



## MEETING NOTICE

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

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

**DATE:** Wednesday, September 13, 2017  
**TIME:** 1:00 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 K'Lin Noble at 903.630.7447.

**NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY (NET RMA)**  
**BOARD OF DIRECTORS REGULAR MEETING**  
**Wednesday, September 13, 2017, 1:00 PM**  
**Willow Brook Country Club**  
**3205 W. Erwin St.**  
**Tyler, TX 75702**  
**Smith 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, September 8, 2017.*

1:35 PM: Chair Linda Thomas called the meeting to order and declared a quorum was achieved.

**2. INVOCATION**

Board Member Judge David Anderson provided the invocation.

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

Present were: Linda Thomas, Larry Morse, Hudson Old, Dr. James Harris (remote), Gary Halbrooks, Bob Moore, Barham Fulmer, Dave Spurrier, Judge David Anderson, John Cloutier, and Dan Droege

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

No comments.

**5. DISCUSSION, CONSIDERATION AND APPROVAL OF THE MINUTES FOR THE AUGUST 8, 2017 BOARD MEETING**

**Action Item**

Motion to approve: Bob Moore, 2<sup>nd</sup>: Gary Halbrooks. The minutes were unanimously approved.

**6. CHAIR'S REPORT**

**Linda Thomas**

Chair Thomas commented on the success of the Transportation Forum and was impressed by the several high-level transportation individuals present. She thanked everyone for a job well done. Because a few board members will need to leave early, she suggested discussing the action items first.

**7. APPROVAL AND ACCEPTANCE OF NET RMA FINANCIAL STATEMENTS**

**Michelle Colburn**

Motion to approve: Dan Droege, 2<sup>nd</sup>: Judge David Anderson

Financial Controller Michelle stated that next month she will be presenting two months' worth of financial statements in order to be only a month behind when presenting financial statements in the future. Michelle stated that expenses related to rent, employee salaries and benefits, and legal fees have all increased this year compared to last year due to the office move, hiring of new employees and various legal necessities. Barham Fulmer mentions that net position should be end of year. Michelle concurs and says she will change that going forward.

**8. EXECUTIVE DIRECTOR'S REPORT**

**Chris Miller**

**A. Bowie County Meeting (Judge Carlow) – August 22**

Chris Miller thanked everyone for attending the forum and board meeting. He stated that he had met with Judge Carlow of Bowie County in late August and mentioned how Judge Carlow is looking forward to working closely with the NET RMA and that there are potential projects of interest in Bowie County. Hudson Old asked if they are toll projects. Chris Miller said toll projects are a possibility. Chair Thomas made the announcement that two new board members from Bowie County will be joining the NET RMA. John Cloutier said it was important that now Bowie County has members, it is important that their dues to the NET RMA are paid.

- B. Century 21 Presentation (Mineola & Lindale Agents) – August 24
- C. County and Partner Meetings
  - 1. Harrison County – August 28
- D. Newsletter – September/October Edition – August 31
- E. Greater Tyler Area Chamber of Commerce Presentation – September 12

**9. DEPARTMENT REPORTS**

- A. Maintenance Department
- B. Finance Department
- C. Marketing/Public Relations/Human Resources Department
- D. Customer Service Department
- E. Project Director's Report

Mark McClanahan  
Michelle Colburn  
Colleen Colby  
K'Lin Noble  
Everett Owen

John Cloutier suggested moving this item to the next board meeting.

**10. COMMITTEE REPORTS**

- A. Executive Committee/Audit Committee

Linda Thomas

There was no report.

- B. Personnel Committee

Dr. James Harris

There was no report.

- C. Project Development & Implementation Committee

Barham Fulmer

Barham Fulmer stated that because they are still in negotiations regarding the ROW acquisition, the summary provided is a high-level overview. He said that of the 7.4 million we have for acquisition, we have paid 3.3 million so far. That includes the amount of the appraisal that was approved by the 3-member panel of those that have not settled yet, so that amount includes payments on the 5 tracks that have not been settled yet. He also stated that they don't anticipate any huge differentials from the 5 tracks. He also stated that trials are set for November, December, and January. A detailed summary available after they have acquired everything. John Cloutier asked who did the work. Barham Fulmer answered Atkins.

- D. Long-Range Planning Committee

John Cloutier

John Cloutier said they had a meeting to discuss Camp County's request to join. Committee decided it would be prudent to add counties 2 at a time to keep the odd number, thus if Camp County wanted to join, they need a sister county to join with them. Linda Thomas mentioned that Jeff Austin suggested Marion County joining and possibly having Sulphur River RMA merge with the NET RMA. John Cloutier stated that the strategy of adding members should be priority. The Long-Range Planning committee will continue pursuing Camp County and the merger of Sulphur River RMA with the NET RMA.

- E. East Texas Hourglass Committee

Dave Spurrier

There was no report.

- F. Investment Committee

Robert Messer

There was no report.

- G. Facilities Committee

Gary Halbrooks

There was no report.

**11. PARTNERSHIP UPDATES**

- A. East Texas Corridor Council
- B. I-69 Alliance Committee
- C. East Texas Council of Governments

Bob Moore  
Linda Thomas  
Linda Thomas

**12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE WORK AUTHORIZATION NO. 17 WITH ATKINS FOR CONTINUED GENERAL ENGINEERING SERVICES FOR FY 2018.**

**(RESOLUTION 17-46)**

**Action Item**

Motion to approve: Barham Fulmer, 2<sup>nd</sup>: Larry Morse

Chris Miller mentioned that this item was a hold-over from the last meeting in order to clean up the services offered in the contract but the numbers have not changed. Dave Spurrier asked if the scope had changed. Everett Owen said that the scope had not changed. Unanimously approved.

**13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE WORK AUTHORIZATION NO. 18 WITH RS&H FOR CONTINUED GENERAL ENGINEERING SERVICES FOR FY 2018.**

**(RESOLUTION 17-47)**

**Action Item**

Motion to approve: Barham Fulmer; 2<sup>nd</sup>: Judge David Anderson

Chris Miller stated that this action was another hold over from a previous meeting. Everett Owen clarified that although the work authorization has the same number as item 21, they are not at all the same and are work authorizations for two separate entities. Unanimously approved.

**14. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR GENERAL CONSULTING CIVIL ENGINEERING SERVICES.**

**(RESOLUTION 17-48)**

**Action Item**

Motion to approve: John Cloutier; 2<sup>nd</sup>: Larry Morse

Everett Owen stated that this item was asking for permission to begin preparations to put together an RFQ but also mentioned that the scope for this project would not be available for some time. Chris Miller wondered if it should be worked through the program development committee. Everett Owen agreed. Unanimously approved.

**15. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR INCIDENT RESPONSE FOR MAINTENANCE AND TRAFFIC OPERATIONS.**

**(RESOLUTION 17-49)**

**Action Item**

Motion to approve: Gary Halbrooks; 2<sup>nd</sup>: Barham Fulmer

Everett Owen explained it covers the remainder of activity that TxDOT has agreed to work on for the NET RMA. These activities cover items that are not in the scope of the maintenance contract. Barham Fulmer asked if it is based on a per incident fee. Everett concurs. Unanimously approved.

**16. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE CHANGE ORDER NO. 12 WITH WEBBER, LLC FOR AN EXTENSION OF THE COMPLETION DATE UNDER THE CONSTRUCTION CONTRACT FOR SEGMENT 4 OF TOLL 49.**

**(RESOLUTION 17-50)**

**Action Item**

Motion to approve: Larry Morse; 2<sup>nd</sup>: John Cloutier

Everett Owen discussed an extension of 179 days was needed due to delays related to archeological issues. Also stated that here will be a field estimated cost for each extended day. Dave Spurrier asked if the delay was due to weather and if the original contract had taken that into account. Everett Owen explained that there are times in the year in which certain actions can and cannot be done due to weather restrictions such as temperature. If that time period is missed, it can throw the project into a 6-8 month delay. Dave Spurrier then asked if accelerating the project to make up for lost time is financially feasible. Everett answered that no, acceleration would be far more expensive. Gary Halbrooks asked if it is possible to have the contractors work on a different section of the project. Everett Owen answered no, there was not a way to get to the other side. Barham Fulmer suggested the contractors then work on the 110 Interchange during this delay so that revenue can be generated. John Cloutier agreed with Fulmer. Larry Morse reminded all that this contract is an ongoing dialogue based on good faith negotiations. John Cloutier stated that he wants to make sure there is proper oversight to protect the contingency for this project. Hudson Old suggested possibly tabling this action item in order to add the 110 Interchange work into the contract. Dave Spurrier asked if it is possible to add the clause about 110 into the next change order. Everett Owen said yes. Kate Wilder gave a contingency summary. Linda Thomas asks Larry Morse and Barham Fulmer if their committee wished to move forward. They said yes. Hudson Old would like to have Chris be

a part of future negotiations. Chris Miller said he can be involved but he has full confidence in Everett Owen as Project Director. Dave Spurrier again emphasized having the clause regarding 110 added into the next change order and requested it be reflected in the minutes. Unanimously approved.

**17. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE CHANGE ORDER NO. 13 WITH WEBBER, LLC FOR EARTHWORK MOBILIZATION ON SEGMENT 4 OF TOLL 49.**

**(RESOLUTION 17-51)**

**Action Item**

Motion to approve: Barham Fulmer; 2<sup>nd</sup>: John Cloutier. Unanimously approved.

**18. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE SUBMISSION OF AN APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR FINANCIAL ASSISTANCE FOR DEVELOPMENT OF SEGMENTS 6 AND 7 OF TOLL 49.**

**(RESOLUTION 17-52)**

**Action Item**

Motion to approve: Larry Morse; 2<sup>nd</sup>: Bob Moore.

Barham Fulmer clarified that this action item is for approval to apply for financial assistance, but not agreeing to do it before terms are presented. Unanimously approved.

**19. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE A CONTRACT WITH CP&Y, INC. FOR ENVIRONMENTAL CONSULTING SERVICES ON SEGMENT 6 OF TOLL 49.**

**(RESOLUTION 17-53)**

**Action Item**

Motion to approve: Gary Halbrooks; 2<sup>nd</sup>: Dave Spurrier.

Barham Fulmer asked if the work authorizations were to get funding. Chris Miller said yes, and explained that for this project, state funding is desired to move forward. Everett Owen clarified that it is a contract and not a work authorization. Unanimously approved.

**20. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE WORK AUTHORIZATION NO. 4 WITH CDM SMITH FOR TRAFFIC SUPPORT OF ENVIRONMENTAL REVIEW SERVICES ON SEGMENT 6 OF TOLL 49.**

**(RESOLUTION 17-54)**

**Action Item**

Motion to approve: John Cloutier; 2<sup>nd</sup>: Barham Fulmer.

Everett Owen explained that the work that they will do is largely related to the work needed for the traffic and revenue study. All work is in support of the EIS. Unanimously approved.

**21. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE WORK AUTHORIZATION NO. 18 WITH ATKINS FOR ENVIRONMENTAL IMPACT STATEMENT REVIEW SERVICES AND PROJECT MANAGEMENT SERVICES ON SEGMENT 6 OF TOLL 49.**

**(RESOLUTION 17-55)**

**Action Item**

Motion to approve: John Cloutier; 2<sup>nd</sup>: Gary Halbrooks.

Everett Owen explained that this is for oversight and management of the EIS. He stated that Kate Wilder and Atkins will be providing oversight of CP&Y's work. Unanimously approved.

**22. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE WORK AUTHORIZATION NO. 19 WITH RS&H FOR ENGINEERING OVERSIGHT AND SCHEMATIC DESIGN SERVICES ON SEGMENTS 6 AND 7 OF TOLL 49.**

**(RESOLUTION 17-56)**

**Action Item**

Motion to approve: John Cloutier; 2<sup>nd</sup>: Judge Anderson.

Everett Owen explained that these are the specific oversight items that RS&H will be doing with the support of Atkins. Unanimously approved.

**23. ADJOURNMENT**

Motion to approve: Bob Moore; 2<sup>nd</sup>: Gary Halbrooks. Unanimously approved.

## **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, including without limitation legal issues related to the operation of Toll 49.
  - 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 10, 2017 – Texarkana, TX  
November 14, 2017 – Gilmer, TX  
December 12, 2017 – Marshall, TX  
January 9, 2018 – Tyler, TX  
February 13, 2018 – Titus County

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

September 28, 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.