



MEETING NOTICE

TO: North East Texas Regional Mobility Authority Board Members  
FROM: Linda Thomas, Chair  
DATE: Tuesday, October 11, 2016  
SUBJECT: **October Board Meeting**

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

**DATE:** Tuesday, October 11, 2016  
**TIME:** 1:30 PM  
**PLACE:** The Castle on the Lake  
9110 US Highway 79 West  
Jacksonville, TX 75766  
Cherokee 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**  
The Castle on the Lake  
9110 US Highway 79 West  
Jacksonville, TX 75766  
Cherokee 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, October 7, 2016.*

Chair Thomas called the meeting to order at 1:34pm.

**2. INVOCATION**

Gary Halbrooks offered the invocation.

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

Judge Davis welcomed the Board to Cherokee County. He said he is proud of the job that the NETRMA has done for the East Texas area, reminding everyone that Cherokee County is very involved in Texas transportation with Jeff Austin 3 and Senator Nichols both being from here.

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

Chair Thomas introduced Jeff Austin 3 as the 'Father of the NET RMA". Mr. Austin welcomed the board to Jacksonville. He said he was proud of the work the NET RMA is doing and stated that projects with regional impact and support are what RMA's are all about. He stated that Cherokee county will need some help for the I-69 project which will provide hurricane evacuation relief with a loop around Jacksonville. He also said that the Hwy 271 project that TxDOT is undertaking is very important, to connect I-20 to I-30 with 4 lane improvements. He stated that the NET RMA's influence and support on different projects helps ensure their success. He mentioned that there is a tough session coming up in the legislature with lots of projects that won't have the grass roots regional community support like Toll 49 and NET RMA projects, and he is greatly appreciative of the work and support of Madame Chair Thomas and the entire NET RMA board. The question was asked 'How can we be more regional?' and Mr. Austin said for instance on the 271 project, highlighting the connectivity, garnering the support of the County Judges, School Districts and general users ensures success.

**5. DISCUSSION, CONSIDERATION AND APPROVAL OF:**

**A. REVISED AUGUST 9, 2016 BOARD MEETING MINUTES**

**Action Item**

Motion to approve: Hudson Old 2<sup>nd</sup>: Bob Moore Unanimously approved

**B. SEPTEMBER 13, 2016 BOARD MEETING MINUTES**

**Action Item**

Motion to approve: Barham Fulmer 2<sup>nd</sup>: Dr. Jim Harris Unanimously approved.

**6. CHAIR'S REPORT**

**Linda Thomas**

Chair Thomas thanked Cherokee County for their hospitality for hosting us this month.

**A. LETTER FROM WESTON L. HARPER**

Chair Thomas entered into the minutes a letter from Weston Harper.

Chair Thomas mentioned her transportation meeting with Jeff Austin 3 and Don Huffines, stating that Toll 49 was accepted as being the type of road that should be a toll road.

**7. TREASURER'S REPORT**

**Tom Fitzgerald**

Motion to approve: John Cloutier 2<sup>nd</sup> Dr. Jim Harris Unanimously approved

**8. EXECUTIVE DIRECTOR'S REPORT**

**Chris Miller**

**A. Discussion of Tentative December Holiday Gathering**

Chris Miller stated that he hoped to have this gathering as an overnight in Marshall.

**B. Discussion of Tentative January Strategic Planning Workshop**

Chris Miller stated that he is planning this for January in Tyler.

**C. Discussion on Proposed Customer Service Satisfaction Survey**

Chris Miller is still looking into this.

**D. Update on Regional Meetings – Panola County**

Chris Miller attends Commissioners Court on the 24<sup>th</sup> to make a presentation.

**E. Discussion of NET RMA Newsletter Publications**

Chris Miller stated that CTRMA has a newsletter to send updates and keep current info out there.

**F. Discussion of Marketing Plan for Toll 49**

This plan is being discussed to address issues. Talked to CTRMA and they are working something up for us.

**G. Update on Risk Management Audit**

The audit showed that we have sound protection for all assets, and we meet all requirements.

**9. COMMITTEE REPORTS**

**A. Executive Committee/Audit Committee**

**Linda Thomas**

Nothing to report

**B. Personnel Committee**

**Dr. James Harris**

Publish position advertisements tomorrow.

**C. Project Development & Implementation Committee**

**Barham Fulmer**

Work to acquire ROW continues. We have 41 of 42 tracts. Out of those 41, 9 are going through the court system, of those 9, 6 are held by 3 individuals. 3 are not contested.

**D. Long-Range Planning Committee**

**John Cloutier**

ETHG – where we are on Toll 49 Project.

271 Project (I-20 to I-30 and beyond). We need to support TxDOT and encourage them to get busy on this project and keep it a high priority on their list to see that it gets done.

**E. East Texas Hourglass Committee**

**Dave Spurrier**

We will be meeting in 2 weeks.

**F. Investment Committee**

**Robert Messer**

Draws to match construction. We will have a full report at the next board meeting.

**G. Facilities Committee**

**Gary Halbrooks**

Lease is ready to be signed and then we can move forward on renovating the space to meet our needs.

**10. Partnership Updates**

**A. East Texas Corridor Council**

**Bob Moore**

Trains have good viability between Dallas and Atlanta. Mr. Moore has requested a meeting with Chair Thomas and the ETCC.

**B. I-69 Alliance Committee**

**Walta Cooke/Robert Murray**

Dr. Harris stated that I-69 from Center Tx to Texarkana is going to be very important and will provide a loop around the east side of Marshall, which is desperately needed. He also mentioned that ports of Houston and Beaumont initiate quite a lot of traffic that I-69 could route thru the East Texas region.

**C. East Texas Council of Governments**

**Linda Thomas**

No Update

**11. PRESENTATION ON TXDOT PLANS FOR US 271.**

**Titus County Judge Brian Lee  
Hudson Old  
Shane Cunningham (TxDOT)**

Tyler District and Atlanta District projects were presented, including Hwy 271 project which is projected to complete in 2025, with details contained within the maps presented.

Segments 6, 7 & 8 were given attention with ways to move forward and various ways to fund. The engineering and environmental are projected to cost \$4-\$5 million for Segment 6.

**12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE A BUILDING LEASE AGREEMENT FOR OFFICE SPACE FOR THE NET RMA.**

**(RESOLUTION 16-89)**

**Action Item**

Motion to approve: Dr. Jim Harris, 2<sup>nd</sup>: Dave Spurrier Unanimously approved.

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

**Kate Wilder**

Segment 3B overlay project consisting of under-drain/overlay of pavement is complete.

Spot milling and inlay is set for Jan thru March. Pavement repairs will be limited during cold months.

**14. SAFETY UPDATE ON SEGMENT 3B AND SEGMENT 4 OF TOLL 49.**

**Chris Miller/Everett Owen**

Everett Owen stated that median options are shown on Attachment A in the next resolution (below).

- 1) 4 ft flush medians with 4 ft pavement on the entire road, including bridges. It would take roughly 1.5 years to widen the bridges at a cost of roughly \$4.3 mil
- 2) 2 ft separation/flush median with the shoulders narrowing from 8ft to 7ft all the way at a cost of \$800k.
- 3) 4 ft flush median with rumble strips, increase pavement 4 ft except for bridges at a cost of roughly \$2 million. This would be:
  - a. 12 ft lanes
  - b. 4 ft median
  - c. 6 ft shoulders

Mr. Messer asked if we had cash flow to accommodate these options, and the answer is yes.

Mr. Fulmer asked how this affects passing lanes in the future, and the answer is that this configuration would be factored in to the addition of passing lanes when that time comes.

Dr. Harris asked if there is evidence that 4 ft medians are safer than 2 ft medians, and the answer is yes.

**15. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO PURSUE OPTIONS FOR IMPLEMENTATION OF SAFETY MEASURES ON SEGMENT 3B OF TOLL 49.**

**(RESOLUTION 16-90)**

**Action Item**

Mr. Cloutier made the motion that the board approve option 3 above. 2<sup>nd</sup> Dave Spurrier. Mr. Old asked if there would be signage indicating that the shoulders are narrowing on the bridges, and the answer is yes. Unanimously approved.

Weston Harper offered his gratitude to the Board for their consideration and strong and swift action on these safety measures.

**16. UPDATE ON CONSTRUCTION OF SEGMENT 4 OF TOLL 49.**

**Kate Wilder/Everett Owen**

Sodding south of I-20

Drill shafts at I-20

Columns at I-20

Culvert N of FM 16

Utility relocation, traffic control, erosion control and dirt work.

Mr. Fulmer asked what is different about the erosion control that will cost \$157k more. This is an attempt to mitigate future sediment run-off, and ensures that the contractor has what is needed IF they need it.

17. **DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE CHANGE ORDER NO. 2 TO THE CONTRACT WITH WEBBER, LLC FOR INSTALLATION OF MILE MARKERS ON SEGMENT 4 OF TOLL 49.**  
**(RESOLUTION 16-91)** **Action Item**  
Motion to approve: Dr. Jim Harris, 2<sup>nd</sup>: Dan Droege Unanimously approved.
18. **DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE CHANGE ORDER NO. 3 TO THE CONTRACT WITH WEBBER, LLC FOR OFF-DUTY LAW ENFORCEMENT SERVICES ON SEGMENT 4 OF TOLL 49.**  
**(RESOLUTION 16-92)** **Action Item**  
The question was asked why this expense isn't being covered by the contractor or sub-contractor. The answer is because we are protecting our ROW. There was an incident from a landowner from whom we purchased ROW who showed up and fired live rounds at the sub-contractors on site.  
Motion to approve: John Cloutier 2<sup>nd</sup>: Robert Messer Unanimously approved.
19. **DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE CHANGE ORDER NO. 4 TO THE CONTRACT WITH WEBBER, LLC FOR EROSION CONTROL MEASURES ON SEGMENT 4 OF TOLL 49.**  
**(RESOLUTION 16-93)** **Action Item**  
Motion to approve: Gary Halbrooks 2<sup>nd</sup>: Dr. Jim Harris Unanimously approved.
20. **DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN AMENDMENT TO THE NET RMA TOLLING AND ROAD USE POLICIES REGARDING REMOVAL OF UNATTENDED VEHICLES ON NET RMA FACILITIES.**  
**(RESOLUTION 16-94)** **Action Item**  
Motion to approve: Dan Droege 2<sup>nd</sup>: Bob Moore Unanimously approved.
21. **DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE A CONTINUING DISCLOSURE CONTRACT WITH FSC CONTINUING DISCLOSURE SERVICES.**  
**(RESOLUTION 16-95)** **Action Item**  
Richard Ramirez explained the disclosure process as a part of the bond agreement, consisting of 3 areas:  
1) Annual fund  
2) OS updating reports  
3) Progress on construction – quarterly  
Costs are \$4500 per year.  
Mr. Old stated that the legal fees to for writing resolutions is around \$25k just to write all these up.  
The response was there is a lot of legal involvement in the significant detail of the disclosures agreement as required by the bond market. Tolling policies require some involvement in getting the language right to protect the interests of the NET RMA. There are items that simply require legal oversight. Mr. Fulmer stated that the disclosures regulations are so specific that even large firms hire it out. Mr. Cloutier stated that it's important to get it right because one 'dang' can wipe out 10 'atta-boys' and we can't afford to trip up at this point.  
Motion to approve: Jason Ray 2<sup>nd</sup>: Robert Messer Unanimously approved.
22. **DISCUSSION OF MSB CUSTOMER SERVICE PERFORMANCE INDICATORS.** **Ron Fagan**  
Mr. Fagan presented the KPI's on MSB's Customer Service Performance Indicators and all fields fell within the industry averages. Fields included wait time, abandonment rate, customer satisfaction, monthly percentage of escalations.  
When the RFQ/RFP is released, we can certainly ask for higher standards. He explained that MSB's performance numbers are affected by:  
1) Most call centers have multiple issues that they are handling, and MSB is only taking payments for PBM (Pay By Mail) invoices, either taking payments, mitigating disputes, etc.  
2) Numbers are also influenced by ripples in other vendors, like the DMV issue and the TxTAG issue.

## 23. PROJECT DIRECTOR'S REPORT

Everett Owen

### A. Report on Toll 49 Tolling Transactions and Revenue

Transactions in September saw a slight rebound and an upward trend is continuing over last year. Fridays are still the peak, Sundays are still the lows.

Pursuant to Section 3.4.1 of the NET RMA Toll Policies, the Toll Rate Escalation Percentage was reported to the Board. We are set for another Toll Rate increase effective on December 31, in keeping with the 2.5% inflation and rate adjustment in the agreement with the bond market and T&R report.

## 24. ADJOURNMENT at 3:32pm

### 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:

November 9, 2016 – Longview, TX (Gregg County)  
December 13, 2016 – Marshall, TX (Harrison County)  
January 10, 2017 – Tyler, TX (Smith County)  
February 14, 2017 – Gilmer, TX (Upshur County)  
April 11, 2017 – Carthage, TX (Panola County)  
May 9, 2017 – Longview, TX (Gregg County)  
June 13, 2017 – Terrell, TX (Kauffman County)  
July 11, 2017 – Tyler, TX (Smith County) ANNUAL BUDGET WORKSHOP

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

#### Texas Transportation Commission Meeting:

October 27, 2016 – Austin  
November 17, 2016 – Austin  
December 15, 2016 - Austin

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