



MEETING NOTICE

TO: North East Texas Regional Mobility Authority Board Members
FROM: Linda Thomas, Chair
DATE: Tuesday, August 8, 2017
SUBJECT: **August Board Meeting**

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

DATE: Tuesday, August 8, 2017
TIME: 1:30 PM
PLACE: Mineola Civic Center
1105 N. Newsom St.
Mineola, TX 75773
Wood 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, August 8, 2017, 1:30 PM
Mineola Civic Center
1105 N. Newsom St.
Mineola, TX 75773
Wood 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, August 4, 2017.

Chair Thomas declared a quorum was achieved and called the meeting to order at 1:42pm.

2. INVOCATION

Board member David Anderson offered the invocation.

3. WELCOME & INTRODUCTION OF BOARD MEMBERS

Present were, Linda Thomas, David Anderson, Jason Ray, Dr. Jim Harris, Dave Spurrier, Dan Droege, Robert Messer, John Cloutier, Gary Halbrooks, Mike Thomas, Barham Fulmer, Hudson Old and Bob Moore.

4. OPEN PUBLIC FORUM/COMMENT PERIOD

Kevin White, the Mayor of Mineola, welcomed the board to Mineola and Wood County. He offered a tremendous thank you to the board for their recent investment in Wood County and the Sanderson Farm project. He stated that the project would provide an increase in employment in many areas of expertise for Wood County, and expressed gratitude on behalf of the entire county for the investment.

5. DISCUSSION, CONSIDERATION AND APPROVAL OF THE MINUTES FOR THE JUNE 13, 2017 BOARD MEETING
Action Item

Motion to approve: John Cloutier, 2nd: Bob Moore. The minutes were unanimously approved.

6. CHAIR'S REPORT

Linda Thomas

Chair Thomas held a moment of silence for the families of the individuals who lost their lives on Toll 49. She is looking forward to the Transportation Forum in September and the road update completions.

7. APPROVAL AND ACCEPTANCE OF NET RMA FINANCIAL STATEMENTS

Michelle Colburn

Motion to approve: Robert Messer, 2nd: Hudson Old. Gary Halbrooks stated that the new format for the financials was nice. Michelle stated that Loop 571 has been completely paid off. Barham emphasized that every member county should pay their fees regardless of if their seats are filled or not. The financials were unanimously approved.

8. EXECUTIVE DIRECTOR'S REPORT

Chris Miller

A. County and Partner Meetings

1. Titus County – June 26

Director Miller thanked Hudson Old for his hospitality for hosting this meeting. Hudson thanked Director Miller and Chair Thomas for coming to Titus County. He stated that the report on advancing 271 and our financial picture wasn't discussed in the meeting. Chair Thomas stated that she did not recall the agenda for the meeting asking for that information. Director Miller stated that a 50-yr. outlook was presented. Hudson stated that the northern counties need assurances on 271.

B. Newsletter – July/Aug. edition – June 29

C. KTBB Interview "In Focus" – July 7

Interview aired on Sunday, July 9.

D. CBS 19 Interview – July 10

This was to discuss the Purple Heart customer's questions.

E. Press Conference – Toll 49 upgrades – July 19

1. KLTV, CBS19, KETK, Tyler Morning Telegraph, KTBB (radio)

F. Camp County Commissioner's Court Resolution to Join the NET RMA – July 10

Chair Thomas wishes to send this item to the Long Range Planning Committee to hone in on how to move forward with this.

G. Legislative Update

Brian Cassidy of Locke Lord gave an update on HB351 (bill to force tolling entities to build non-tolled frontage roads along the toll roads). This would be a \$700 million hit for NET RMA. He stated that it is stuck in committee and may be revived during the next legislative session.

9. DEPARTMENT REPORTS

A. Maintenance Department

Mark McClanahan

B. Finance Department

Michelle Colburn

C. Marketing/Public Relations/Human Resources Department

Colleen Colby

D. Customer Service Department

K'Lin Noble

10. COMMITTEE REPORTS

A. Executive Committee/Audit Committee

Linda Thomas

Employee Handbook is still in revision stage. Hope to have that for the September Board Meeting to be presented for a vote.

B. Personnel Committee

Dr. James Harris

Dr. Harris asked to step down as the chair of this committee. Jason Ray was appointed as the new chair.

C. Project Development & Implementation Committee

Barham Fulmer

Barham Fulmer stated that almost all of the change orders being considered today are from last month, when a quorum was not achieved.

D. Long-Range Planning Committee

John Cloutier

John Cloutier expressed his interest in getting started on the Camp County item, and they would look at board member composition and expectations.

E. East Texas Hourglass Committee

Dave Spurrier

There was no report.

F. Investment Committee

Robert Messer

Robert Messer stated that the committee held a meeting prior to the board meeting and reported \$373k income from investments.

G. Facilities Committee

Gary Halbrooks

There was no report.

11. PARTNERSHIP UPDATES

A. East Texas Corridor Council

Bob Moore

Bob Moore reported that the I-20 corridor will be supporting the Sanderson Farms project with a large rail site that will process up to 100 rail cars a day.

B. I-69 Alliance Committee

Linda Thomas

There was no report.

C. East Texas Council of Governments

Linda Thomas

There was no report.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE NET RMA FY 2017-2018 BUDGET. (RESOLUTION 17-33)

Action Item

Motion to approve: Robert Messer, 2nd: John Cloutier. Discussion of ongoing maintenance costs and R&R cost adjustments. Robert Messer stated that our cash flow is comfortable, but everyone should remain mindful throughout the year. The vote to approve was 12-1 in favor of approving the budget as presented. Hudson Old voted no because he expressed a desire for more discussion. Several board members stated that even though a quorum was not present to vote, a full discussion was held at the budget workshop in July.

13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE SUPPLEMENTAL WORK AUTHORIZATION NO. 14.1 WITH ATKINS FOR ADDITIONAL GENERAL ENGINEERING SERVICES FOR FY 2017. (RESOLUTION 17-34) **Action Item**

Motion to approve: Gary Halbrooks, 2nd: Dr. Harris. This WA is for an additional \$117k for work Atkins is doing in FY2017. Unanimously approved.

14. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE WORK AUTHORIZATION NO. 17 WITH ATKINS FOR CONTINUED GENERAL ENGINEERING SERVICES FOR FY 2018. (RESOLUTION 17-35) **Action Item**

Motion to table: Robert Messer, 2nd: Jason Ray. This WA was for \$330k for Atkins' FY2018 GEC contract work. It was noted that several things in their scope have been covered by office staff for 3 years, and there is no need for those items to be included in the scope moving forward. Vote to table this resolution was unanimously approved.

15. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE WORK AUTHORIZATION NO. 18 WITH RS&H FOR CONTINUED GENERAL ENGINEERING SERVICES FOR FY 2018. (RESOLUTION 17-36) **Action Item**

Motion to table: Dr. Harris, 2nd: Robert Messer. There was no discussion on this item, as it is for RS&H's GEC contract for FY2018, and it was tabled alongside the Atkins contract until next month.

16. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE A CONTRACT FOR ROADWAY MAINTENANCE SERVICES ON TOLL 49. (RESOLUTION 17-37) **Action Item**

Motion to approve: Gary Halbrooks, 2nd: John Cloutier. This resolution is to approve a maintenance contract with IIPL for their bid amount of \$887,747. John Cloutier asked if Mark McClanahan would manage all the work, and the reply was yes. He asked if Mark's experience with IIPL was good, and Mark indicated that it was very good. The resolution to approve the contract was unanimously approved.

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

Kate Wilder

Erosion Control:

- No recent activities
- Final work item is the Kerns pond clean-out anticipated to begin later this month

Improvement Project

- Original Bid of \$7,806,000
- Included \$150k contingency
- \$970,000 paid to date (12%)
- Reflects work performed through June 30th
- 9% contingency expended
- Amount paid based on actual field quantities times the unit prices provided in the bid

Project schedule:

- May 2017 begin widening
- September 2017 Complete 3B widening, begin OCST, overlay and restriping
- Nov 2017 OCST overlay and restriping complete (substantial completion)
- Jan 2018 final acceptance

Recent Activities:

- Continued excavation on northbound pavement edge of Segment 3B in preparation of 4' widening
- Continued placement of flexible base for northbound pavement widening
- Began prime coat placement on northbound widened sections
- Began backfilling of widened pavement edges/ditch grading as flexible base placement is completed

Upcoming Activities:

- Completion of the excavation, flexible base placement, and prime coat for the all Segment 3B widened areas
- Placement of hot mix asphalt on widened areas
- Guardrail placement, pavement edge backfilling, associated ditch grading, and other incidental activities associated with the Segment 3B widening

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

Kate Wilder/Everett Owen

Project Challenges Archeological Site:

- Additional investigation is ongoing in the remaining archeological area due to the discovery of two burial sites
- Permits requests for exhumation are ongoing and field work is anticipated to be complete late-August
- Partial clearance has been requested from TxDOT for the areas not immediately surrounding the burials
- A time impact analysis has been submitted by the Contractor for delays associated with the northern part of the archeological site (cleared in April)
- NET RMA staff is currently analyzing the cost and schedule impacts outlined in the submittal and met with Webber leadership August 7th to discuss

Project Schedule:

- June 2016 begin construction
- August 2016 begin additional archeology
- August 2017 anticipated archeology completion
- June 2018 contract substantial completion
- October 2018 anticipated substantial completion

Construction Expenditures to date:

- \$36.2M expended to date
- Reflects work performed through July 1, 2017
- \$69.1*M Total Contract amount (includes approved Change Orders 1 through 8)
- *\$74.0M if Change Orders 9-11 are approved today

Project Expenditures to date:

- \$55.6M expended to date
- \$126.2M project budget includes significant remaining contingencies
- \$16.7M ROW contingency and
- \$6.8*M Project contingency
- *\$1.9M if Change Orders 9-11 are approved today

Recent Construction Updates:

- The Contractor completed pavement activities at realigned FM 849 (with the exception of pavement tie-ins)
- The Contractor has begun subbase activities for the main lanes north of IH 20 and at realignment of FM 16
- The Contractor has begun placement of guardrail for bridges (concrete barriers)
- Completed final project retaining wall

Ongoing Construction Activities:

- Earthwork
- Structures including placement of bridge beams, caps, and deck for bridges
- Excavation and embankment
- Cross culvert construction
- Erosion control including silt excavation and installation of silt fence, rock filter dams, and erosion control blankets

Upcoming Activities:

- Continue major activities:
 - Earthwork
 - Final major culverts #18 and 19
 - Bridge work throughout (caps, beams, deck paneling, concrete deck, barrier)
 - Placement of environmental controls
 - Pavement activities at FM 16 and north of IH 20

19. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE CHANGE ORDER NO. 9 TO THE CONTRACT WITH WEBBER, LLC FOR TRAFFIC CONTROL MEASURES ON SEGMENT 4 OF TOLL 49.

(RESOLUTION 17-38)

Action Item

Motion to approve: Mike Thomas, 2nd: David Anderson. This CO is for \$304,851.40 for SH110 additional ramps, concrete barrier protection. The CO was unanimously approved.

20. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE CHANGE ORDER NO. 10 TO THE CONTRACT WITH WEBBER, LLC FOR ADDITIONAL EROSION CONTROL MEASURES ON SEGMENT 4 OF TOLL 49.

(RESOLUTION 17-39)

Action Item

Motion to approve: Dr. Harris 2nd: Gary Halbrooks. This CO is for an additional \$200k of erosion control due to the archeological delays and the heavy rains. The hope is that this gets us close to the end, but continued archeological delays necessitate more erosion control as time goes by. The CO was unanimously approved.

21. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE CHANGE ORDER NO. 11 TO THE CONTRACT WITH WEBBER, LLC FOR WIDENING AND INSTALLATION OF ADDITIONAL ASPHALT ON SEGMENT 4 OF TOLL 49.

(RESOLUTION 17-40)

Action Item

- Design changes consistent with Oct. 2016 Resolution 16-90 adopted by the board to add a 4' flush median in all Segments for \$4,389,160.65:
 - 4' widened pavement section
 - Revised striping to include a 4' median
 - Revised pavement section
 - Associated re-grading of side slopes and earthwork balance

Motion to approve: Gary Halbrooks, 2nd: John Cloutier. Funded from contingency set-aside for Seg 4. This CO was unanimously approved.

22. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE A MEMORANDUM OF AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION, THE TEXAS STATE HISTORIC PRESERVATION OFFICER, AND THE CADDO NATION OF OKLAHOMA REGARDING ACTIVITIES ON ARCHEOLOGICAL SITES RELATED TO THE CONSTRUCTION OF SEGMENT 4 OF TOLL 49.

(RESOLUTION 17-41)

Action Item

Motion to approve: Barham Fulmer, 2nd: Robert Messer. Alternative mitigation dictated by TxDOT. This should be the last penalty for not responding initially when the archeological discovery was made. \$180k. This MOA was unanimously approved.

23. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE A CONTRACT WITH ZIONS CAPITAL ADVISORS, INC. FOR INVESTMENT MANAGEMENT SERVICES.

(RESOLUTION 17-42)

Action Item

Motion to approve: Gary Halbrooks, 2nd: David Anderson. This is the contract with Zions from the RFP that was issued in April. The contract was unanimously approved.

24. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN AMENDMENT TO THE NET RMA TOLLING AND ROAD USE POLICIES REGARDING THE VETERAN TOLL DISCOUNT PROGRAM.

(RESOLUTION 17-43)

Action Item

Motion to table: Robert Messer, 2nd: John Cloutier. The board is requesting a query be run on average estimates or projections of revenue impact if PH plates are added to the exemption list. Brian Cassidy indicated that the current policy of exempting DV plates is only partially satisfying the legal language. The statute was expanded with language that states that if one category of plates is exempted, several others must be included as well. Vote to table this item was unanimous. A full report will be brought to the board in September.

25. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE A MEDIATED SETTLEMENT FOR THE ACQUISITION OF THE FOLLOWING PARCELS OF PROPERTY IN SMITH COUNTY FOR SEGMENT 4 OF TOLL 49:

A. Parcel 238, a 22.657 acre parcel of real estate owned by William H. Liebbe and wife, Donna L. Liebbe, situated in the S.A.M.G.R.R. CO. Survey, Abstract 961, and the Stephen Coleman Survey, Abstract No. 217, Smith County, Texas.

B. Parcel 239, a 1.042 acre parcel of real estate owned by William H. Liebbe and wife, Donna L. Liebbe, situated in the S.A.M.G.R.R. CO. Survey, Abstract 961, and the Stephen Coleman Survey, Abstract No. 217, Smith County, Texas.

(RESOLUTION 17-44)

Action Item

Chair Thomas moved to take a brief recess at 4:05pm, with the board to be called into executive session.

Chair Thomas called the open meeting back to order at 4:41pm.

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

26. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN AMENDMENT TO THE EXECUTIVE DIRECTOR EMPLOYMENT AGREEMENT.

(RESOLUTION 17-45)

Action Item

Motion to approve: Bob Moore, 2nd: Dr. Harris. Amendment to Executive Directors contract of \$10k per year was unanimously approved.

27. PROJECT DIRECTOR'S REPORT

Everett Owen

Transactions peak at around 40k, valleys around 30k. Truck traffic goes up steadily, so revenues are holding relatively steady. The board is asking for expanded transaction reports, trucks vs cars, etc, along with a detailed traffic flow report.

28. ADJOURNMENT

Chair Thomas adjourned the meeting at 4:54pm.

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:

September 13, 2017 – Tyler, TX (Smith County)

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

August 31, 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.