



## MEETING NOTICE

TO: North East Texas Regional Mobility Authority Members  
FROM: Linda Thomas, Chair  
DATE: November 12, 2013  
**SUBJECT: NET RMA REGULAR BOARD MEETING**

---

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

**DATE:** Tuesday November 12, 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, November 12, 2013**  
**Gladewater High School Former Students Association**  
**2509 Hendricks Gladewater, TX 75647**  
**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 Upshur and Smith Counties, on the NET RMA website, and in the offices of Atkins on November 8, 2013. The Board meeting was called to order at 1:35 PM.

**2. INVOCATION**

Chair Thomas called for the Board to have a silent prayer for fellow Board members Gaylon White and Jim Stephens who were both in the hospital at the time of the meeting.

**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, Keith Honey, Celia Boswell, Larry Morse, Dave Spurrier, Jack Traylor, Tim Vaughn and Robert Murray.

Absent board members included: Andy Vinson, Mike Thomas, Walta Cooke, Gary Halbrooks, Gaylon White, Jeff Sandford and Jim Stephens.

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

There were no comments made from the public at the meeting.

**5. APPROVAL OF MINUTES**

A. Discussion, Consideration and Approval of Minutes for:

**Action Item**

- September 10, 2013 NET RMA Regular Board Meeting

Chair Thomas referred the Board to the minutes dated September 10, 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 Dr. James Harris seconded the motion.

The motion carried and the minutes for the September 10, 2013 meeting were approved.

## 6. CHAIR'S REPORT

Chair Thomas

### A. Meetings of Interest

- Texas Transportation Commission Meeting: November 21<sup>st</sup> in Tyler, Texas
  - The November 21, 2013 Commission meeting is tentatively scheduled at the Smith County Annex at 9:00 AM

Chair Thomas informed the Board of the TTC meeting that would be held in Tyler stating, "This is an exciting time for East Texas because the TTC is hosting its meeting in Tyler this month. We will be making a presentation to the Commission so please try and attend in show of support." Chair Thomas also commented on the fact that the addition of Kaufman County to the NET RMA would be on the TTC's agenda that day along with the withdrawal of Cass County.

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

- Smith County Commissioners Court Public Hearing for Transportation Reinvestment Zone, Number One
  - November 15, 2013 at 9:30 AM at the Smith County Commissioner's Court in the Annex buildingChair Thomas then informed the Board of the Public Hearing for the Smith County TRZ that would be taking place later in the week again asking for show of support if people's schedules allowed for it. Chair Thomas mentioned that there was some opposition to the TRZ and that it would be present at the hearing so any showing of support would be helpful. Gregg County is also working on their TRZ as well.

## 7. EXECUTIVE DIRECTOR'S REPORT

Everett Owen

Mr. Everett Owen gave the Executive Director's report and a brief summary is provided below. The full report that was given to the Board in the board books is attached to the minutes along with the presentation that was given at the meeting but not included in the board material.

- Toll Collections/Revenue

September 2013 average daily transactions were at 25,245 and October 2013 transactions were 26,144 per day with Friday still be the busiest day of the week. MSB is sending out current bills and making good progress on clearing the backlog from past months. The GEC is handling customer calls regarding Toll 49 taking 134 calls in September and 129 in October.

- Toll 49 Operations and Maintenance

TxDOT is planning HazMat cleaning in November and December, law enforcement is going well and budgeted amounts were less than anticipated for September and October.

- Toll 49 Segment 4
  - Financial Discussions

Mr. Owen stated that "good things are happening" with the potential funding opportunities for Segment 4 of Toll 49. The funding for Segment 4 will be a combination of a new SIB loan and toll revenues. The cost of construction is around \$78 million and with an option to the use of the remaining money to pay back what is left on the loans from Segment 3B. Secretary and Board member Dave Spurrier asked how much the current debt was. Troy Madres with First Southwest responded that it was \$98 million. TxDOT ENV Division is reviewing and/or revising

environmental documents, conducting a Regional Toll Analysis and preparing for a Final Public Hearing as part of the environmental permitting process.

- Smith County Commissioners Court Public Hearing for Transportation Reinvestment Zone, Number One

The Public Hearing is set for November 15, 2013 at the Smith County Courthouse Annex beginning at 9:30 AM.

- Environmental Public Hearing in January 2014

The Public Hearing is set for January 9, 2014 at the Lindale High School cafeteria beginning at 5:30 PM

- Toll 49 Segment 7B
  - Financial Discussions
  - Environmental Process – bringing the public up to speed on how we got to where it is today
  - Gregg County Transportation Reinvestment Zone
- Update on Reviewing of the NET RMA Strategic Plan

Mr. Owen pointed out the draft revisions of the Strategic Plan that were proposed for the Board's review and asked that if anyone had any comments on it to let him know. The revisions don't require Board approval.

- Update on the 2013 NET RMA Annual Report

Mr. Owen mentioned that the 2013 NET RMA Annual Report would be sent out as a draft version by the end of the month and it would be missing the financial component since it won't be ready yet. The final version of the report would be then emailed out to the Board either in January or February for their use. It will also be sent to the County Judges and Commissioner's Courts as well as to TxDOT for approval.

- Tentatively Scheduled Future Dates of NET RMA Board Meetings

Mr. Owen discussed the tentative future dates along with the possibility of having a "permanent home" at the Gladewater High School Former Students Association building versus traveling around to all the different counties. The present board members joined in on the discussion voicing their opinions on how they felt about the potential options. Since all of the board members weren't present and the discussion item wasn't an action item on the agenda, a vote wasn't taken nor a decision made. A suggestion was made to poll the Board by email asking their preference on the matter in order to obtain a better direction on what to do for example holding three meetings a year in Gladewater and three meetings elsewhere within the NET RMA counties rotating each time. It was also suggested by Brian Cassidy of Locke Lord to hold off on signing a contract that would be required with the facility until a decision was determined.

## 8. TREASURER'S REPORT

**Action Item**  
Tom Fitzgerald

Tom Fitzgerald, CPA presented the Treasurer's report and Financial Statement for FY 2013, ending in September 30, 2013.

Mr. Fitzgerald presented the NET RMA Balance Sheet, listing NET RMA total Assets at \$110,046,123. Current Liabilities were listed at \$3,939,210, Long Term Liabilities at \$109,011,526 and Unrestricted Deficit at - \$2,904,612.

Mr. Fitzgerald next presented a comparison of Change in Net Assets – Budget to Actual. Total revenues for FY 2013 were \$2,727,131 (vs. a budget of \$2,356,800). General Expenses were \$758,966 (\$754,600), Toll 49 Operating Expenses were \$1,318,049 (\$1,205,300), and Financing Expenses were \$1,352,316 (\$2,008,060). This resulted in a total net Excess of Expenses of -\$702,200, as compared to the anticipated budgeted excess of expenses of -\$1,611,160. Therefore, total revenues were more than expected, and expenses were less than expected, which were both good news.

Mr. Fitzgerald also reported "good news" regarding the construction of Toll 49 – Segment 3B. For FY 2013, total funds made available were \$15,538,596 (vs. a budget of \$16,247,702). However, total project expenditures plus funds reserved for project completion were only \$15,294,588 (\$16,215,875). Thus the anticipated excess funds at project completion were listed at \$244,008 (vs. a budgeted excess of \$32,927). Mr. Fitzgerald then commented that, given the fact that the Toll 49 – Segment 3B construction project was an \$89,232,600 project, he thought that Mr. Everett Owen as Interim Executive Director and Atkins North America, Inc. as GEC had both done an excellent job at managing this complex construction project.

Mr. Fitzgerald concluded his presentation of the FY 2013 Financial Statement by noting that professional services on the Loop 571 project in Rusk County had been completed on budget and were awaiting the start of the next phase (ROW procurement), and that the Smith County Multi-Modal Project was also completed on time and slightly ahead of budget.

Board Member Dr. James Harris moved the approval. Board Member Jack Traylor seconded the motion. The motion carried.

**9. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE WITHDRAWAL OF CASS COUNTY FROM THE NET RMA (RESOLUTION 13-39)** **Action Item**

Everett Owen deferred to Brian Cassidy with Locke Liddell to explain the resolution to the Board.

Mr. Cassidy explained that Cass County had expressed their desire to leave the NET RMA for some time and that the Board passing this resolution was merely the last step in the process required. The reason the Board has to sign off on the resolution is because there is outstanding debt owed to TxDOT by Cass County therefore requiring NET RMA Board to grant approval to have them removed. The Texas Transportation Commission then has to approve the withdrawal of Cass County from the NET RMA during their Commission meeting on November 21, 2013.

Board Member Jack Traylor moved the approval. Board Member Robert Murray seconded the motion. The motion carried.

**10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON WORK AUTHORIZATION NO. 6 WITH ATKINS FOR REGIONAL MOBILITY MANAGER SERVICES UNDER THE EAST TEXAS REGIONAL TRANSPORTATION PARTNERS MEMORANDUM OF UNDERSTANDING (RESOLUTION 13-40)** **Action Item**

Chair Thomas asked that Everett Owen explain the resolution with the Board.

The MOU further provides that the services of the Regional Mobility Manager will be paid for exclusively with grant funding awarded to the ETRTP and the Regional Mobility Manager will act as an independent consultant to the NET RMA. The ETRTP has received three grants from the Federal Transit Administration to fund the services of the Regional Mobility Manager and the NET RMA determined that Atkins is qualified to serve as the Regional Mobility Manager for the ETRTP. Atkins has developed a proposed scope of work and budget for the Regional Mobility Manager services, Work Authorization No. 6.

All work performed under Work Authorization No. 6 will be subject to the MOU, as amended, and the Agreement for General Consulting Civil Engineering Services between the NET RMA and Atkins and that no additional work may be undertaken without the specific approval of the NET RMA and that the services of the Regional Mobility Manager shall be paid for exclusively with grant funding awarded to the ETRTP and that NET RMA funds shall not be used to pay for the services. Any bills due during the time the work authorization is effective will be paid out of the grant funds that come from TxDOT and no cost will be incurred by the NET RMA. As soon as Smith County finds a suitable candidate for the position, the work authorization will be canceled with Atkins.

Board Member Keith Honey moved the approval. Secretary and Board Member Dave Spurrier seconded the motion. The motion carried.

#### **11. RAIL COMMITTEE REPORT**

Celia Boswell

Chair Thomas asked that Mrs. Celia Boswell, Chair of the Rail Committee, discuss the report with the Board.

Mrs. Boswell updated the Board on the signing of the latest MOU with the City of Shreveport that will help advance the efforts of the TL Rail Coalition for the passenger rail service between the DFW area and Shreveport/Bossier City.

Mrs. Boswell commented that she attended the I-20 Committee meeting. The I-20 East Texas Corridor Advisory Committee was established in August 2013 by the TTC to assist TxDOT in assessing the rural transportation needs along I-20 by providing locally focused input and recommendations. This group currently comprises 21 elected officials and other stakeholders along the I-20 corridor. The I-20 corridor currently serves as an integral east-west connection for both travel and trade in Texas. As the interstate system ages and trade increases, identifying opportunities for improvement becomes more critical. Assessing the current corridor conditions and identifying future growth potential are important to ensuring this route meets the needs of the region for decades to come. The I-20 East Texas Corridor Study will focus on evaluating the current safety and capacity needs along the 155-mile stretch of I-20 from I-635 in Dallas to the Texas/Louisiana state line.

#### **12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF SHREVEPORT CONCERNING PASSENGER RAIL SERVICE (RESOLUTION 13-41)**

Action Item

Chair Thomas asked that Mrs. Celia Boswell explain the resolution with the Board.

The NET RMA Board approved entry into a memorandum of understanding with the City of Bossier City, Louisiana back on September 10, 2013. So, the NET RMA and the City of Shreveport have now agreed to engage in joint efforts to promote and advance passenger rail service, including coordination in state and federal

transportation planning, cooperation in the identification of potential issues of mutual interest and development of plans to facilitate safe and reliable passenger rail service in the northeast Texas region and northwest Louisiana region. NET RMA intends to enter into a memorandum of understanding ("MOU") with the City of Shreveport reflecting the agreement between and identifying the roles and responsibilities of the parties.

This second signed MOU benefits the efforts of the TL Rail Coalition that is striving to extend passenger rail service from Dallas/Ft. Worth's existing DART line to the Shreveport/Bossier City, Louisiana area.

Secretary and Board Member Secretary Dave Spurrier moved the approval. Board Member Tim Vaughn seconded the motion. The motion carried.

**13. LONG-RANGE PLANNING COMMITTEE REPORT**

Hudson Old

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

Chairman Old deferred to Mike Battles to discuss the two meetings that were held recently.

Mr. Battles addressed the Board by pointing out the summaries that were provided in their board books covering the two meetings, the Long Range Planning meeting held on October 8<sup>th</sup> in Jefferson and the Tex 21 meeting held on October 18<sup>th</sup> in Texarkana.

**14. UPDATE ON EAST TEXAS HOUR GLASS SEGMENT 7 (Open House Public Meeting to Follow Board Meeting at 4:00 PM)**

Everett Owen


Mr. Owen discussed Segment 7 and the Open House set for after the board meeting today during his presentation of his Executive Director's Report. The Public Meeting was scheduled from 4:00 - 6:30 PM. See the power point presentation on Segment 7 that is attached to the minutes that was given at the board meeting.

**15. ADJOURNMENT**

Chair Thomas adjourned the NET RMA regular board meeting at 3:35 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 2014 Scheduled Board Meetings / Functions**

2014 Tentatively Scheduled Board Meetings

Tuesday - November 12, 2013  
Tuesday - January 14, 2014  
Tuesday - March 18, 2014  
Tuesday - May 13, 2014  
Tuesday - July 15, 2014  
Tuesday - August 12, 2014 \*\*\*\*Budget Workshop\*\*\*\*  
Tuesday - September 30, 2014

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

Date Pending  
TeamTX  
Austin, Texas

November 15, 2013 at 9:30 AM - Smith County Courthouse Annex, 200 E. Ferguson, Tyler, Texas 75702  
Smith County Commissioners Court Public Hearing For Proposed Transportation Reinvestment Zone, Number One

November 21 in Tyler, Texas and December 21, 2013 in Austin, 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.