

COASTAL BEND BAYS & ESTUARIES PROGRAM, INC.
BOARD OF DIRECTORS MEETING

May 20, 2010
MINUTES

BOD Members/Proxies Present

Robert Corrigan for the Bays Council
Tom Curlee for Port Industries of Corpus Christi
Paul Carangelo for the Port of Corpus Christi
Jay Reining for the City of Corpus Christi
Peggy Sumner for the City of Corpus Christi
Robert Wallace for the Coastal Bend Bays Foundation

Others Attending

Jeff Foster - TCEQ
Barbara Keeler – EPA/Dallas (via telephone)

Staff Present

Ray Allen	Rosario Martinez
Dustin Cravey	Leo Trevino
Jake Herring	Jace Tunnell
Anne Hulse	Beth Wilson

1. Call to Order, Welcome and Introductions, and Quorum Determination

Mr. Robert Wallace, Chairman, called the meeting to order at 8:06 am and a quorum was set.

2. Consideration and Action re: Minutes of Meeting held on March 25, 2010 – Ms. Anne Hulse (attachment 1)

Mr. Corrigan made the motion to approve the minutes of the March 25, 2010 meeting as written. The motion was seconded by Mr. Reining and passed unanimously.

3. Consent Agenda: The following items are of a routine or administrative nature and do not require an action of the Board. Any member of the Board of Directors may request that an item on the consent agenda be discussed in open session:

- a. **Monthly Financial Report, Local Government Funding Report, and Working Capital/Reserve Fund Report – Ms. Alice Sanchez (attachments 2A, B, C)**
- b. **Monthly Project Status Report – Mr. Leo Trevino (attachment 3)**
- c. **Grants and Proposals Update – Prepared by Dustin Cravey (attachment 4)**
- d. **Communications Activities Update – Ms. Beth Wilson (attachment 5)**

- e. **Environmental Education Activities Update – Ms. Lari Jo Johnston (attachment 6)**
- f. **Future Meeting Schedule – Ms. Anne Hulse (attachment 7)**

4. **Consideration and Action regarding accepting FY 2009 Annual Financial Report prepared by Lovvorn & Kieschnick, LLP – Mr. Bob Corrigan and Mr. Ray Allen (attachment 8)**

Mr. Corrigan stated that he and Mr. Allen met with Frank Lovvorn to review the FY 2009 Annual Financial Report. While there were no findings, some changes and clarifications were made in the notes section pertaining to temporary property holdings.

Mr. Wallace stated that he believes next year’s report should show the Court Ordered Condition of Probation (COCP) Funds as restricted funds rather than temporary funds.

Mr. Reining made a motion to accept the FY '09 Audit and was seconded by Mr. Curlee. The motion passed unanimously.

5. **Consideration and Action regarding CBBEP employee retirement program – Mr. Bob Corrigan and Mr. Ray Allen (attachment 9)**

Mr. Corrigan presented a comparison of 401(k) plans from three separate companies. The pros and cons of each plan were discussed.

Mr. Corrigan made a motion to accept the Hartford proposal, with Hartford performing as Plan Trustee, and designating Robert Fox of Fields & Nemec as agent for that retirement plan. The motion was seconded by Mr. Curlee and passed unanimously.

6. **Consideration and Action regarding review of bids and selection of contractor to construct Portland Causeway Marsh Restoration Project – Mr. Leo Trevino and Mr. Dustin Cravey (attachment 10)**

Mr. Cravey discussed the history of this project and the two bid processes connected with it. The last bid process ended on May 18 and Wilco Marsh Buggies & Draglines presented the low bid.

Mr. Reining made a motion to authorize CBBEP to contract with Wilco Marsh Buggies for their bid amount of \$448,126.67 and to negotiate additional work of a similar nature, not to exceed the available construction budget of \$880,000. The motion was seconded by Mr. Corrigan and passed unanimously.

7. **Consideration and Action regarding contracts with US Fish and Wildlife Service for FY 2011 projects – Mr. Leo Trevino, Mr. Jake Herring, Mr. Dustin Cravey (attachment 11)**

Mr. Allen explained that US Fish and Wildlife Service has offered CBBEP funding for two big FY '11 projects which need to be contracted with CBBEP before the funds disappear.

Mr. Cravey stated the first project is “Protecting Important Texas Shorebird Habitats: Using Piping Plovers as an Indicator Species” which has been approved by the Habitat Living Resources Team for a total Budget of \$200,000 over two years. US Fish and Wildlife would contribute \$90,000 to this project which would reduce the CBBEP funding to \$110,000 over two years.

Mr. Herring explained the second project has also been approved by the Habitat and Living Resources Team and would provide brush management, riparian habitation restoration and an additional Texas Prairie Wetland, for which NRCS has already provided engineering services, at the Nueces Delta.

Mr. Reining made a motion allowing CBBEP staff to accept US Fish and Wildlife funds for these two projects and that the program identify the appropriate contribution, pending the approval of the Coordination Team and the Bays Council, of \$55,000 during FY '11 and \$55,000 during FY '12, with the understanding that the scope of these projects may be expanded pending potential future funding availability from SEPs, etc. The motion was seconded by Mr. Carangelo and passed unanimously.

Mr. Reining stated that these are the types of 'pre-approved' projects he wants to see in a wish book for SEP funds as they become available.

8. Consideration and Action regarding incident at CBBEP Nueces Delta Preserve – Mr. Jake Herring (attachment 12)

Mr. Herring outlined the incident and the steps being taken by CBBEP to improve safety and reduce trespassing at the Nueces Delta Preserve.

The Board took no action on this item.

9. Executive Session: Public Notice is given that the Board of Directors may go into an Executive Session as authorized by the Open Meeting Act, Chapter 551.072 to deliberate regarding real property and may in open session take such action as appropriate on items deliberated in Executive Session.

a. Discuss and Consider real property acquisition in the Nueces River Delta (attachment 13)

b. Discuss and Consider real property acquisition on Mustang Island (Tortuga Dunes Development Mitigation Requirements) (attachment 14)

The meeting went into Executive Session at 10:03 am and returned to full session at 10:35 am.

Mr. Reining made a motion allowing CBBEP staff to enter negotiations with Four Star Development Corporation, the owners of the Tortuga Dunes property, for the acquisition of 60.23 acres (preferably in fee simple, though we could consider a conservation easement if we can't get it in fee simple) and with the stipulation that we receive a donation of an adequate sum of money for the long-term maintenance and operation of any property we acquire. Mr. Curlee seconded the motion. The motion passed unanimously, with Mr. Corrigan abstaining.

10. Executive Director Comments – Mr. Allen announced that staff continues to work with the Implementation Teams to develop the annual work plan. In the very near future, a Coordination Team meeting and subsequent Bays Council meeting will be held in order to deliver a full annual work plan to the Board later in the summer.

11. Board of Director Comments –

Mr. Reining suggested that a copy of the full Environmental Indicators Report should be sent to Executive Directors and City Managers of all CBBEP funding partners, as well as all members of the governing bodies of our funding partners, including the management of member-supported industries.

Mr. Wallace requested that several copies of the Environmental Indicators Report also be provided to Judge Jack.

Mr. Wallace explained events that transpired at a recent Coastal Issues Forum Meeting and the increasing number of people upset that he, as a representative of CBBEP, will not take a stand against the proposed Las Brisas facility. He stated that his role is not to usurp the authority of the governmental entities whose job it is to make such permitting determinations. His role is to assist local entities with maintaining air quality and helping to avoid non-attainment.

Mr. Wallace further voiced his concern about the frequent and wide-spread algal blooms in our area.

Mr. Curlee supported Mr. Wallace's stand on Las Brisas. He further explained that another important issue to be examined revolves around the Garwood water rights being threatened by San Antonio.

Mr. Allen stated that Councilman Kieschnick gave the impression during his vote at the last City Council meeting that CBBEP was supporting Las Brisas. Mr. Allen explained that he had been discussing potential uses for Las Brisas wastewater in the event that Las Brisas is indeed permitted by TCEQ.

12. Public Comments – None.

13. Adjourn – The meeting adjourned at 10:40 am.

Approved by the Board of Directors on _____

Robert Wallace, Jr., Chairman of the Board