



MEETING NOTICE

TO: North East Texas Regional Mobility Authority Members
FROM: Linda Thomas, Chair
DATE: Tuesday, April 12, 2016
SUBJECT: April Board Meeting

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

DATE: Tuesday, April 12, 2016
TIME: 1:30 PM
PLACE: South Tyler Police Department Substation
547 W Cumberland Road
Tyler TX 75703
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
South Tyler Police Department Substation
547 W Cumberland Road
Tyler TX 75703
Smith 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, April 8, 2016.

Chair Thomas called the meeting to order at 1:32pm

2. **INVOCATION**

Barham Fulmer offered the invocation.

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

Board Members

Smith County Commissioner Jeff Warr spoke and welcomed the board to Smith County, voicing his support of The NET RMA's work toward making transportation in East Texas more efficient.

4. **SWEARING IN OF REAPPOINTED BOARD MEMBERS**

Commissioner Jeff Warr

Titus County Board Member Hudson Old was sworn in by Smith County Commissioner Jeff Warr.

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

Keith Honey introduced the Executive Director candidates: Gary Halbrooks, John Craig and Chris Miller.

6. **DISCUSSION, CONSIDERATION AND APPROVAL OF THE MINUTES FOR THE MARCH 1, 2016 NET RMA REGULAR BOARD MEETING.**

Action Item

Motion: Barham Fulmer, 2nd: Bob Murray, unanimously approved.

7. **CHAIR'S REPORT**

Linda Thomas

Chair Thomas stated that due to the large amount of work to be done in session today, she would not add to the length of the meeting with further comments.

8. **TREASURER'S REPORT**

Tom Fitzgerald

Tom Fitzgerald presented the financial statements. Motion: Barham Fulmer 2nd: Robert Murray. Unanimously approved.

9. **DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE A LETTER OF SUPPORT FOR THE SOUTHWEST ARKANSAS NAVIGATION STUDY.**

(RESOLUTION 16-25)

Action Item

Bob Murray suggested that the board approve this letter to examine the feasibility of extending the corridor.

Motion: Walta Cooke 2nd: John Cloutier Unanimously approved.

10. **DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN AMENDMENT TO THE AGREEMENT WITH REYNOLDS AND KAY, LTD TO PERFORM TOLL 49 PAVEMENT REPAIRS AND IMPROVEMENTS.**

(RESOLUTION 16-26)

Action Item

This amendment increases the base amount of the contract to \$7,501,670.65. It is to include 10 miles of overlay of 25 inches, address the ground water and traffic issues at Hwy 64, allow for spot milling of asphalt/replacement/overlay. Begin in May, finish in September.

Motion: Barham Fulmer, 2nd: Walta Cooke Unanimously approved.

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE CHANGE ORDER NO. 1.0 WITH REYNOLDS AND KAY, LTD FOR REPLACEMENT OF DAMAGED PAVEMENT AND ADDING SAFETY FEATURES ON SEGMENT 3B OF TOLL 49.
(RESOLUTION 16-27) Action Item
Motion: Larry Morse 2nd: Bob Murray Unanimously approved.
12. PRESENTATION ON PASSING LANES AND SAFETY IMPROVEMENTS TO TOLL 49. Everett Owen
This item was tabled.
13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR OFFSITE TESTING AND INSPECTION ON THE TOLL 49, SEGMENT 4 PROJECT.
(RESOLUTION 16-28) Action Item
Motion: Dr. James Harris 2nd: Bob Messer
Keith Honey asked about inspection of the work. Everett Owen said inspections would be done by RS&H and Atkins. Unanimously approved.
14. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN AGREEMENT WITH BURLESON WETLAND PARTNERS, LTD. FOR THE PURCHASE OF MITIGATION CREDITS FOR THE TOLL 49, SEGMENT 4 PROJECT.
(RESOLUTION 16-29) Action Item
This is for wetlands mitigation on Segment 4
Motion: Gary Halbrooks 2nd: Barham Fulmer Unanimously approved.
15. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN AGREEMENT WITH BURLESON DAISY MITIGATION, LLC. FOR THE PURCHASE OF MITIGATION CREDITS FOR THE TOLL 49, SEGMENT 4 PROJECT.
(RESOLUTION 16-30) Action Item
Motion: Keith Honey 2nd: Bob Moore Unanimously approved.
16. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AMENDMENTS TO THE NET RMA INVESTMENT POLICY.
(RESOLUTION 16-31) Action Item
The board requested red lined copies of changes to policies/documents to be included in the board materials moving forward. Hudson Old requested receiving the board materials earlier.
Motion: Bob Messer 2nd: Walta Cooke Unanimously approved.
17. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE NET RMA OPERATING RESERVE POLICY.
(RESOLUTION 16-32) Action Item
This is a new policy. Amended to remove paragraph b, strike sentence from paragraph a and change paragraph c from 9 months to 12 months, and renumber. Motion to approve amended: Bob Messer 2nd: Bob Murray Unanimously approved.
18. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION AUTHORIZING A LOAN AGREEMENT WITH BANK OF AMERICA, N.A, APPROVING A TRUST INDENTURE AND OTHER MATTERS RELATED THERETO FOR INTERIM FINANCING FOR THE DEVELOPMENT OF SEGMENT 4 OF TOLL 49.
(RESOLUTION 16-33) Action Item
Discussion to pay off from Bond revenues. Motion: Dr. James Harris 2nd: Bob Murray Unanimously approved.
19. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION AUTHORIZING THE ISSUANCE, SALE AND

DELIVERY OF TOLL ROAD REVENUE BONDS IN ONE OR MORE SERIES; APPROVING A TRUST INDENTURE AND ONE OR MORE SUPPLEMENTAL TRUST INDENTURES, APPOINTING AN AUTHORIZED OFFICER TO APPROVE CERTAIN TERMS AND PROVISIONS OF THE BONDS; APPROVING AND AUTHORIZING THE TERMS AND CONDITIONS OF ONE OR MORE BOND PURCHASE AGREEMENTS PERTAINING TO SUCH BONDS; APPROVING THE PREPARATION AND DELIVERY OF A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT IN CONNECTION WITH THE OFFERING AND SALE OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF ANY AND ALL DOCUMENTS RELATING TO THE BONDS, AND APPROVING OTHER MATTERS RELATING THERETO.

(RESOLUTION 16-34)

Action Item

Tabled until the Special Called Board Meeting on April 27, 2016.

20. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON APPROVAL OF THE NET RMA RELOCATION ASSISTANCE PROCEDURES.

(RESOLUTION 16-35)

Action Item

The relocation assistance funds are separate from the parcel offers. Motion: Gary Halbrooks, 2nd: Bob Murray Unanimously approved.

The Board went into Executive Session at 3:26pm and exited at 4:16pm.

21. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON APPROVAL OF OFFERS TO LANDOWNERS IN CONNECTION WITH THE ACQUISITION OF OPTIONS TO PURCHASE INTERESTS IN PROPERTY FOR SEGMENT 4 OF TOLL 49.

(RESOLUTION 16-36)

Action Item

Motion: Walta Cooke 2nd: Larry Morse Unanimously approved.

22. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO EXERCISE AN OPTION TO PURCHASE AN INTEREST IN THE FOLLOWING DESCRIBED PARCELS FOR SEGMENT 4 OF TOLL 49:

- A. Parcel 202 of the Toll 49, Segment 4 Project, a 3.927 Acre Parcel of Real Estate, Owned by Cherubino Holdings LLC, and Located in the William Shamblin Survey, Abstract 930, Smith County, Texas.
- B. Parcel 204 of the Toll 49, Segment 4 Project, a 0.73 Acre Parcel of Real Estate, Owned by Jeffrey D. Voyles, and Located at 19577 Hwy 69 N., Lindale, TX 75771.
- C. Parcel 206 of the Toll 49, Segment 4 Project, a 2.420 Acre Parcel of Real Estate, Owned by Mike W & Jeannie E Tomlinson, and Located at 19591 HWY 69 N, Lindale, TX 75771.
- D. Parcel 207 of the Toll 49, Segment 4 Project, a 2.256 Acre Parcel of Real Estate, Owned by NKA Properties, LLC, and Located in the William Gatlin Survey, Abstract No. 409, Smith County, Texas.
- E. Parcel 208 of the Toll 49, Segment 4 Project, a 7.026 Acre Parcel of Real Estate, Owned by H R Voyles, and Located at 19569 Hwy 69 N., Lindale, TX 75771.
- F. Parcel 214 of the Toll 49, Segment 4 Project, a 9.954 Acre Parcel of Real Estate, Owned by Harold D and Birdessia E Spidle, and Located in the Antonio Walsh Heirs Survey, Abstract No. 1035, the Robert O. Bean Survey, Abstract No. 136, and the George Null Survey, Abstract No, 741, Smith County, Texas.
- G. Parcel 217 of the Toll 49, Segment 4 Project, a 8.392 Acre Parcel of Real Estate, Owned by Kevin L & Jan C Hawbaker, and Located at 17191 CR 476, Lindale, TX, 75771.
- H. Parcel 218 of the Toll 49, Segment 4 Project, a 5.608 Acre Parcel of Real Estate, Owned by Juan M & Maria S Medina, and Located in the J.H. Sanders Survey, Abstract No. 859, Smith County, Texas.
- I. Parcel 219 of the Toll 49, Segment 4 Project, a 21.012 Acre Parcel of Real Estate, Owned by Foshee Family Partnership LP, and Located in the J.H. Sanders Survey, Abstract No. 859, Smith County, Texas.

- J. Parcel 220 of the Toll 49, Segment 4 Project, a 1.353 Acre Parcel of Real Estate, Owned by David & Nina Bryan, and Located at 17180 CR 476, Lindale, TX, 75771.
- K. Parcel 221 of the Toll 49, Segment 4 Project, a 5.692 Acre Parcel of Real Estate, Owned by Jimmy Hawley, and Located at 16694 FM 16 West, Lindale, TX, 75771.
- L. Parcel 222 of the Toll 49, Segment 4 Project, a 2.464 Acre Parcel of Real Estate, Owned by Harold G Voyles, and Located at 16518 FM 16 West, Lindale, TX, 75771.
- M. Parcel 223 of the Toll 49, Segment 4 Project, a 0.133 Acre Parcel of Real Estate, Owned by Donald Sullivan, and Located at 16796 FM 16 West, Lindale, TX, 75771.
- N. Parcel 224 of the Toll 49, Segment 4 Project, a 0.167 Acre Parcel of Real Estate, Owned by Equity Trust Co Custodian FBO, and Located at 16426 FM 16 West, TX, Lindale, 75771.
- O. Parcel 225 of the Toll 49, Segment 4 Project, a 0.041 Acre Parcel of Real Estate, Owned by Suzanne Hill & Joseph Weisenberger, and Located at 16378 FM 16 West, TX, Lindale, 75771.
- P. Parcel 226 of the Toll 49, Segment 4 Project, a 11.629 Acre Parcel of Real Estate, Owned by Michael Earl & Linda Louise McClenny, and Located at 16523 FM 16 West, TX, Lindale, 75771.
- Q. Parcel 227 of the Toll 49, Segment 4 Project, a 5.382 Acre Parcel of Real Estate, Owned by Walter L James, and Located at 16457 FM 16 West, Lindale, TX, 75771.
- R. Parcel 231 of the Toll 49, Segment 4 Project, a 4.247 Acre Parcel of Real Estate, Owned by Calvary Commission Inc, and Located at 15983 SR 4140, Lindale, TX, 75771.
- S. Parcel 232 of the Toll 49, Segment 4 Project, a 16.212 Acre Parcel of Real Estate, Owned by Timberline Baptist Camp, and Located at 15363 FM 849, Lindale, TX, 75771.
- T. Parcel 235 of the Toll 49, Segment 4 Project, a 0.852 Acre Parcel of Real Estate, Owned by Joe Clark & Barbara Yvonne Crawford, and Located in the James J. Knowles Survey, Abstract No. 537, Smith County, Texas.
- U. Parcel 237 of the Toll 49, Segment 4 Project, a 0.407 Acre Parcel of Real Estate, Owned by Guadalupe & Celia Garcia, and Located at 15272 FM 849, Lindale, TX 75771.
- V. Parcel 241 of the Toll 49, Segment 4 Project, a 0.356 Acre Parcel of Real Estate, Owned by Hideaway Village LLC, and Located in the Stephen Coleman Survey, Abstract No. 217, Smith County, Texas.
- W. Parcel 243 of the Toll 49, Segment 4 Project, a 9.159 Acre Parcel of Real Estate, Owned by Jerry Lockhart, and Located at 16053 CR 472, Tyler, TX 75706.
- X. Parcel 244 of the Toll 49, Segment 4 Project, a 19.139 Acre Parcel of Real Estate, Owned by Ruby Nell Sitton, and Located at 14129 CR 411, Tyler, TX 75706.
- Y. Parcel 245 of the Toll 49, Segment 4 Project, a 5.811 Acre Parcel of Real Estate, Owned by Jim T Meredith, and Located at IH 20, Lindale, TX 75771.
- Z. Parcel 246 of the Toll 49, Segment 4 Project, a 0.100 Acre Parcel of Real Estate, Owned by Equity Trust Co Custodian FBO, and Located at 16438 FM 16 West, Lindale, TX, 75771.

(RESOLUTION 16-37)

Action Item

Motion: Bob Murray 2nd: Dr. James Harris Unanimously approved

23. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO PURCHASE THE FOLLOWING DESCRIBED PARCELS FOR SEGMENT 4 OF TOLL 49:

- A. Parcel 233 of the Toll 49, Segment 4 Project, a 0.319 Acre Parcel of Real Estate, Owned by David F Guy, and Located in the Reese Connor Survey, Abstract No. 222, Smith County, Texas.

- B. Parcel 229 of the Toll 49, Segment 4 Project, a 22.232 Acre Parcel of Real Estate, Owned by H Dale Beggs, Trustee, and Located at 16539 FM 16 W., Lindale, TX 75771.

(RESOLUTION 16-38)

Action Item

Motion: Barham Fulmer 2nd: Jason Ray Unanimously approved.

24. EXECUTIVE DIRECTOR'S REPORT

Everett Owen

- A. Update on Toll 49
 - Report on Tolling Transactions and Revenue
- B. Update on Status of Executive Director Search
- C. Update on GEC Report
 - Priority Project submission deadline is April 15.

25. ADJOURNMENT

Meeting was adjourned at 4:34pm.

**BOARD BOOK APPENDIX -
COMPLIANCE AND OVERSIGHT**

- A. OPEN RECORDS SPREADSHEET
- B. SURETY BOND SPREADSHEET
- C. CONFLICT OF INTEREST SPREADSHEET
- D. TERM EXPIRATION SPREADSHEET
- E. TEC FILING SPREADSHEET

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.

FY 2016-2017 Scheduled Board Meetings / Functions

Tuesday, April 12, 2016 Tyler, TX Smith County

- Executive Director Candidate Meet & Greet

FY 2016 Tentatively Scheduled Board Meetings:

Tuesday, April 26, 2016 Tyler, TX Smith County

Tuesday, May 10, 2016 Longview, TX Gregg County

Tuesday, June 14, 2016 Terrell, TX Kaufmann County

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

Texas Transportation Commission Meeting:

Thursday, April 28, 2016 – 125 E. 11th St., Austin, Texas

Thursday, May 26, 2016 – 125 E. 11th St., Austin, Texas

Thursday, June 30, 2016 – 125 E. 11th St., Austin, Texas

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.