



MEETING NOTICE

TO: North East Texas Regional Mobility Authority Board Members
FROM: Linda Thomas, Chair
DATE: Tuesday, June 13, 2017
SUBJECT: **June Board Meeting**

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

DATE: Tuesday, June 13, 2017
TIME: 1:30 PM
PLACE: Terrell City Hall Council Chambers
201 E. Nash Street
Terrell, TX 75160
Kaufman 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, June 13, 2017, 1:30 PM
Terrell City Hall Council Chambers
201 E. Nash Street
Terrell, TX 75160
Kaufman 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, June 9, 2017.

Chair Thomas declared a quorum at 1:33pm and the meeting was called to order.

2. INVOCATION

Barham Fulmer offered the invocation.

3. WELCOME & INTRODUCTION OF BOARD MEMBERS

Chair Thomas introduced the Mayor of Terrell, D. Jory, who in turn welcomed the board to Terrell. Board members present: Chair Thomas, Robert Messer, John Cloutier, Bob Moore, Mike Thomas, Hudson Old, Barham Fulmer, Dave Spurrier, Larry Morse, and Dr. James Harris.

4. OPEN PUBLIC FORUM/COMMENT PERIOD

There were no public forum comments.

5. DISCUSSION, CONSIDERATION AND APPROVAL OF THE MINUTES FOR THE MAY 9, 2017 BOARD MEETING

Motion to accept the Minutes from the May Board meeting: Bob Moore, 2nd: Mike Thomas

Action Item

The minutes were unanimously approved.

6. CHAIR'S REPORT

Linda Thomas

Chair Thomas welcomed the board to the meeting. She reported that she had attended the I-69 Board meeting in DC, stating that her biggest take-away was that the attitude of the officials and the money being discussed for earmarking was impressive. She was very pleased.

7. TREASURER'S REPORT

Tom Fitzgerald

Motion to accept the treasurer's report: Robert Messer 2nd: Mike Thomas. The report was unanimously approved.

8. EXECUTIVE DIRECTOR'S REPORT

Chris Miller

A. Possible Addition of Camp County to the NET RMA

Director Miller stated that adding Camp County would be a rather lengthy process. Camp County commissioners would need to vote to join NET RMA. All of the member county commissioners would in turn have to approve the addition of Camp County to membership. Also, the rule is that the board must have an odd number of board members, so adding one county would give the board an even number. This would mean that the Governor of Texas would appoint someone of his choosing to be on the board to fulfill the odd number requirement. Additionally, the By Laws would need to be revised since it currently determines the number of counties that can be members. He advised careful consideration in moving forward.

B. County and Partner Meetings

1. Bowie County – June 2

Director Miller met with Judge Carlow and county commissioners at their June 2 meeting. There was some

indication that Mike Burke, who was appointed last fall but could not fulfill the requirements of Board Member at the time would be re-appointed now that his obligations have changed and he is now eligible.

C. Preparation of NET RMA Employee Handbook

The draft for the updated employee handbook is with Locke Lord right now. The original was for only a few employees, the draft considers more employees and allows for growth. We hope to have it ready for a vote in the July meeting.

D. TexAmerica Meeting – June 2

Director Miller reported that TexAmerica was disappointed that they didn't get any funding from the Priority Project process this year. We will look at I-69 Corridor work and a possibly partnering in the future. Hudson Old stated that grant applicants should have a spokesperson present when the grants are presented to the Long Range Planning Committee while the process is being undertaken, saying that there is a real advantage to a project having a human voice.

E. Priority Project Presentations

1. Kaufman County – June 12

Presentation was yesterday, June 12 in Terrell.

2. Upshur County – June 15

This will be Thursday at 10am at the Upshur County Courthouse.
Hopefully we'll get to Wood County in July.

F. TxDOT Freight Advisory Committee Meetings

Director Miller said that the details from the meetings were sent to everyone, hopefully they've all had a chance to look them over.

G. NET RMA Budget Workshop/Board Meeting – July 17 (tentative)

Director Miller stated that the Budget consideration will be in July, approval hopefully in August and everything in place by Oct. 1.

H. NET RMA Board Meeting and Transportation Forum– September 12 and 13

Transportation Forum is set for September 13. The staff will have maps ready and other pertinent items are being put together now, invitations are being sent to various officials so they can get it on their calendars to attend.

Director Miller introduced Mark McClanahan, the new Maintenance Director, to the board. Mark started June 1.

9. COMMITTEE REPORTS

A. Executive Committee/Audit Committee

Linda Thomas

The committee met and discussed the financial advisors and Director Miller's annual evaluation.

B. Personnel Committee

Dr. James Harris

Nothing to report.

C. Project Development & Implementation Committee

Barham Fulmer

The committee met telephonically, Barham Fulmer, Larry Morse and Kate Wilder to streamline data for the full board.

D. Long-Range Planning Committee

John Cloutier

John Cloutier stated that the committee is on a break since the Priority Projects have been determined. They are presenting checks, and are quite pleased with how the process worked this year.

E. **East Texas Hourglass Committee** Dave Spurrier
Thorough discussion will be held on Agenda Item #11.

F. **Investment Committee** Robert Messer
Robert Messer stated that the NET RMA has earned \$236k on their investments. He thanked Barham for his help and expertise. Zion's bank is being presented as the Financial Consultant selection from the RFP, adding that he feels it would be disruptive to change the process now. The committee plans to meet in July.

G. **Facilities Committee** Gary Halbrooks
Nothing to report.

10. PARTNERSHIP UPDATES

A. **East Texas Corridor Council** Bob Moore
Nothing to report.

B. **I-69 Alliance Committee** Linda Thomas
Chair Thomas spoke to this at the opening of the meeting.

C. **East Texas Council of Governments** Linda Thomas
Nothing to report.

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE SUBMISSION OF AN APPLICATION FOR A STATE INFRASTRUCTURE BANK LOAN FOR DEVELOPMENT OF SEGMENTS 6 AND 7 OF TOLL 49.

(RESOLUTION 17-26)

Action Item

Dave Spurrier stated that this is just an approval for us to negotiate a SIB loan. Everett Owen stated that we will get to approve or not approve any onerous terms. Also, this loan could be used for environmental up to \$10 million, we could pay it off early, or we could not use it at all. Brian Cassidy stated that the terms of the loan will come back to the full board for approval.

Mike Thomas asked about local contributions from private businesses helping with environmental. Director Miller said that the Executive Committee felt that if there is money out there, the Board will not turn it down, but it's not being made a direct requirement. Chair Thomas echoed that saying it's not going to be mandatory, and it's not a deal-killer for building the road.

Dave Spurrier said that the \$10m SIB Loan is easier to get, less restrictive and easier to pay back.

Barham Fulmer wants careful consideration given to not enter into covenants that hamper our ability to operate as we wish.

Motion to approve: Robert Messer 2nd: Mike Thomas Resolution was unanimously approved.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE SELECTION OF A CONSULTANT TO PROVIDE INVESTMENT MANAGEMENT SERVICES.

(RESOLUTION 17-27)

Action Item

Motion to approve: Barham Fulmer 2nd: Robert Messer. Resolution was unanimously approved.

13. UPDATE ON SOUTHERN STATES INTEROPERABILITY HUB.

Ron Fagan

National Interoperability:

- Moving Ahead for Progress in the 21st Century (MAP 21)
- Southeast IOP (Florida, etc) by next Spring
- New Hub accesses Oklahoma, Texas and Kansas
- Section 1512(b) Electronic Toll Collection Interoperability Requirements -- Not later than 4 years after the date of enactment of this Act, all toll facilities on the Federal-aid highways shall implement technologies or business practices

that provide for the interoperability of electronic toll collection programs.

14. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR ROADWAY MAINTENANCE SERVICES ON TOLL 49.
(RESOLUTION 17-28) **Action Item**

Robert Messer asked if there are going to be lots of bidders, or will they need to be pre-qualified by TxDOT? The invitation to bid will only be sent to TxDOT pre-qualified bidders. This is for a single year with options to extend.

John Cloutier asked if we salvage dirt and other things? Everett Owen answered that we always salvage what we can.

Motion to approve: John Cloutier, 2nd: Robert Messer. Resolution was unanimously approved.

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

Kate Wilder

Recent Activities:

- Removal and replacement of asphalt on the northbound section between CR 31 and SH 64 by the asphalt supplier
- New pavement passed field tests
- Permanent striping was reapplied
- Pot Hole repair
- Mill/Inlay project complete

Erosion:

- Work is nearly complete:
 - Additional culvert clean outs (due to major rains) complete
 - Gabion modifications complete
 - All slope repair complete

Upcoming Erosion Work:

- Small amount of concrete fill needed around the gabions where concrete flume is exposed (at the cross culvert just north of CR 1145)
 - Kerns pond clean-out anticipated to begin next month

16. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO RATIFY CHANGE ORDER NO. 4 TO THE EROSION CONTROL IMPROVEMENTS PROJECT WITH REYNOLDS & KAY FOR ADDITIONAL EROSION REPAIRS ON SEGMENT 3B OF TOLL 49.

(RESOLUTION 17-29)

Action Item

This CO is to increase the contract by \$36k.

Motion to approve: John Cloutier 2nd: Dr. James Harris. Resolution was unanimously approved.

17. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE CHANGE ORDER NO. 5 TO THE EROSION CONTROL IMPROVEMENTS PROJECT WITH REYNOLDS & KAY FOR ADDITIONAL SLOPE REPAIRS ON SEGMENT 3B OF TOLL 49.

(RESOLUTION 17-30)

Action Item

This CO is to increase the contract by \$75k.

Motion to approve: Robert Messer, 2nd: Barham Fulmer. Resolution was unanimously approved.

18. UPDATE ON CONSTRUCTION OF SEGMENT 4 OF TOLL 49.

Kate Wilder/Everett Owen

Recent Activities:

- Installation of work zone signage
- Installation of rock filter dams
- Began excavation on northbound pavement edge of Segment 3B in preparation of 4' widening
- Began placement of flexible base for pavement widening

19. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO RATIFY CHANGE ORDER NOS. 6, 7, AND 8 TO THE CONTRACT WITH WEBBER, LLC FOR ADDITIONAL WORK FOR THE CONSTRUCTION OF SEGMENT 4 OF TOLL 49.

(RESOLUTION 17-31)

Action Item

CO #6 is a \$34k increase for retaining walls

CO #8 is \$3712 adjustment to a culvert over a gas line

CO #* is \$4231 increase to relocate water meters.

Motion to approve: Mike Thomas 2nd: Robert Messer. Resolution was unanimously approved.

20. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO APPROVE CHANGE ORDERS FOR CONSTRUCTION CONTRACTS UP TO \$50,000.

(RESOLUTION 17-32)

Action Item

Barham Fulmer stated that this resolution just to facilitate smaller items getting approved, like the ones above, and it can be changed or withdrawn at any time.

Motion to approve: Barham Fulmer, 2nd: John Cloutier. Resolution was unanimously approved.

21. PROJECT DIRECTOR'S REPORT

Everett Owen

A. Update on Traffic and Revenue Monitoring

Everett Owen presented the traffic monitoring report that shows that 10% of Seg 4 traffic is being projected.

Revising to 100% passenger traffic would only save \$1.3 mil in construction costs, and the decreased maintenance costs would be negligible at 1.9%.

Pavement Cost Resulting from 10% Truck Traffic

- Segment 4 construction cost assuming 10% truck traffic: \$69.0M
- Revising the traffic to 100% passenger vehicles would have resulted in a cost decrease of \$1.3M.
- Decreased maintenance costs would be negligible as a result of the revised pavement structure
- Therefore, approximately 1.9% of the Segment 4 construction cost is attributed to the assumed 10% truck traffic.

Sample Revenue for Trucks vs Passenger Vehicles:

- Per current existing Toll 49 revenue amounts:
 - Trucks make up 7% of the Toll 49 traffic
 - Toll revenues collected from truck traffic make up 21% of the Toll 49 revenue.
- Assuming similar distributions for Segment 4, if truck traffic is between 7-10%, then trucks will be responsible for:
 - **1.9% of the construction cost, and**
 - **Between 21-30% of the toll revenue.**

22. LEGISLATIVE UPDATE

Brian Cassidy

Brian Cassidy presented the legislative update, saying that the special session will consider the Sunset Advisory review/oversight procedures, with the most damaging amendment being the prohibition of TxDOT granting monies for toll road projects.

Chair Thomas called for a break at 3:49pm, and called the members into executive session at 3:50pm.

Executive session ended and the meeting was called back into order at 4:14pm.

23. ADJOURNMENT

Meeting adjourned at 4:15pm.

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:

July 17, 2017 – Tyler, TX (Smith County) - Annual Budget Workshop

August 8, 2017 – Mineola, TX (Wood County)

September 12, 2017 – Tyler, TX (Smith County)

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

June 29, 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.