



MEETING NOTICE

TO: North East Texas Regional Mobility Authority Members
FROM: Linda Thomas, Chair
DATE: May 7, 2013
SUBJECT: **NET RMA REGULAR BOARD MEETING**

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

DATE: Tuesday May 7, 2013
TIME: 1:30 pm
PLACE: Mineola City Hall
300 Greenville Ave
Mineola, TX 75773

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, May 7, 2013
Mineola City Hall
300 Greenville Ave, Mineola, TX 75773
PRESIDING: Linda Thomas, CHAIR

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 Wood and Smith Counties, on the NET RMA website, and in the offices of Atkins on May 3, 2013.

A quorum was declared. There were 14 Board Members present. The meeting was called to order by Chair Thomas at 1:33 PM.

2. INVOCATION

Chair Thomas called for a moment of silent personal prayer for the Board members in lieu of an 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, James Harris, Barham Fulmer, Dave Spurrier, Walta Cooke, Jim Stephens, Hudson Old, Jack Traylor, Keith Honey, Gaylon White, Mike Thomas, Andy Vinson, Celia Boswell and Robert Murray.

Absent board members included: Jeff Sandford, Larry Morse, Tim Vaughn and Gary Halbrooks.

4. SWEARING-IN OF NEW BOARD MEMBERS AND REAPPOINTED BOARD MEMBERS

State District Judge Tim Boswell

Four current NET RMA Board members including Celia Boswell, Dave Spurrier, Robert Murray and Walta Cooke were reappointed to continue serving were sworn in at the Board meeting. All were sworn in by Judge Boswell.

5. OPEN PUBLIC FORUM / COMMENT PERIOD

There were no public comments made during the open forum comment period.

6. APPROVAL OF MINUTES

A. Discussion, Consideration and Approval of Minutes for:

Action Item

- March 26, 2013 NET RMA Regular Board Meeting

Chair Thomas referred the Board to the minutes dated March 26, 2013 from the regular board meeting.

The Chair entertained a motion to approve these minutes if there were no edits by the Board.

Board Member Barham Fulmer moved the approval. Board Member Hudson Old seconded the motion. The motion carried and the minutes for the March 26, 2013 meeting were approved.

7. CHAIRMAN'S REPORT

Chair Thomas

A. Meetings of Interest

- Texas Transportation Commission Meeting: May 30, June 27 and July 25, 2013 www.txdot.gov
- TeamTX: Dates pending www.team-tx.org

Chair Thomas stated that "it's been a busy couple of months" as she covered some highlights for the Board.

1. On April 18, 2013 Chair Thomas, Mike Battles and Vice Chairman Gary Halbrooks met with Angelina County Judge Wes Suiter about Angelina County potentially joining the NET RMA saying that the Judge expressed interest in being a part of the NET RMA.
2. Nacogdoches County has also shown interest in participating in the NET RMA but they still need to be contacted about joining.
3. Chair Thomas announced that she had appointed Dr. Jim Harris, Jr., a Harrison County representative, to serve on the Long Range Planning Committee which is chaired by Board member Hudson Old. The Committee will be working on all of the counties priority projects.
4. On May 6, 2013 Chair Thomas, Mike Battles and Celia Boswell met with the mayors of Shreveport and Bossier City Louisiana regarding their potential high speed passenger rail project with DART and the T-L Rail Coalition.

8. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON APPROVAL OF PROJECT GRANT AGREEMENTS FOR THE USE OF FUNDS BY THE EAST TEXAS REGIONAL TRANSPORTATION PARTNERS (A/K/A EAST TEXAS PARTNERS) FOR FUNDING OF A CAPITAL PROJECTS MOBILITY MANAGER

(Resolution 13-15)

Action Item

Chair Thomas asked Mr. Everett Owen, Interim Executive Director, to discuss the resolution with the Board. Mr. Owen referred to Mr. Mike Battles, GEC to discuss the resolution and to make the presentation that had been prepared regarding the grant agreements for the use of funds by the ETRTP for funding of a capital projects mobility manager.

TxDOT awarded funds from the Job Access and Reverse Commute and New Freedom Grant programs to the ETRTP to fund the Capital Projects Mobility Manager. As the Fiscal Agent, the NET RMA execute on behalf of the ETRTP.

Board member Barham Fulmer asked Mike Battles where the local matching for the grants would be coming from. Mr. Battles answered that the ETRTP would be matching them.

Board Member Mike Thomas moved the approval. Board Member Jim Stephens seconded the motion. The motion carried.

9. TREASURER'S REPORT

Action Item
Andy Vinson

Chair Thomas asked Treasurer Andy Vinson to give the update to the Board.

Mr. Vinson summarized the report provided in the board documents.

Mr. Tom Fitzgerald, CPA, reminded the Board that a six month financial report was provided in their board books

Board Member Walta Cooke moved the approval. Board Member Robert Murray seconded the motion. The motion carried.

**10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON GEC WORK
AUTHORIZATION NO. 17.1 FOR THE EXTENSION OF THE EAST TEXAS HOUR
GLASS CONTRACT DURATION
(RESOLUTION 13-16)**

Action Item

Chair Thomas asked Mr. Everett Owen, Interim Executive Director, to discuss the resolution.

Work Authorization No. 17.1 shows an extension of work for the scope of services from May 1, 2013 to October 1, 2013 that reflects the necessity and appropriateness for the extension. There is no cost increase for the previously authorized fees for work related to the ETHG.

Board Member Mike Thomas moved the approval. Board Member Robert Murray seconded the motion. The motion carried.

**11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON CHANGE ORDER NO. 10
FOR TOLL 49 DESIGN/BUILD CDA RELATED TO PROCEEDS RECEIVED FOLLOWING
RESOLUTION OF DISPUTE
(RESOLUTION 13-17)**

Action Item

Chair Thomas asked Mr. Everett Owen, Interim Executive Director, to discuss the resolution.

In October 20, 2010, Resolution No. 10-12 was approved by the Board of Directors for the design/build CDA development of Toll 49 Segment 3B Project with CH2M HILL, and the design/build CDA was subsequently executed on March 31, 2011.

Due to the fact that an additional cost related to the need for stream credit mitigation was not anticipated by either the NET RMA or CH2M HILL at the time of the execution of the design/build CDA and the two parties could not reach a mutual agreement on sharing these costs, the CDA provided for a Disputes Review Board (DRB). The DRB was constituted and, after considering the positions of both parties, issued a recommendation that the CH2M HILL owes \$518,208.00 for certain stream credits to the NET RMA.

Therefore, Change Order No. 10 was written to the design/build CDA. It reflects the implementation of the recommendation made by the disputes review board, a reduction in the contract price due to deleting right-of-way fencing, and other ministerial items related to the administration of the design/build CDA.

Board Member and NET RMA Secretary Dave Spurrier asked Mr. Owen what originally was supposed to be given to CH2M Hill as far as an amount. Mr. Owen said around \$700,000.

Board Member Keith Honey asked where the extra money was coming from to make up the difference and Mr. Owen replied that it was coming from project funds.

Board Member Jim Stephens asked what the contractor, CH2M Hill, was still doing on site/project wise. Mr. Owen responded that the NET RMA was still withholding \$5 million in anticipation of closing out the contract and for making sure all is finished with the road the way it's supposed to be.

Board Member Jim Stephens moved the approval. Board Member Jack Traylor seconded the motion. The motion carried.

12. UPDATE ON EAST TEXAS HOUR GLASS

Everett Owen

Chair Thomas asked Mr. Everett Owen, Interim Executive Director, to give the Board the update.

Mr. Owen briefly went over 12 maps that were provided to the Board members in their board books depicting possible alternative routes for the ETHG that would help show cost out versus toll revenue projections. After the initial five routes were studied, it was found that none were financially strong enough to proceed. Therefore, additional routes were refined and developed. Additional studies are necessary to finalize a route.

Board Member Barham Fulmer pointed out that the "original" ETHG concept from 20 years ago were alternatives 4 and 5 that used the majority of the existing I-20 corridor for those sections that were shown during the presentation.

Board Member Hudson Old asked Mr. Owen a few general questions including how much is it to build this per mile? Mr. Owen answered about \$10 million per mile and that doesn't include ROW. Is Atkins doing this work Mr. Old asked? Mr. Owen stated no, they are in a supervisory role only, and that two firms, RTG and CDM Smith, are doing the work.

13. UPDATE ON LONG RANGE PLANNING

Everett Owen

Chair Thomas asked Mr. Everett Owen, Interim Executive Director, to give the Board the update which he did along with some input from Mr. Hudson Old, Chair of the Long Range Planning Committee.

Mr. Owen stated that each Board member was given their county's list of priority transportation projects from five years ago and that they needed to go back to their county to reassess that list. Mr. Owen asked for them to have that conversation with either their County Judge or Commissioner's Court before the next Board meeting. Once the lists are submitted, they will be reviewed and prioritized.

Mr. Old commented in response to the fact that there are supposedly additional monies coming from TxDOT for transportation projects so, "it's a good time to have your ducks in a row" he told the Board.

14. UPDATE ON THE 83RD LEGISLATIVE SESSION

Brian O'Reilly

Chair Thomas asked Brian O'Reilly with Locke Lord to update the Board on the 83rd legislative session.

Mr. O'Reilly noted there were approximately three weeks remaining in the legislative session and that Brian Cassidy is representing the NET RMA at legislative meetings at the Capitol. Mr. O'Reilly proceeded in providing an update on each of the legislative priorities identified by the NET RMA Board at their November 2012 meeting. Bill covered include:

- The toll enforcement legislation (SB 1792 by Senator Watson).
- The RMA operations legislation (SB 1489 by Senator Watson).
- The Transportation Reinvestment Zone legislation (SB 1110 by Senator Nichols).

The legislation authorizing the extension dates for certain Comprehensive Development Agreements (SB 1730 by Senator Nichols). This legislation is important as the Lindale Relief Route is on this list.

Mr. O'Reilly provided an overview of the various proposals filed during the session but said there has yet to be strong support for any single proposals by the legislature.

In closing, Mr. O'Reilly noted that the majority of the NET RMA priorities for the legislative session have substantially moved through the legislative process and should be sent to the Governor in the coming weeks. Locke Lord will continue to monitor legislative activities and ensure the interests of the NET RMA are represented.

15. INTERIM EXECUTIVE DIRECTOR'S REPORT (Toll 49)

Everett Owen

Chair Thomas asked for Everett Owen to brief the Board on his report. Mr. Owen showed the Board a graph that depicted transactions since opening showing the increase in daily traffic with the completion of 3B as well as the busiest days being the weekends for motorists using Toll 49.

- Toll 49 Segment 3B opened to Traffic the evening of March 28, 2013.
- Toll 49 averaged approximately 21,400 transactions in April (through April 25th). Tag usage was approximately 48% versus 52% Pay by Mail (video).
- Previous Monthly Averages:
 - Jan 2013 = 10,570 transactions per day
 - Feb 2013 = 11,700 transactions per day
 - March 2013 = 13,655 transactions per day

Mr. Owen explained to Board member Hudson Old and NET RMA Secretary Dave Spurrier that the numbers presented were on the conservative side when looking at toll viability for adding future routes to the Toll 49 system. Mr. Spurrier expressed his concern for the Board making a decision based on using the firm of Wilbur Smith that uses a 25% room for error when researching whether or not roads are financially worth constructing.

Mr. Hudson Old stated that he and Mr. Spurrier were asking the same question to Mr. Owen in that "what assurance does the Board have in that we're making the right decisions?" Mr. Owen replied that you have to trust the people producing the studies will work in their favor and that the Board doesn't have any liability if the road isn't profitable and doesn't make it. There is no guarantee.

16. REPORT CONCERNING STATUS OF GEC WORK AUTHORIZATIONS

Mike Battles

Mike Battles, GEC, gave the Board a brief update on the status.

The GEC is continuing the ETHG Feasibility Study and is currently doing traffic modeling and segment cost estimates for Alternative 12. As well, the GEC is coordinating with TxDOT Transit Division for grants totaling \$300,000 for a Capital Projects Mobility Manager. The GEC prepared additional information for bicycle facilities on Toll 49 from US 69 to Old Jacksonville Road.

Mr. Battles stated that the conversation had started with the Tyler Airport on putting up some signage for Toll 49 and airport directional signs. Mr. Barham Fulmer asked about trailblazing signs, especially at US 69 and I-20. Mr. Owen stated that he thought it was a good idea and that we would look into it.

17. ADJOURNMENT

Before adjourning the meeting, Chair Thomas stated that it was suggested to her to go ahead and set the next Board meeting. Tuesday July 16, 2013 was the determined to be the next date pending everyone's availability to attend especially those members that weren't at the meeting. It was also discussed that the meeting would be held in Texarkana at the new convention center that came as a suggestion by Bowie County Board member Robert Murray.

With a motion for adjournment, from Board member Robert Murray, Chair Thomas adjourned the NET RMA regular board meeting at 2:50 pm.

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



Linda Thomas, Chair



Dave Spurrier, Secretary



Erin Lavender

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

July 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

May 30, June 27 and July 25, 2013
Texas Transportation Commission Meeting
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 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.