



MEETING NOTICE

TO: North East Texas Regional Mobility Authority Board Members  
FROM: Linda Thomas, Chair  
DATE: Tuesday, February 14, 2017  
SUBJECT: **February Board Meeting**

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

DATE: Tuesday, February 14, 2017  
TIME: 1:30 PM  
PLACE: The Reserve  
7725 US-259  
Longview, TX 75605  
Gregg County

Enclosed please find the agenda and other pertinent information for your review prior to the meeting. Should you have any questions, please call K'Lin Noble at 903.630.7447.

NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY (NET RMA)  
BOARD OF DIRECTORS REGULAR MEETING  
Tuesday, February 14, 2017, 1:30 PM  
The Reserve  
7725 US-259  
Longview, TX 75605  
Gregg County

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**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, February 10, 2017.*

Chair Thomas declared a quorum and called the meeting to order at 1:34 pm.

**2. INVOCATION**

Chair Thomas asked Larry Morse to offer the invocation.

**3. WELCOME & INTRODUCTION OF BOARD MEMBERS**

Board Members present: Chair Linda Thomas, Jason Ray, Walta Cooke, Dan Droege, Dave Spurrier, Keith Honey, Robert Messer, John Cloutier, Gary Halbrooks, Mike Thomas, Barham Fulmer, Hudson Old, Larry Morse, Bob Murray, Bob Moore, Dr. Jim Harris.

**4. OPEN PUBLIC FORUM/COMMENT PERIOD**

Judge Lee welcomed the Board to Gregg County, and introduced County Commissioner Ronnie McKinney of Gregg County. Judge Lee stressed the importance of the work that NET RMA is doing on behalf of the region, stating how important the 271 project is to so many constituents, and urged the Board to make sure it is at the forefront of TxDOT's plans.

**5. DISCUSSION, CONSIDERATION AND APPROVAL OF THE MINUTES FOR THE JANUARY 12, 2017 BOARD MEETING** Action Item

Motion to accept the minutes as presented: Gary Halbrooks 2<sup>nd</sup>: Larry Morse. The minutes were unanimously approved.

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

Chair Thomas reported on the TxDOT Transportation Forum which she attended with Gary Halbrooks, Bob Moore, Hudson Old, Chris Miller and Michelle Colburn, stating that it was very informative and productive.

**7. TREASURER'S REPORT** Tom Fitzgerald

Tom Fitzgerald, CPA, presented the financial statement to the Board. Motion to approve: Dr. Jim Harris, 2<sup>nd</sup>: Robert Messer. The financial statement was unanimously approved.

**8. EXECUTIVE DIRECTOR'S REPORT** Chris Miller

**A. Update on Office Relocation and Pictures**

Chris Miller described the new offices and thanked the Board and Gary Halbrooks for their help and support.

**B. Introduction of New Employees**

Chris Miller introduced NET RMA's newest employee, Bianca Blattman, as receptionist/admin support. He noted that Mark McClanahan will start as the maintenance director June 1.

**C. County and Partner Meetings**

1. **Longview MPO – January 26, 2017** – Commissioners approved the Hwy 271 resolution.
2. **Lamar County – January 27, 2017** – Chair Thomas, Chris Miller and Jeff Austin taped a TV show on Transportation at the invitation of Hudson Old.
3. **Cherokee County – February 13, 2017** – Judge Davis is close to appointing an individual to serve on our

Board.

4. **Rusk County – March 20, 2017** – Chris Miller will be attending this Commissioners meeting and intends to coordinate with John Cloutier.
5. **Meeting on Mar 27 w/ TxDOT** - this meeting is on the on-going maintenance of Toll 49 and Chris Miller will be working closely with Atkins and TxDOT on the plan for a maintenance provider for the future.
6. **Transportation Alternative Set-Aside Program** – Dave Spurrier forwarded information on this program, and the staff will forward it to the board via email, and will post it on the website. It's a call for projects of various kinds.

D. **Newsletter** – The first newsletter is slated to be distributed this week in digital format.

E. **Update on Habitual Violator Enforcement – Smith County Commissioners Court – February 7, 2017** – We are still working with Smith County officials to iron out contract wording before presenting to the Commissioners for approval.

F. **Personal Financial Statements Filing Deadline** – Brian Cassidy noted that the deadline to file these is May 1.

G. **Board Member Information Requests** – Chris Miller recommends making the full board aware of and provide access to all the information that is requested by 1 board member when these requests occur. Hudson Old asked for about 75 pages of information which took staff several days to find from the historical records and coordinate for him. John Cloutier asked if there is a policy on approving these type of requests. Brian Cassidy stated that regarding public information requests, there are certain parameters to follow. General requests would be subject to any policy the Board wishes to enact. He reminded the Board that in any electronic communications, to not 'reply all', to avoid transgressing the Open Meetings Requirements. Chris Miller stated that staff would manage these, then if necessary the Executive Committee could be notified for direction, and if Board Members wished to receive electronic copies of the requested information, perhaps an electronic opt-in could be noted when the information is distributed.

H. **March Board Meeting** – Chair Thomas stated that if all of the items from today's meeting could be handled, there would be no need for a March meeting, and that anything that arises could be dealt with in committees and brought to the whole board in April. The Board was in agreement.

I. **Legislative Update** – Brian Cassidy presented the documents and detailed the Who/What/Where of the various bills before the Legislature.

## 9. COMMITTEE REPORTS

- A. **Executive Committee/Audit Committee** Linda Thomas  
No report
- B. **Personnel Committee** Dr. James Harris  
Since Chris had introduced Bianca and noted when the maintenance director would start, there was no report.
- C. **Project Development & Implementation Committee** Barham Fulmer  
Barham Fulmer would like a committee tele-conference on Tuesday prior to the board meetings for about 45 minutes to vet change orders, etc, to better present them to the Board.
- D. **Long-Range Planning Committee** John Cloutier  
Completed the 271 Project letters to submit to Transportation Commission. The committee asks that the Priority Project packets be re-sent to the County Judges.
- E. **East Texas Hourglass Committee** Dave Spurrier  
Dave Spurrier stated that the final request for \$1.55m for Segment 6 & 7 letter is in the materials. Chris Miller said the request for environmental deadline is early March for Segment 6. Larry Morse stated that the timeline is first,

environmentals, then funding, then activity.

**F. Investment Committee**

**Robert Messer**

Robert Messer stated that we are conservatively invested, his committee needs to schedule a meeting.

**G. Facilities Committee**

**Gary Halbrooks**

Gary Halbrooks stated that there is nothing to report beyond Chris' report earlier.

**10. PARTNERSHIP UPDATES**

**A. East Texas Corridor Council** – Bob Moore spoke to Jeff Austin II's interest in rail

**Bob Moore**

**B. I-69 Alliance Committee** – No report

**Walta Cooke/Robert Murray**

**C. East Texas Council of Governments** – No report

**Linda Thomas**

**11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE 2016 NET RMA ANNUAL REPORT. (RESOLUTION 17-04)**

**Action Item**

Larry Morse noted that the colors don't line up on page 42.

Motion to approve with color corrections: Keith Honey 2<sup>nd</sup>: Dave Spurrier. The Annual Report for 2016 was unanimously approved.

**12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON ADOPTION OF AMENDED STRATEGIC PLAN REFLECTING STRATEGIC PLANNING POLICY AND DIRECTIVES. (RESOLUTION 17-05)**

**Action Item**

Dan Droege needs to be added to page 66.

Motion to approve with addition of Dan: Robert Messer, 2<sup>nd</sup>: Dave Spurrier. The strategic plan was unanimously approved.

**13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE 2016 NET RMA AUDIT REPORT. (RESOLUTION 17-06)**

**Action Item**

Motion to approve: Dr. James Harris, 2<sup>nd</sup>: Keith Honey, the 2016 NET RMA Audit Report was unanimously approved.

**14. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR FINANCIAL AUDITING SERVICES. (RESOLUTION 17-07)**

**Action Item**

Barham Fulmer noted that he will abstain from this vote.

A multi-year contract for auditing services is recommended, and we can do this now, or we can leave Prothro Wilhelmi in place for another year, and do this for 2018 forward. After some discussion, the motion was made to push this back to the Audit Committee for a recommendation to the Board in April, Motion by Dave Spurrier, 2<sup>nd</sup>: Larry Morse. Barham abstained, John Cloutier voted No on the motion. All other votes were Yay, so the motion to postpone carried.

**15. REPORT ON MAINTENANCE ACTIVITIES ON SEGMENT 3B OF TOLL 49.**

**Kate Wilder**

SH 64 Mill and Inlay is complete. Repairs to Seg 3B has begun. There will be intermittent lane closures moving forward.

**16. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE CHANGE ORDER NO. 3 WITH REYNOLDS & KAY FOR ADDITIONAL EROSION CONTROL IMPROVEMENTS ON SEGMENT 3B OF TOLL 49. (RESOLUTION 17-08)**

**Action Item**

This CO is for additional officers for lane closures, concrete, seeding and tolling costs. \$172k. Motion to approve: Robert Messer, 2<sup>nd</sup>: Walta Cooke. Unanimously approved. Gary Halbrooks left the meeting at 3:15pm.

**17. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE CHANGE ORDER NO. 4 WITH REYNOLDS & KAY TO REDUCE THE SCOPE AND MAXIMUM CONTRACT AMOUNT FOR THE OVERLAY PROJECT ON SEGMENT 3B OF TOLL 49. (RESOLUTION 17-09)**

**Action Item**

The differential is \$2.5 m for safety and related issues. Motion to approve: Barham Fulmer, 2<sup>nd</sup>: Hudson Old. The CO was unanimously approved.

Bob Murray left the meeting at 3:50 for a prior engagement.  
Bob Messer left the meeting at 3:52 for a prior engagement.  
A quorum was maintained.

18. **DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE ISSUANCE OF AN INVITATION TO BID FOR WIDENING AND RESTRIPING OF SEGMENT 3B OF TOLL 49.**  
**(RESOLUTION 17-10)** **Action Item**  
Dan Droege asked if the bid comes in too high, do we re-bid? Everett Owen answered no, we would make a determination on those \$8.19 mil or lower. Motion to approve \$8.19 mil: Larry Morse, 2<sup>nd</sup>: Dave Spurrier. The resolution was unanimously approved.
19. **DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE SUPPLEMENTAL WORK AUTHORIZATION NO. 14.1 WITH RS&H FOR ADDITIONAL WIDENING AND RESTRIPING DESIGN SERVICES FOR SEGMENT 3B OF TOLL 49.**  
**(RESOLUTION 17-11)** **Action Item**  
This supplemental WA moves the total for widening and restriping design services from \$112k to \$137k. Motion to approve: Dr. James Harris, 2<sup>nd</sup>: Mike Thomas. The WA was unanimously approved.
20. **UPDATE ON CONSTRUCTION OF SEGMENT 4 OF TOLL 49.** **Kate Wilder/Everett Owen**  
The archeological issues have pushed completion from June to July 2018, but RS&H is working hard to push it back to June. Ongoing activities include bridges, wall structures, earthwork, and drainage.
21. **DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE CHANGE ORDER NO. 5 WITH WEBBER, LLC FOR EROSION CONTROL IMPROVEMENTS ON SEGMENT 4 OF TOLL 49.**  
**(RESOLUTION 17-12)** **Action Item**  
This is a contingency item of up to \$100k. Motion to approve: Mike Thomas, 2<sup>nd</sup>: Dr. James Harris. The CO was unanimously approved.
22. **DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN AGREEMENT WITH THE SCOTT SHAVER TRUST NO. TWO REGARDING MITIGATION REQUIREMENTS FOR SEGMENT 4 OF TOLL 49.**  
**(RESOLUTION 17-13)** **Action Item**  
Mike Thomas abstained from discussion and voting. Motion to approve: Dr. James Harris, 2<sup>nd</sup>: Larry Morse. All others present voted Yay, and the resolution was approved.
23. **DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN AGREEMENT FOR FINANCIAL ASSISTANCE WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF PURCHASING AN ABANDONED UNION PACIFIC RAILWAY RIGHT-OF-WAY CORRIDOR.**  
**(RESOLUTION 17-14)** **Action Item**  
Motion to approve: Dave Spurrier, 2<sup>nd</sup>: Dr. James Harris. The resolution was unanimously approved.
24. **PROJECT DIRECTOR'S REPORT** **Everett Owen**  
A. Report on Toll 49 Tolling Transactions and Revenue  
B. Update on Back Office Services Procurement – there are 6-8 firms being considered. Selection is getting closer.
25. **ADJOURNMENT** – No March Meeting. A

Adjourned: 4:31pm

**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 attorney-client matters (real estate, litigation, contracts, personnel, and security) under

## Chapter 551 of the Texas Government Code:

- 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:

~~March—TBD~~

April 11, 2017 – Carthage, TX (Panola County)

May 9, 2017 – Henderson, TX (Rusk County)

June 13, 2017 – Terrell, TX (Kauffman County)

July 11, 2017 – Tyler, TX (Smith County) - Annual Budget Workshop

September 12, 2017 – Texarkana, TX (Bowie County)

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

March 30, 2017 – Texas Transportation Commission

### 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 903.630.7447 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 903.630.7447 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 903.630.7447 at least two working days prior to the meeting so that appropriate arrangements can be made.