OATH OF OFFICE**

I, Carroll Schubert, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Director of the Austin-San Antonio Intermunicipal Commuter Rail District of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

  
Carroll Schubert

SWORN TO and Subscribed before me by Carroll Schubert on this 31<sup>ST</sup> day of OCTOBER, 2005.



  
Signature of Person Administering Oath

LANA V. LEA  
Printed Name

SECRETARY  
Title



**RESOLUTION**  
of the  
**AUSTIN-SAN ANTONIO INTERMUNICIPAL COMMUTER RAIL DISTRICT**

**Endorsing the Texas Rail Relocation and Improvement Fund**

**WHEREAS**, residents of the State of Texas suffer more than 400 vehicle-train collisions each year and nearly one in five of these collisions involves hazardous materials; and

**WHEREAS**, relocating rail outside of highly urbanized areas will reduce barriers to police, fire and ambulance vehicles providing rapid response to emergency situations; and

**WHEREAS**, increasing freight rail capacity will reduce the number of eighteen-wheeler trucks traveling on Texas highways, in turn reducing motorist collisions with trucks and damage to our existing highways;

**WHEREAS**, the Texas Legislature has proposed a constitutional amendment to create the Texas Rail Relocation and Improvement Fund, which would authorize the state to make grants and issue bonds to relocate rail lines out of cities and neighborhoods, expand passenger and freight rail capabilities and construct railroad underpasses and overpasses to reduce accidents and delays; and

**WHEREAS**, the Texas Rail Relocation and Improvement Fund (Proposition 1) will enhance public safety, reduce 18-wheeler truck traffic on Texas highways, improve air quality, increase both freight and commuter rail service, and spur economic development; now

**BE IT RESOLVED**, that the Austin-San Antonio Intermunicipal Commuter Rail District supports the passage of Proposition 1 on this year's statewide ballot, authorizing the creation of the Texas Rail Relocation and Improvement Fund.

**PASSED AND APPROVED** this 4<sup>th</sup> day of November 2005.

  
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Sid Covington, Chair  
Board of Directors

CERTIFIED AGENDA FOR THE CLOSED PORTION  
OF THE MEETING OF THE BOARD OF THE  
AUSTIN-SAN ANTONIO INTERMUNICIPAL COMMUTER RAIL DISTRICT

The Board of the Austin-San Antonio Intermunicipal Commuter Rail District entered into closed session pursuant to Government Code Section 551.071 on November 4, 2005 at 10:41 a.m. to discuss the following topic (s):

Consultation with general counsel on consultant contracts.

Prior to conducting the closed portion of the meeting, the presiding officer announced that a closed meeting would be held and identified the section or sections of the Open Meetings Act under which the closed meeting is to be held.

At the beginning of the closed meeting, the presiding officer announced the closed meeting began at 10:41, November 4, 2005.

During the closed meeting, the following subject(s) was subject to deliberation:

Consult with legal counsel on consultant contracts.

No action was taken during the closed meeting and any further action taken is reflected in the official minutes of this meeting.

At the end of the closed meeting, the presiding officer announced the closed meeting was ended at 11:32, November 4, 2005.

Certified by the presiding officer of the Board of the Austin-San Antonio Intermunicipal Commuter Rail District effective on this the 4<sup>th</sup> day of November, 2005.

  
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Sid Covington  
Chairman