



## MEETING NOTICE

TO: North East Texas Regional Mobility Authority Members  
FROM: Linda Thomas, Chair  
DATE: September 10, 2013  
SUBJECT: **NET RMA REGULAR BOARD MEETING**

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

**DATE:** Tuesday September 10, 2013  
**TIME:** 1:30 pm  
**PLACE:** Gladewater High School Former Students Association  
2509 Hendricks  
Gladewater, TX 75647

Enclosed are the agenda and other pertinent information for your review prior to the meeting. Should you have any questions, please call me at 903.509.1552.

**NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY (NET RMA)**  
**BOARD OF DIRECTORS REGULAR MEETING**  
**1:30 PM Tuesday, September 10, 2013**  
**Gladewater High School Former Students Association**  
**2509 Hendricks Gladewater, TX 75647**  
**PRESIDING: Linda Thomas, CHAIR**

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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, with the County Clerk in Upshur and Smith Counties, on the NET RMA website, and in the offices of Atkins on September 6, 2013.

**2. INVOCATION**

Chair Thomas called for Board member and Gregg County representative Tim Vaughn to give the invocation.

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

Board Members

The NET RMA board members that were present introduced themselves and some gave brief welcoming remarks.

Board members present at the meeting included: Linda Thomas, Dr. James Harris, Barham Fulmer, Hudson Old, Gary Halbrooks, Keith Honey, Gaylon White, Celia Boswell, Larry Morse, Jeff Sandford, Jim Stephens, Dave Spurrier and Walta Cooke.

Absent board members included: Andy Vinson, Jack Traylor, Robert Murray and Mike Thomas.

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

Chair Thomas introduced Gladewater City Mayor Harold Wells, who welcomed the Board to Gladewater and stated that he was glad to host the meeting and was appreciative of what the NET RMA was doing for transportation in the region.

**5. APPROVAL OF MINUTES**

A. Discussion, Consideration and Approval of Minutes for:

**Action Item**

- July 9, 2013 NET RMA Regular Board Meeting

Chair Thomas referred the Board to the minutes dated July 9, 2013 from the regular board meeting. The Chair entertained a motion to approve these minutes if there were no edits by the Board.

Vice President and Board Member Gary Halbrooks moved the approval. Board Member Dr. James Harris seconded the motion.

The motion carried and the minutes for the July 9, 2013 meeting were approved.

## 6. CHAIR'S REPORT

Chair Thomas

### A. Meetings of Interest

- Texas Transportation Commission Meeting: September 26, 2013

[www.txdot.gov](http://www.txdot.gov)

Chair Thomas briefly commented that even though she personally didn't attend the last TTC meeting that she heard there was a large constituent of East Texans present providing a voice for transportation needs in the area.

- TeamTX: Dates pending

[www.team-tx.org](http://www.team-tx.org)

### B. Update on Kaufman County Joining the NET RMA and Cass County Leaving the NET RMA

Chair Thomas asked if there had been any responses from the counties regarding their support for Kaufman County joining the NET RMA. Letters and resolution templates were recently sent out requesting member counties to show their approval by passing a resolution at their county commissioners' court. At the time of the Board meeting there had been approval resolutions received from Titus, Smith, Cherokee and Rusk counties. Chair Thomas also asked about Cass County's withdrawal from the NET RMA. At the time of the Board meeting, a resolution from Cass County requesting removal had not been received. The official letter and email from NET RMA requesting Cass County withdraw was mailed on the third of September to Judge McMichael's attention.

Chair Thomas also mentioned to the Board that a celebration is planned in Bowie County on September 23<sup>rd</sup> to unveil the new signage signifying the official start of the interstate process for I-69/I-59/I-369. Mrs. Thomas stated that the actual number has not yet been determined and that having the interstate would mean a tremendous amount for the NET RMA region.

## 7. TREASURER'S REPORT

**Action Item**  
Tom Fitzgerald

Chair Thomas asked Tom Fitzgerald, CPA, to give the update to the Board.

Mr. Fitzgerald summarized the financial highlights as of July 31, 2013 that was provided in the board documents. Mr. Fitzgerald pointed out that the cash in the Operating Account at Texas Bank & Trust totaled \$350,997.00 and the funds at Amegy Bank for the operation of Toll 49 were \$576,136.00. Operating expenses totaled \$672,350.00 for the time period reported.

Chair Thomas asked for a motion to approve the Treasurer's Report as presented. Board Member Jeff Sandford moved the approval. Board Member and Secretary Dave Spurrier seconded the motion. The motion carried.

## 8. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON APPROVAL OF NET RMA BUDGET FOR FY 2014 (RESOLUTION 13-30)

**Action Item**

Chair Thomas asked Interim Executive Director, Mr. Everett Owen, to explain Resolution 13-30 to the Board.

Mr. Owen explained to the Board the NET RMA's FY 2013-2014 budget. Mr. Owen summarized the budget that was in the Board members packets.

He went through the budget with the Board highlighting revenues, expenses, net cash flow, capital improvement project expenditures and estimates of cash balances for the proposed FY 2013-2014 budget as follows:

- FY 2013 budget for total revenue was \$2,356,800.00 and for FY 2014 it is \$7,860,500.00
- FY 2013 budget for total expenses was \$1,959,900.00 and for FY 2014 it is \$5,687,000.00
- FY 2013 budget for net cash flow was \$396,900.00 and for FY 2014 it is \$2,173,500.00
- Total Project Expenditures for FY 2013 was \$14,315,046.00 and for FY 2014 it is estimated at \$949,000.00

Mr. Owen said that there were two items already that money needed to be set aside for, those being "R&R" for the roadway as well as removing and replacing the old Raytheon gantry equipment with Telvent equipment.

Mr. Owen also wanted to make sure the Board knew that two important elements of the budget were that the projected revenue was very conservative and that the money budgeted for Toll 49 Segment 4, \$250,000.00, was dedicated to it in an attempt to move the project financing forward.

Secretary and Board Member Dave Spurrier along with fellow Board member Hudson Old requested to have budget workshops reinstated this year for those interested in digging through the numbers a little bit more prior to the meeting in which it is expected to get approval by the Board. Mr. Owen said he agreed with that request and apologized that there were not any workshops this past year on the budget.

Board Member and Secretary Dave Spurrier moved the approval. Board Member Larry Morse seconded the motion. The motion carried.

**9. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON WORK AUTHORIZATION NO. 1 WITH ATKINS FOR GENERAL ENGINEERING CONSULTANT SERVICES FOR THE REMAINDER OF FY 2013 AND FY 2014**

**(RESOLUTION 13-31)**

**Action Item**

Chair Thomas asked Everett Owen to explain Resolution 13-31 to the Board.

Mr. Owen discussed that the Work Authorization No.1 was with Atkins for \$450,000.00 and would provide GEC services to the NET RMA for the remainder of FY 2013 and for FY 2014.

Board Member Keith Honey moved the approval. Board Member Jeff Sandford seconded the motion. The motion carried.

**10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON WORK AUTHORIZATION NO. 3 WITH RS&H FOR GENERAL ENGINEERING CONSULTANT SERVICES FOR FY 2014**

**(RESOLUTION 13-32)**

**Action Item**

Chair Thomas asked Everett Owen to explain Resolution 13-32 to the Board.

Mr. Owen discussed that the Work Authorization No. 3 was with RS&H for \$60,000.00 and would provide GEC services to the NET RMA for the remainder of FY 2013 and FY 2014.

Board Member Jeff Sandford moved the approval. Board Member Dr. James Harris seconded the motion. The motion carried.

**11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON WORK AUTHORIZATION NO. 3 WITH ATKINS FOR PRELIMINARY PROJECT DEVELOPMENT SERVICES FOR CURRENT OR FUTURE NET RMA PROJECTS  
(RESOLUTION 13-33) Action Item**

Chair Thomas asked Everett Owen, to explain Resolution 13-33 to the Board.

Mr. Owen explained that this resolution is for Work Authorization Number 3 for Atkins. The work authorization will allow Atkins to conduct preliminary project support work related to financial evaluations, preliminary project development and preliminary design for projects such as Toll 49 Segment 4 (the Lindale Relief route) or any other project desired by the Board. Tasks that can be conducted would include project management of the assignments; preparation of cost estimates and other financial data needed for bond studies; review of project schematics prepared by TxDOT or others; updating of project schematics to include different roadway cross sections in order to save money or meet current standards; evaluation of reducing ROW needs to save money and/ or reduce environmental impacts; and other tasks as requested by Mr. Owen or the Board to enable the NET RMA to construct additional projects in the best possible manner.

Mr. Owen noted that the amount of this Work Authorization No. 3 was \$140,000, which was included in the budget previously passed by the Board. There were no questions regarding this item raised by the Board.

Board Member Walta Cooke moved the approval. Board Member Larry Morse seconded the motion. The motion carried.

**12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON WORK AUTHORIZATION NO. 4 WITH RS&H FOR PRELIMINARY PROJECT DEVELOPMENT SERVICES FOR CURRENT OR FUTURE NET RMA PROJECTS  
(RESOLUTION 13-34) Action Item**

Chair Thomas asked Everett Owen, to explain Resolution 13-34 to the Board.

Mr. Owen explained that this resolution is for Work Authorization Number 4 for RS&H, and is very similar to the last item discussed. The work authorization will allow RS&H to conduct preliminary project support work related to financial evaluations, preliminary project development and preliminary design for projects such as Toll 49 Segment 7 near Longview or any other project desired by the Board. Tasks that can be conducted would include project management of the assignments; preparation of cost estimates and other financial data needed for bond studies; review of project schematics prepared by TxDOT or others; updating of project schematics to include different roadway cross sections in order to save money or meet current standards; evaluation of reducing ROW needs to save money and/ or reduce environmental impacts; and other tasks as requested by Mr. Owen or the Board to enable the NET RMA to construct additional projects in the best possible manner.

Mr. Owen noted that the amount of this Work Authorization No. 4 was \$100,000, which was included in the budget previously passed by the Board. Mr. Owen also reiterated that this item was associated with Toll 49

Segment 7 whereas the last item was for Segment 4. He also noted that Segment 7 project costs would likely be at least partly covered by TRZ revenue generated by future tax values of property within the boundaries of the proposed TRZ, as shown on a map in the Board Books.

Board Member Barham Fulmer moved the approval. Board Member Dr. James Harris seconded the motion. The motion carried.

**13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON WORK AUTHORIZATION NO. 4 WITH ATKINS FOR SUPPORT SERVICES RELATED TO OPERATION OF TOLL 49 (RESOLUTION 13-35)**

**Action Item**

Chair Thomas asked Everett Owen, to explain Resolution 13-35 to the Board.

Mr. Owen stated that the resolution was to approve work authorization No. 4 with Atkins to allow Atkins to continue to serve as GEC to the NET RMA for the operation and maintenance of Toll 49 in the amount of \$267,000.00 that would include customer service, public involvement, website maintenance, toll operations support and facilities maintenance oversight.

Board Member Keith Honey moved the approval. Board Member Jeff Sandford seconded the motion. The motion carried.

**14. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON APPROVAL OF AN INTERLOCAL AGREEMENT WITH TXDOT FOR TRAFFIC AND REVENUE ENGINEERING SERVICES FOR ADDITIONAL SEGMENTS OF TOLL 49 (RESOLUTION 13-36)**

**Action Item**

Chair Thomas asked Everett Owen, to explain Resolution 13-36 to the Board.

Mr. Owen explained to the Board that the resolution was a contractual method to access the studies that TxDOT has to assist in evaluating the development of Segment 4 of Toll 49. In order to achieve this, the NET RMA is entering into an ILA with TxDOT. This would allow the NET RMA to have access to certain traffic and revenue consultant services necessary to support the financing of Segment 4 through TxDOT.

Board member and Secretary Dave Spurrier questioned why Segment 7 of Toll 49 wasn't included in the ILA with TxDOT. Mr. Spurrier pointed out that Segment 7 needed to be added to the resolution and ILA so that the NET RMA can use the ILA for Segment 7 as well. Mr. Owen stated that Mr. Spurrier was correct and that the resolution should have contained Segment 7 along with Segment 4 and that it being left out was merely an oversight and wasn't intended to be left out.

Lori Winland with Locke Lord said that the resolution would be rewritten to include Segment 7 everywhere it stated Segment 4. The Board agreed to pass the resolution with the addition of Segment 7 of Toll 49.

Board Member Jeff Sandford moved the approval. Board Member Dr. James Harris seconded the motion. The motion carried.

**15. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON WORK AUTHORIZATION NO. 5 WITH ATKINS FOR CALL CENTER GRANT WORK FOR EAST TEXAS REGIONAL TRANSPORTATION PARTNERS (RESOLUTION 13-37)**

**Action Item**

Chair Thomas asked Everett Owen, to explain Resolution 13-37 to the Board.

Mr. Owen discussed the resolution by stating that the \$31,500.00 was grant money given to the NET RMA from TxDOT to help the ETRTP establish a call center for Gregg and Smith Counties that would centralize all the transportation options in the area to a single location. The call center would work in conjunction with the Smith County Multimodal Facility. Smith County Commissioner and a former founding NET RMA Board member, Jeff Warr, spoke to the Board about the call center. Due to all of the transportation initiatives the NET RMA has Smith County chose to partner with them and they are excited about the partnership.

Board member Dr. James Harris asked Commissioner Warr what a call center was exactly. Commissioner Warr responded that it was a central location for all transportation related calls to come into.

Board member Keith Honey wanted to know for clarification that the NET RMA was only acting as the "pass through" for the grant and Smith County's use of it for the call center. Mr. Honey wanted to make sure that the NET RMA was not going to be out any of the money and Commissioner Warr assured him that they would not be. Mr. Everett Owen reaffirmed Commissioner Warr's response by stating, "The NET RMA is a fiscal agent for the grant and partnership and the NET RMA would be reimbursed for the money."

Board Member Gary Halbrooks moved the approval. Board Member Dr. James Harris seconded the motion. The motion carried.

**16. RAIL COMMITTEE REPORT**

**Celia Boswell**

Chair Thomas asked Celia Boswell, Chair of the Rail Committee, to give the Board an update.

Mrs. Boswell updated the Board in that the MOU between Bossier City and the T-L Rail Coalition was ready to be signed off on today and that the MOU with Shreveport that was just received and placed into the board books will need to be reviewed first. Mrs. Boswell commented, "Well you're not going to be getting on the train tomorrow but we're moving along."

**17. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH BOSSIER CITY CONCERNING PASSENGER RAIL SERVICE (RESOLUTION 13-38)**

**Action Item**

Chair Thomas asked Celia Boswell, Chair of the Rail Committee, to explain the Resolution 13-38 to the Board.

Mrs. Boswell informed the Board that this was a new MOU between the NET RMA and Bossier City for the promotion and advancement of passenger rail service in the northeast Texas region and northwest region of Louisiana. This MOU would work in conjunction with the existing MOU between the NET RMA and DART.

Board Member Walta Cooke moved the approval. Board Member Jeff Sandford seconded the motion. The motion carried.

## 18. LONG-RANGE PLANNING COMMITTEE REPORT

Hudson Old

Chair Thomas asked Hudson Old, Long-Range Planning Committee Chair, to report to the Board.

Mr. Old asked the Board to again turn in their county's list of priority projects so the NET RMA could begin looking at them to see if there is anything that can be done to help the entities along. Mr. Owen stated that he thinks it would be well worth the effort that the NET RMA would invest in trying to assist the counties with their projects. Mr. Old asked the Board who would be willing to serve on the Committee with him. Board members Dr. James Harris, Linda Thomas, Celia Boswell and Jeff Sandford agreed to serve on the Committee. It was pointed out that the three MPOs in the region would be a good reference for collecting data and information needed to support the county's transportation needs.

## 19. SUMMARY OF 83<sup>rd</sup> LEGISLATIVE SESSION

Locke Lord

Lori Winland with Locke Lord LLP gave a brief summary of the 83rd Legislative Session. Ms. Winland noted that, as discussed in detail at the previous Board meeting, the Regular Session resulted in the passage of significant legislation in the areas of toll collection and enforcement, RMA operations, and transportation reinvestment zones. However, the legislature did little during the Regular Session to address the \$4 billion increase in annual funding needed to meet the demands of the state transportation system. The Governor subsequently called three Special Sessions. The third and final Special Session resulted in the passage of a proposed constitutional amendment (SJR 1) which, if approved by the voters in November 2014, will direct 50% of oil and gas severance taxes above a 1987 baseline level to the State Highway Fund, but only after a "sufficient balance" is accrued in the Economic Stabilization Fund (also known as the Rainy Day Fund). If approved, SJR 1 has the potential to provide an estimated \$878 million to \$1.2 billion in additional annual funding during its first year. Ms. Winland noted that while the additional funding would help to keep project planning moving forward, it falls far short of the \$4 billion needed, highlighting the importance of local funding and the need for additional funding measures in the next legislative session. Some discussion followed concerning efforts to educate the public about SJR 1 and other potential funding options.

## 20. EXECUTIVE DIRECTOR'S REPORT

Everett Owen

- **Toll Collections/Revenue**
  - July 2013 = 25,026 transactions per day.
  - August 2013 = 25,692 transactions per day.
  - Tag usage was approximately 57% versus 43% Pay by Mail
  
- **Toll 49 Maintenance**
  - TxDOT submitted invoices for June and July 2013 for Roadway Maintenance expenditures in the total amount of \$ 54,643.84. This represents 16 % of the 2013 budget for this line item
  - TxDOT submitted invoices for June, July and August 2013 for Gantry Maintenance expenditures in the total amount of \$ 60,643.47. This represents 26% of the 2013 budget for this line item
  - There have been no significant instances of vandalism on Toll 49 since the previous report
  - Smith County Sheriff and DPS Officers are providing good law enforcement activities on Toll 49

Mr. Owen updated the Board on the status of the SIB Loan refinancing that was discussed at the last Board meeting. Mr. Owen and the NET RMA's Financial Consultants are looking at



paying off the existing SIB loan and Toll Equity Loan with bonds to be received for financing Toll 49 Segment 4.

## 21. ADJOURNMENT

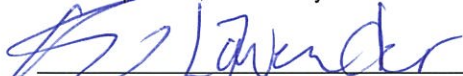
Chair Thomas adjourned the NET RMA regular board meeting at 3:45 pm.



Linda Thomas, Chair



Dave Spurrier, Secretary



Erin Lavender

## 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 GOVERNMENT CODE, CHAPTER 551, IF ANY

- A. Section 551.071. Consultation with Attorney—Consultation with, and advice from legal counsel concerning pending/contemplated litigation, settlement offers and negotiations, and other legal issues.
- B. Section 551.074. Personnel Matters—Deliberation concerning the designation, reassignment, evaluation, compensation, and duties of personnel.
- C. Section 551.072. Deliberation Regarding Real Property—Discussion of real property purchase, exchange, lease, donation, including property to be acquired for right-of-way.

## FY 2013 Scheduled Board Meetings / Functions

November 2013  
NET RMA Board Meeting  
TBA

Budget Workshop  
TBD

**Non-Scheduled Meetings / Functions - Where a Quorum Could be Present, but No RMA Business Would be Conducted**

Date Pending  
TeamTX  
Austin, Texas

September 26 in McAllen, Texas, October 31 in Austin, Texas and November 21, 2013 in Tyler, Texas  
Texas Transportation Commission Meeting

**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 Chairman 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 direct the Chairman, 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 Chairman may rearrange the order in which agenda items are considered.

Presenters with audiovisual needs are requested to contact Erin Lavender at (903) 509-1552 ext. 448-1229, 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 Erin Lavender at (903) 509-1552 ext. 448-1229, in advance so accommodations 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 Erin Lavender at (903) 509-1552 ext. 448-1229, at least two working days prior to the meeting so that appropriate arrangements can be made.