



MEETING NOTICE

TO: North East Texas Regional Mobility Authority Board Members
FROM: Linda Thomas, Chair
DATE: Tuesday, September 10, 2019
SUBJECT: **September Board Meeting**

The next meeting of the NET RMA is scheduled as follows:

DATE: Tuesday, September 10, 2019
TIME: 1:30 PM
PLACE: Willow Brook Country Club
3205 W. Erwin St.
Tyler, TX 75702
Smith County

Enclosed please find the agenda and other pertinent information for your review prior to the meeting. Should you have any questions, please call Bianca Felux at 903.630.7894.

NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY (NET RMA)
BOARD OF DIRECTORS REGULAR MEETING
Willow Brook Country Club
3205 W. Erwin St.
Tyler, TX 75702
Smith County

1. CALL TO ORDER AND DECLARATION OF QUORUM

Notice of this meeting was posted with the Secretary of State's Office and on the NET RMA website and office on Friday, September 6, 2019.

Began at 1:32.

2. INVOCATION

Barham Fulmer provided the invocation.

3. WELCOME & INTRODUCTION OF BOARD MEMBERS

Gary Halbrooks welcomed all to Smith County. He stated that Smith County was one of the two original counties that birthed the NET RMA. On phone: Linda Thomas, John Cloutier, Andrea Williams-McCoy. Dave Spurrier, Robbie Shoults, Belinda Andrus, Nate Priefert, James Harris, Barham Fulmer, Gary Halbrooks, Chris Miller, Jason Ray, Larry Morse, Dan Droege, Chet Clayton, Keith Honey.

4. OPEN PUBLIC FORUM/COMMENT PERIOD

Linda Thomas welcomed all that came to speak and stated that there are a few rules regarding the open comment period. Brian Cassidy stated that because Segment 6 is not an item on the agenda, the board members are not allowed to engage in any conversation regarding Segment 5 as per the open meeting guidelines. He also stated that all speakers will have about 3 minutes to speak.

John Hardy: He stated he is an attorney in Tyler and a Tyler native as well as a Tyler native. He stated that one of the routes would affect his property. He endorses the green route. He stated that he understands the NET RMA is a regional authority in North East Texas but asked that the NET RMA consider convening more of its meetings in Smith County so that it can be more accessible to Smith County residents since the current project affects residents of Smith County.

Robert Carney: He thanked all for allowing them to speak. He stated that he and his family came to Smith County in 1986 and bought a piece of land for his family. The toll road originally ended up bisecting his land which lead to having about 11 acres that were useless. They later moved out towards Winona and was could possibly be in the path of the Toll 49 expansion. He stated that there are a lot of sad stories regarding the toll road but the saddest would be Lake Tyler. The drinking water and destruction of the land around that area are issues that go beyond just a short visit. The cost of 30-40 million is also something to consider. He stated that it's important to choose wisely and thoughtfully when going forward.

Teresa Carney: She stated she wanted to throw in her support for either the green or teal routes. The cost for the other routes are terribly cost prohibited. The watershed, economic impact of wetlands and cost are of great concern. She also stated it is important to consider the businesses of Tyler and none of the major ones would benefit from the loop.

Marth Poeschl: She stated that she is also a landowner and resident of Smith County. The proposed pink, blue, and purple routes destroy 40-52 homes, cost between 20-40 million dollars more than the green route and will affect local flooding. Those will be issue homeowners will need to deal with. It also increases the risk of harmful things being exposed in the drinking water. She stated she works in the radiology department for a local hospital and has imaged wrecks of the victims of accidents on Toll 49. The injuries sustained on Toll 49 are comparable to the ones sustained on I-20. She asked why concrete barriers can not be built to create a safer road. She asks that the NET RMA consider the green route as it's shorter, and less expensive and then asked that with the leftover funds available, put that towards concrete barriers on the toll road to make it safer. The green route would protect the water supply, increase the safety and cost less.

Dale Sumpter: He stated he and his wife purchased property on Lake Tyler approximately 5 years ago and built their retirement home there. They did their due diligence with the Segment 6 expansion and were comfortable that their home was far enough away to not be impacted. However, with the blue and orange routes, it is clear that their home would be impacted. The other proposed routes would also place the drinking water in danger as well as reduce

property value in the area. He also stated that the blue and orange routes are not less economically impactful. They are actually the longest and would cost the taxpayers some 45-60 million additional dollars compared to the green route. The blue and orange routes also cause a threat to the Lake Tyler ecosystems. It would travel directly over Tyler's largest land tributary. Road noise will also permeate to every house on the lake. Property values would drop. The quiet and peaceful setting would be lost forever. The blue and orange routes will increase the number of homes that would be destroyed compared to the green route. 40-41 roads vs. 12 under the green route. The blue and orange route are too far east to help traffic or service the Tyler Medical Center and UT Tyler areas. The inner routes such as the green and teal routes are the most attractive community options.

Justin Carney: He thanked all for the opportunity to speak. He agrees with everything everyone has said so far. He stated that he has a letter that he wrote to Chris Miller and thanked Mr. Miller for his response. Rather than read the entirety of the letter, he said he would just touch on some points that had not already been discussed yet. Based on the NET RMA website's annual report, 274 million is the projected cost for 13 miles which is about 20 million a mile. To expand out to the blue and orange routes, it would be more than that. It's 80% higher than the other segments that currently exist. He also stated that one hazmat accident would cause so much damage to the lake. It could also increase taxpayer dollars to treat that water. He stated he lives near the airport and does drive Toll 49. The blue and orange routes would not properly serve the community as it is much more out of the way. The green route is the shorter route and would destroy less homes. The easements that would need to be created exponentially increases the closer you go to the blue and orange routes. He wanted to reiterate that the inner routes take less time, less money, less ecological impact and has less public opposition.

Carol Loughmiller: She thanked all for the opportunity to speak. She stated they moved to the area in the 1970s. They raised a family here. It's a good place to live and they want to keep it a good place to live. She stated that safety is an issue. She stated that they do not use Toll 49 as it feels dangerous. She asked that the NET RMA consider putting in the concrete barriers and that with new segments, they build them safely the first time. The second concern is the wetlands and Lake Tyler. They add to the enjoyment of the community and it is important to not damage it. There are several other routes that work better. The last point is community. The blue and orange route will divide the Chapel Hill neighborhoods. She asked that they consider the teal and green routes. She is glad for the progress that has been made and asks that they be wise with their decisions and be sure that they impact businesses in a safe way. She urged them to make it safe.

Linda Cox: She thanked all for the opportunity and thanked everyone that showed up to speak. She has lived in Tyler for a long time due to the great medical community and Lake Tyler. She stated that when you talk to people, the Tyler Lake is the jewel of East Texas and to hamper that would take away people moving here. Financially, the outer routes would cost more. She also stated the blue and orange routes have 40 homes that would be affected versus the 12 on the green route. She stated that she moved to Lake Tyler because the toll road created noise and reduced wildlife in her previous residence. She stated the fowl in the area would also be impacted. There are eagles, brown hawks, deer etc. in the area that would be impacted.

Daniel Johnson: He thanked the board members for being here and acknowledged their hard work. He wanted to put in his support for the green and teal routes. He is directly impacted by the orange and blue routes. Those seem to be just a short cut to Longview and Shreveport. He doesn't see how that would alleviate traffic issues in Tyler, but he conceded that the NET RMA is a regional authority. He also stated that the wetlands help mitigate flooding and asked that the NET RMA stay off of them. He moved in the area in 1981 and would waterski in Lake Tyler and that's what got him to move here. He thanked all for their time.

Larry Frogge: He stated that he has already been impacted by Toll 49. During the widening efforts, he was handed a paper for imminent domain. He felt they had no consideration for their problems. They had to get a lawyer. Traffic to the school near their area is incredibly heavy. He can not leave his driveway during school time. They also have hawks near their homes. All of that will be impacted. The blue and orange routes are not helpful.

Tammy Humes: She thanked everyone for the opportunity to speak. She stated the loop extension is about money. The NET RMA does not have a good track record about making or collecting money. She stated that in 2014 the NET RMA had a \$52.4 million loan from TxDOT extinguished. She stated taxpayers pay TxDOT. 32 million loan of uncollected tax revenue. She stated she understands and applauds progress, but it needs to be quantifiable. Profit is calculated on return-of-investment. She asked where the reports are that substantiate the purported growth of the community. Tom Mullins is the president of the greater Tyler business development. She asked him to provide a report

on the new businesses that were opened thanks to Toll 49; however, he was unable to provide them as he did not have the numbers. She asked if that means that new business are not paying? Which would be lost revenue. She wanted proof that Segment 6 would grow businesses in the Chapel Hill community. CP&Y stated that the potential segments can be tweaked, and she wanted to know what warrants tweaking and to whose benefit. She also stated that a homeowner and business will get fair market value for property that has been impacted but asked if there can be a value placed on the 17 lives that have been lost on the existing loop. She asked if the NET RMA board has faced the families that have lost loved ones. She stated the green route takes the least amount of homes and saves money. The use of that money saved could improve the safety with a concrete medium and then afterwards, they could begin construction on the green route. In closing, she stated the board needs to consider the unintended consequences. Those that will be most affected are the children. She stated the NET RMA is deciding who is expendable using CP&Y. She stated she doubts the NET RMA will pay taxes on the land that are used for this expansion. The average acreage lost per route is 546.8. That tax base supports the school district. If that shrinks, how are they going to pay for their teachers in the area, how are they going to stay competitive? People will move. That is not expansion. It shrinks the tax base which will not allow parents to provide for the children and make them college ready which, she stated, is a state mandate. These are the unintended consequences. It is not just taking land away from homeowners or businesses. It's taking away from children's futures. The money that is made would not go back to the taxpayers or county; it would be put back into the pockets of NET RMA. She asked the NET RMA to meet with the public and to let them be involved.

Christina Allen: She stated she represents the Keep Loop Off Lake (KLOL) coalition. She thanked all that took time out of their busy schedules to attend. The proper placement of Segment 6 is very important to the community of Tyler. It has gotten a lot of media attention and wanted to make sure that it was clear that the public wants to help the board through this decision. She expressed gratitude to the NET RMA for allowing the public to voice their concerns and be involved in this process. She stated that KLOL is a group that came together to research the best possible route for Segment 6. She stated they created their own route similar to the teal route. It avoids the Texas State Wildlife center and it takes out the least number of houses. The green route preserves taxpayer dollars, has support from UT Tyler, and support from the medical center. The other routes take out the most homes, are least cost affective and would be destructive to Lake Tyler and the wetlands. It reduces tax revenue from Chapel Hill. She wanted to make it clear that KLOL supports the green route.

Phyllis Purvis: She stated she lives off of 31. She is speaking for her community because her neighbors seem to not have a clue of what's going on. She stated their neighborhood is right in between the blue and orange and asks that they consider the green route. She appreciated being given the time to speak on the routes and asked to have more information in her neighborhood.

Halina McAlester: She stated she lives in Chapel Hill and does not support the orange and blue routes. She stated she moved to the area about 8 years ago and was told by her real estate agent that she should move further out to avoid the toll road expansion which was previously expected to follow the teal route. She also stated that the blue and orange routes are longer, more expensive and too far away. She also stated that it affects Lake Tyler which is a negative. She stated the green and teal routes seem to be the line that most people used in the past when deciding where to move.

Catherine Robinson: She stated the blue route is especially impactful for her. She stated the proposal of Toll 49 was supposed to be for the betterment of Tyler. The city is beautiful. She stated the city gets a lot of revenue from the taxes of the residents that live in the Lake Tyler area. The blue route would lower the property taxes which takes away the values that Tyler receives. To help the city, it is wiser to go with what benefits the city. She stated that where she lives, there is a lot of wildlife that would be wiped out. It would be like what Dallas has done to their ecosystem. She stated the one thing that Tyler has been excellent about is preserving the beauty of Tyler and considering what's best for Tyler. Taking away the avenue to promote businesses and the beauty of Tyler is not a wise choice. Choose wisely. Choose the option that does not destroy businesses, Tyler's beauty, homes, water and property value. The purpose should be to benefit the city of Tyler, not the other areas.

Mark Flynn: He thanked the board for allowing him to speak again. He thinks it's an important democratic process and happy that this is an opportunity available to him. He was originally from Tyler and then moved to Austin but moved back in 2001. He lives on Lake Tyler. He stated he loves the lake and has been an advocate for the lake for the past 16 years. He asks everyone in the room to imagine 10 years in the future. The board has endorsed the green route. The reality is that the board saved 30 homes from destruction and saved families from being displaced. They have

saved \$40 million. From an environmental standpoint, they have preserved the city of Tyler's self-reported crown jewel. He is asking that governmental boards keep their hands off of Lake Tyler. Unintended consequences: the FEMA described footprint for the floodplain would perhaps grow exponentially if the blue or orange route are chosen which would affect residents that are not directly impacted by the new segment. Over 400 people have signed the declaration of preservation. He hopes that he can tell the board in 2029 thank you.

Jeff Pinkerton: He wanted to thank the board for hearing them. He stated that the green route and the analysis that was done for that route, it is common sense that the green route is the one that needs to be chosen or one near it. There would be homes saved, more revenue, less cost, wetlands preserved, etc. He also asked that the board come back with just one general route rather than 3.

5. DISCUSSION, CONSIDERATION AND APPROVAL OF THE MINUTES FOR THE AUGUST 13, 2019 BOARD MEETING. **Action Item**

Motion to approve: Keith Honey. 2nd: Dan Droege. Unanimously approved.

6. CHAIR'S REPORT **Linda Thomas**

Linda Thomas thanked all for attending the meeting. She stated that there was great news on the federal level to share. It was announced that all 50 states received federal funds for their transportation projects. Texas received the largest share of this redistribution. Funding comes from the general fund. This is due to the underutilization of grants which go towards highway and freight projects.

7. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON AN HONORARY RESOLUTION FOR FORMER TXDOT COMMISSIONER JEFF AUSTIN, III.

Chris Miller stated that the main thing they wanted to do was honor Commissioner Jeff Austin, III. He served on the Texas Transportation Commission and it ended in mid-August. They appreciate the service of Commissioner Austin. He was the chair of the NET RMA some years back and he was honored then too but they just wanted to acknowledge that they appreciate the work he did as a Texas Transportation Commissioner as well.

Motion to approve: Gary Halbrooks, 2nd: Dave Spurrier. Unanimously approved.

8. COMMITTEE REPORTS

A. Executive Committee

Linda Thomas

No report.

B. Personnel Committee

Jason Ray

Jason Ray stated that Executive Director evaluations should have been sent out last week. He stated that if the board had not already filled their sheet out, to do so soon and send them to him.

C. Construction and Maintenance Committee

Barham Fulmer

Barham Fulmer stated the committee met on 8/21 because the board has asked them to consider getting a shovel ready project should there be funding available. They had general discussion on maintenance as well. There was also a proposed study for the widening of a section of Toll 49. A presentation was provided by Everett Owen. They looked at the section of the current road and what areas would be most beneficial. They believed that section 3A between highway 31 and 64 would be a good candidate for several reasons. For one, it is an area that has seen the most accidents, it also doesn't have a lot of bridges and a widening program would be very expensive with bridge areas. There are two under passes and those are wide enough to accommodate additional lanes. The process would be for them to go out for bid and have an engineering study done on that section of road. It is estimated that would cost between \$1.3-1.5 million. With that engineering study in hand, they already the ROW and other elements for the road. They would be, at that point, ready to begin should the funding be available from federal or state level. Most of those programs would require no match to a 10-20% match. It was also pointed out that should they qualify for those funds, it was mentioned that the \$1.3 million spent on the study would count as part of the match. It's also believed that some of the money spent on ROW acquisition could go towards that as well. The engineering study estimated would probably be good for 10+ years so it's not something that needs to happen within the next few

months. It was the committee's recommendation to the Executive Committee to include that \$1.3 million in the budget for that study as it is anticipated that it can be completed within the year.

- D. Member Outreach Committee** **John Cloutier**
No report.
- E. East Texas Hourglass Committee** **Dave Spurrier**
No report.
- F. Investment Committee** **Robert Messer**
No report.

9. PARTNERSHIP UPDATES

- A. East Texas Corridor Council** **Linda Thomas**
No report.
- B. I-69 Alliance Committee** **Linda Thomas**
Cory Floyd stated that Senator Cruz was in Texarkana two weeks ago. He expressed to him how much the area would benefit from a federal infrastructure bill passing, particularly one with a long-term funding component. He indicated that the senate had bipartisan support for passing infrastructure bills. The hold up would be if the house has the willingness to take an infrastructure bill up and work through it. The I-69 alliance travels to Washington next week. Judge Carlow has been a long time support of the NET RMA but he announced that his retirement will begin September 30th.
- C. East Texas Council of Governments** **Linda Thomas**
She stated a transportation meeting occurred last week. They were going over transportation projects and have put together a list for grants.
- D. Metropolitan Planning Organization/Texas Department of Transportation Updates** **Chris Miller**
Chris Miller stated that the Texas Transportation Commission approved their long-range plan. There was funding for I-69 and the widening of I-20. They seemed to be toll friendly which was a good sign. They supported a lot of toll projects within the state. The MPO is working on their plans as well. Segment 6 and 7 are believed to be in their long-range plans.

10. REVIEW AND ACCEPTANCE OF NET RMA FINANCIAL STATEMENTS.

Dianne Johnston provided the presentation. She stated this would follow where they ended YTD July 31st. Total assets were \$386M. The statement of revenues and expenses: Total operating revenue YTD was at \$14M. Compared to 2018, they are ahead by 31.52%. Total operating expenses compared to 2018 are over 5.92%. There are no new or unexplained variances to note. Toll 49 operating expenses: They are over 10.47% with no new variances to note. Other income and expense: the net expense YTD is 1.6 over with no new variances to explain. Change in net position is 1.1M ahead of last year. Moving to budget to actual: Actual YTD revenue is under budget by -7%. The electronic variance has gone from -7 to -6% and total revenue for video went from -14 to -11%. The differences are slowly narrowing. Total operating expenses are under budget by 3% with no new variances. Total Toll 49 operating expenses are over budget by 325k with no new variances to note. Barham Fulmer stated that 283k of that is was for bridge repair which will be reimbursed by insurance. Dianne Johnston confirmed and continued. Total Other Expense: they are over budget by 1.4 M largely due to Segment 4 depreciation. The total net income is behind budget but that is due to revenue being under budget and depreciation being under budgeted.

Motion to approve: Larry Morse. 2nd: Dr. James Harris. Unanimously approved.

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE NET RMA FY 2019-2020 BUDGET. (RESOLUTION 19-29)

Action Item

Chris Miller stated that at the last meeting they had talked about the process and the Executive Committee met and gave them direction on some areas of the budget that they wanted more explanation on. Based on those meetings they have a budget that reflects their recommendations. The Executive Committee did a very good and thorough vetting of the budget. He also stated Dianne and the staff did an excellent job putting the budget together. Dianne Johnston stated that the total

proposed operating revenue is \$21,680,000 with \$21,640,000 being for tolls and fees and \$40,000 being for member county contributions. There is an increase in net proposed toll revenue fees of 17%. The proposed interest income is \$650,552 which is lower due to interest rate reduction. They also anticipated lower cash balances due to outlays. The total proposed operating and maintenance expense equals \$8,291,414. In the maintenance expense, they also have a budgeted amount for an additional maintenance person to cover the weekends and days that are particularly busy for Mark and Daniel. Total cost for this person equals \$80k which includes salary, payroll taxes, retirement and insurance. There are other costs such as the truck for 50k and 14k for truck accessories, tablet, computer, etc. These costs are offset by savings from the maintenance contract. The marketing and public involvement budget is a total of 350k. This is associated with the provider of marketing services. A new line item is titled contract labor with the city of Tyler police. This is for a future agreement with the City of Tyler for police patrolling of Toll 49. Routine maintenance equals \$1.2M and toll maintenance support equals \$471k. General Fund Project costs are 5.6M. Total renewal replacement project costs is about 1.3M. the total construction project cost is about 1.19M. Debt service which covers total cash interest to be paid is about 9M. Depreciation expense is about 10.5M which includes a full year of depreciation for Segment 4. Dave Spurrier stated that the Executive Committee dove into a lot of fine details and he feels good about the number after all that work and commended the staff for their work. Linda Thomas stated that she agreed and was happy with the conservative estimate. Chris Miller stated that the number for the marketing section may realistically be lower than that going forward. They just aren't sure.

Motion to approve: Barham Fulmer. 2nd: Gary Halbrooks. Unanimously approved.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE SELECTION OF A PROVIDER FOR TRAFFIC AND REVENUE ENGINEERING SERVICES.

(RESOLUTION 19-30)

Action Item

Everett Owen stated that this was for the continuation of traffic and revenue services. CDM Smith and Stantec both submitted proposals and it was decided that CDM Smith would be the primary provider with Stantec as the secondary for consulting purposes. The next step is to enter into negotiations and get board approval for the final contract.

Motion to approve: Andrea Williams McCoy. 2nd: Dave Spurrier. Unanimously approved.

13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE SELECTION OF A PROVIDER FOR MARKETING CONSULTING SERVICES.

(RESOLUTION 19-31)

Action Item

Andrea Williams McCoy stated that for more than a year she has worked with staff to create strategies for marketing. She stated that there is a lot of opportunity to build on the customer base as well as promote safety and inform users about current and future initiatives related to the NET RMA. They issued an RFP and received a good response. There were 7 proposals that were evaluated. That was narrowed down to Door No. 3, Hahn Public and LookThinkMake. The committee was in agreement with the 3 that were narrowed down. For this final interview, the thing they were focused on was having a firm that had marketing acumen and would be the right fit for the NET RMA and the East Texas market. So a big focus was to see what their understanding was of North East Texas. She stated that when they went to Austin to interview the firms, it was a reminder of the importance of doing face-to-face interviews because when they left, it was clear who they wanted to go with. Hahn Public is their committee recommendation. They clearly demonstrated that they truly had an understanding of public communications and how to construct a cohesive message across different platforms. In present day, it's incredibly important to be able to connect social media, news, print, etc. That was their strength. They also had a wealth of experience on transportation as well. They have worked with the CTRMA and Tulsa One Gas. They also had a clear track record of working for remote clients. Their client book spans all across the US including clients in East Texas. They also had a deep bench of staff. Hahn Public also brought great experience on return of investment campaigns. They are focused on delivering measurable results with their campaign. They seemed to understand how to utilize dollars in a very wise way. She then stated that they had a lot of services in house including research, podcasting, etc. that was all under one roof. They didn't need to outsource those services which could be a benefit to the NET RMA going forward. She also thanked the staff as well as Gary Halbrooks. She stated everyone was professional and provided well thought out reviews. Gary Halbrooks stated that they would like to have Hahn Public give updates on a quarterly basis and report on

their progress. Mr. Jeff Hahn briefly thanked the NET RMA for their selection and stated that they are excited to work with the NET RMA to reach their goals.

Motion to approve: Dr. James Harris, 2nd: Dan Droege. Unanimously approved.

14. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN AMENDMENT TO THE PROCUREMENT POLICIES REGARDING SOLICITATIONS FOR GOODS AND SERVICES.

(RESOLUTION 19-32)

Action Item

Brian Cassidy stated that this to the maintenance contract definition and moved it to the general goods and services section which would help make improvements upon selecting the best value criteria that can be used in selecting a provider going forward.

Motion to approve: Keith Honey, 2nd: Jason Ray. Unanimously approved.

15. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE WORK AUTHORIZATION NO. 7 WITH ATKINS FOR GENERAL ENGINEERING SUPPORT SERVICES DURING FY 2020.

(RESOLUTION 19-33)

Action Item

Tammy Sims stated that this for FY 2020 GEC support services. Some of the tasks included in this work authorization are technical studies and support, master indenture agreement services, board meeting support activities and presentations, and program quality assurance and quality control. The total amount is \$312k.

Motion to approve: Gary Halbrooks, 2nd: Chet Clayton. Unanimously approved.

16. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE WORK AUTHORIZATION NO. 8 WITH ATKINS FOR TOLL 49 SYSTEM MAINTENANCE SUPPORT SERVICES FOR FY 2020.

(RESOLUTION 19-34)

Action Item

Tammy Sims stated this is another annual work authorization. The major tasks include: preparation of plans for maintenance activities, periodic inspections of Toll 49 at Mark McClanahan's request, tracking maintenance and cost expenditures, preparation for traffic control plans, annual inspection of Toll 49 as required by NET RMA maintenance programs, assisting Mark McClanahan with handling adjacent landowner complaints and other routine maintenance activities requested by the NET RMA. Total is about \$127k for the entire fiscal year. Everett Owen stated that it is actually been adjusted to \$70k and was reflected in the budget. Keith Honey requested a record of what the 70k would include as opposed to \$127k.

Barham Fulmer stated that he moves for approval with the total amount change from \$127k to \$70k. 2nd: Dr. James Harris Unanimously approved.

17. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE WORK AUTHORIZATION NO. 9 WITH ATKINS FOR MAJOR RENEWAL AND REPLACEMENT SUPPORT ON TOLL 49 FOR FY 2020.

(RESOLUTION 19-35)

Action Item

Tammy Sims stated that this is another annual work authorization. The work summary includes: program management, preparation of slope erosion and drainage repair, update on the current 4-Year Toll 49 Pavement Management Plan, plans schedules and cost estimates of Erosion Repair and quality control and quality assurance reviews for all above tasks. Total amount equals \$120k.

Motion to approve: Gary Halbrooks. 2nd: Jason Ray. Unanimously approved.

18. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE WORK AUTHORIZATION NO. 10 FOR TOLL 49 MAINTENANCE SERVICES.

(RESOLUTION 19-36)

Action Item

Tammy Sims stated that the major tasks to be conducted include providing subcontractor to provide total maintenance services and program quality assurance and quality control. The total amount is: \$400k to provide maintenance services through December 31st. Everett Owen wanted to thank Atkins for providing this service as they needed someone to step

into this role since IIPL defaulted on their contract for lack of insurance. Atkins stepped forward and agreed to do this. They're doing the NET RMA a huge favor. Jason Ray asked if these were the funds they already had allocated for IIPL?

Motion to approve: Gary Halbrooks, 2nd: Keith Honey. Unanimously approved.

19. REPORT ON TOLL 49 TOLLING TRANSACTIONS AND REVENUE

A. Comprehensive Transaction Report by CDM Smith

Chris Miller stated that the daily average transactions for the month of August are far higher than others. There was a small dip but it seems to be a historic thing that seems to happen. The comprehensive report that is about to happen is done on a quarterly basis. Phani Jammalamadaka with CDM Smith provided the presentation. He thanked the board and staff for their selection and they are always looking forward to working on their system. He stated they have data through August but most of the slide relate to the end of quarter 2. With Segment 4 opening, there was increase tolls. Additionally, with the end of construction, there was a large jump in toll transactions as well. Transaction growth shows that compared to 2018, there has been a 22% increase which is solid growth. The North-South segments south of I-20 have shown solid growth as well. North-South segments grew faster than East-West Segments. Overall there has been a 32% growth compared to 2018. Truck traffic has also steadily increased and been very strong. Overall transactions were flat in the summer, but truck transactions actually increased. Trucks pay typically 3x the rate of passenger cars and have a much bigger impact on the revenue. 5 axle trucks dominant at most of the locations. 4 and 5 axle trucks are evenly distributed along East-West segments. Segment 1 continues to carry the highest number of average weekday transactions which helps inform the authority which areas should be expanded. The projected and expected gross revenue are closely matched. The projected revenue was 63.6M with collected revenue equaling 63.1M. There are also encouraging regional economic growth indicators in the area as well. The employment trend in Tyler is growing overall. Overall, there is significant growth in transactions along all of the segments in Q2 2019 compared to Q2 2018. This growth trend is consistent with previous Q1 2019 growth trends despite the toll rate increases in January 2019. Everett Owen asked how the projections for Segment 4 transactions compare to their predictions. Mr. Jammalamadaka stated that it is a little slower compared to their predictions but that is also not unusual within the first year as commuters begin to learn of the time savings and may not yet be aware. He stated that could be an area where marketing efforts would work well to inform the public of the benefits offered by the new segment. Dave Spurrier stated that they should pull together this data and the data they received at the last meeting to narrow down on a focus for marketing. Chris Miller agreed.

20. DISCUSSION OF PROPOSED AMENEDMENT TO THE NET RMA BYLAWS

Linda Thomas stated that there was some exciting news. Camp and Cass County were approved to be a part of the NET RMA which will require a change in the bylaws. They hope that by October or November to have new board members from those counties. Brian Cassidy stated that the reason this is being presented to the board like this is just to provide at least a 10 day notice to the board of this change.

21. EXECUTIVE DIRECTOR'S REPORT.

Chris Miller

A. Maintenance Update

Mark McClanahan stated that the seal coat work was finished. Striping will be taken care of on Friday. The decel lane had been finished up as well. On Segment 4, Webber installed rip rap. They are also working on bridge repair work as well.

B. Priority Project Status

Chris Miller stated that Wood County finished their product and were paid. There are still a few that are outstanding like Kaufman, Bowie and Harrison County that have funds that are waiting to be paid. In order to receive priority project funds, the project needs to first be completed to then be reimbursed.

22. ADJOURNMENT

Adjourned: 3.42 PM.

EXECUTIVE SESSION - PURSUANT TO CHAPTER 551, SUBCHAPTER D, TEXAS GOVERNMENT CODE, IF ANY

➤ **At any time during the meeting of the NET RMA Board of Directors, the Board may meet in executive session for consultation concerning matters under Chapter 551 of the Texas Government Code, including:**

A. Section 551.071. Consultation with Attorney—Consultation with and advice from legal counsel concerning

pending/contemplated litigation, settlement offers and negotiations, ongoing disputes and potential disputes, and other legal issues.

- B. **Section 551.072. Deliberation Regarding Real Property**—Discussion of real property purchase, exchange, lease, license, gift, donation, and/or negotiated settlement, including property to be acquired for right-of-way.
- C. **Section 551.074. Personnel Matters**—Deliberation concerning the appointment, employment, reassignment, evaluation, duties, discipline, and/or dismissal of personnel.

Tentatively Scheduled NET RMA Board Meetings:

October 8, 2019 – Pinecrest Country Club

Non-Scheduled Meetings / Functions - Where a Quorum could be Present, but No RMA Business would be conducted:

September 26, 2019 – Texas Transportation Commission meeting

PARTICIPATION BY TELEPHONE CONFERENCE CALL:

One or more members of the Board may participate in this meeting through a telephone conference call, as authorized by Section 370.262, Texas Transportation Code. Under that law, each part of the telephone conference call meeting that by law must be open to the public shall be audible to the public at the meeting location. During the meeting, the identification of each party shall be clearly stated prior to speaking, and the meeting shall be documented by written minutes. On conclusion of the meeting, the written minutes of the meeting will be made available to the public.

COURTESY RULES

Thank you for your presence. The NET RMA appreciates your interest. If you wish to address the RMA on any agenda item, Public Participation Forms will be available before the meeting. These forms must be filled out and turned in to the RMA Chair or Secretary *prior* to the time the agenda item in question is addressed by the RMA.

You must be recognized by the Chair. (NOTE: Items will not necessarily be presented in the order they are posted.)

OPEN COMMENT PERIOD

At the conclusion of all other agenda items, the Board will allow an open comment period, **not to exceed one hour**, to receive public comment on any other matter that is under the jurisdiction of the Board. Public comment that does not relate to a specific agenda item must be made during the open comment period.

Each speaker will be allowed a **maximum of three (3) minutes**. Speakers must be signed up prior to the beginning of the open comment period. For subjects that are not otherwise part of the agenda for the meeting, Board members may neither comment nor question speakers during the open comment period, but may request the Chair, or a recognized committee, to investigate the subject further. No action will be taken on matters that are not part of the agenda for the meeting.

NOTE

Enumerated agenda items are assigned for ease of reference only, and will not necessarily be considered by the Board in that particular order. The Chair may rearrange the order in which agenda items are considered.

Presenters with audiovisual needs are requested to contact NET RMA at 903.630.7894 at least two working days prior to the meeting.

ACCESSIBILITY STATEMENT FOR DISABLED PERSONS

This meeting site is accessible to disabled persons as follows: wheelchair ramp at the main entrance. If any special assistance or accommodations are needed in order to attend this RMA meeting, please contact NET RMA at 903.630.7894 at least two working days prior to the meeting so that appropriate arrangements can be made.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services, such as interpreters for person who are deaf or hearing impaired, and readers of large print or Braille, are requested to contact NET RMA at 903.630.7894 at least two working days prior to the meeting so that appropriate arrangements can be made.