



MEETING NOTICE

TO: North East Texas Regional Mobility Authority Members

FROM: Linda Thomas, Chair

DATE: May 13, 2014

SUBJECT: NET RMA REGULAR BOARD MEETING

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

DATE: Tuesday May 13, 2014
TIME: 1:30 pm
PLACE: Maude Cobb Convention Center
Activity Rooms – Robbins, Killingsworth & Cargill
100 Grand Avenue
Longview, Texas 75604

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 13, 2014
Maude Cobb Convention Center
Activity Rooms – Robbins, Killingsworth & Cargill
100 Grand Avenue
Longview, Texas 75604
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 Clerks in Smith County and Gregg County, on the NET RMA and Toll 49 websites and in the offices of Atkins on May 9, 2014.

A quorum was declared and the meeting started at 1:30 PM.

2. INVOCATION

Chair Thomas asked that Panola County Board member Walta Cooke 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, Barham Fulmer, Hudson Old, Keith Honey, Larry Morse, Jeff Sandford, Gary Halbrooks, Dr. James Harris, Jr., Robert Murray, Tim Vaughn, Jack Traylor, Walta Cooke, Mike Thomas and Robert Messer.

Absent board members included: Andy Vinson, Dave Spurrier, Celia Boswell and Jim Stephens.

4. SWEARING IN OF REAPPOINTED BOARD MEMBERS

Gregg County Judge Bill Stoudt

Gregg County Judge Bill Stoudt was on hand to conduct the ceremony for the two Board members that were reappointed for an additional 2-year term of service to the Board. They were: Tim Vaughn of Gregg County and Mike Thomas of Smith County.

Judge Stoudt gave a brief welcome to the Board after the swearing in stating "welcome to Gregg County" and that working with the NET RMA has been a work in progress the last ten years and he was finally relieved to see that things were going in the right direction for all of the transportation needs in the area.

5. OPEN PUBLIC FORUM / COMMENT PERIOD

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

Board member Hudson Old made an acknowledgement of Harrison County Board member Dr. James Harris, Jr. regarding an article that Dr. Harris was interviewed for that was published in the New York Times surrounding his quest to end tackle football due to the head trauma occurring in children specifically in intermediate and middle school players.

Mr. Old requested that a link to the story be sent out for the Board members to read.

6. APPROVAL OF MINUTES

A. Discussion, Consideration and Approval of Minutes for:

Action Item

- March 18, 2014 NET RMA Regular Board Meeting

Chair Thomas referred the Board to the minutes dated March 18, 2014 from the regular board meeting. The Chair entertained a motion to approve these minutes if there were no edits by the Board.

Board Member Robert Murray moved the approval. Board Member Jeff Sandford seconded the motion.

The motion carried and the minutes for the March 18, 2014 meeting were approved.

7. CHAIR'S REPORT

Chair Thomas

A. Meetings of Interest

- Texas Transportation Commission Meetings: March 27 in Austin, Texas, April 24, 2014 in Lubbock, Texas and May 29, 2014 in Austin, Texas

www.txdot.gov

- TeamTX: Dates pending

www.team-tx.org

B. Recognition of Randy Hopmann's TxDOT Promotion

Chair Thomas referenced the letter in the board books written from the NET RMA congratulating Mr. Hopmann on his new position. There was also a TxDOT memo announcing this promotion to the Director of Engineering Operations for Rural/Urban Districts. Mr. Hopmann will be assisting in directing, managing and implementing the departments urban and rural district operations while reporting directly to the Deputy Executive Director District Engineer.

Chair Thomas also congratulated Mr. Robert Ratcliff, P.E. of the TxDOT - Atlanta District, who was in attendance at the meeting, for his appointment as Interim Director for the TxDOT – Tyler District.

Chair Thomas then mentioned that she participated in a "fly-in" to Washington D.C. for the I-69 Corridor. It was the first time she said that "all the states from Michigan to Mexico" along the NAFTA Highway were there. Chair Thomas stated that while they were in D.C. there wasn't anything encouraging to hear regarding the transportation trust fund being replaced before its depleted this summer and that the federal highway bill will probably not pass before it ends September 30th.

8. EXECUTIVE DIRECTOR'S REPORT

Everett Owen

- Report on Toll 49 Collections/Revenue

Toll 49 averaged the following monthly transactions; March 2014 = 26,200 transactions per day (64% tag vs 36% video) and April 2014 = 29,315 transactions per day (65% tag vs 35% video). Gary Halbrooks commented that on April 4th and 25th the daily transactions both days "busted" 30,000. They were both Fridays proving thus far Fridays are the busiest day of the week with Sundays being the slowest.

Municipal Services Bureau (MSB) is sending current bills and making good progress on clearing minor remaining backlog. GEC and MSB staff are handling customer calls efficiently. GEC staff handled 145 calls in March 2014 and 152 calls in April 2014 from Toll 49 customers.

- Report on Toll 49 Operations and Maintenance

TxDOT submitted one invoice for Roadway Maintenance work during April 2014 totaling \$5,882.00. Cumulative expenditures for this line item are at 13.59% of budget with 50% time expended. TxDOT submitted a bill for \$24,121.79 for gantry maintenance; whereas Telvent didn't submit an invoice. Cumulative expenditures for this item are at 49.09% of the budget with a 50% time expended. TxDOT conducted routine maintenance activities in March and April making several pavement repairs at several locations per the request of the NET RMA. Smith County Sheriff and DPS Officers are continuing to provide law enforcement activities on Toll 49.

- Update on Toll 49 transfer from TxDOT

The transfer of Toll 49 to the NET RMA from TxDOT was made official by the receipted Deed Without Warranty that Locke Lord received in mid April.

- Marketing Update – Installation of Trailblazing Signs

The proposed trailblazing signage "To IH20" and "Via Toll 49" submitted to TxDOT were approved as is. The other destination sign was approved with two modifications needed to meet TxDOT requirements.

- Update on the Emergency Non-Routine Maintenance Contract

Five companies were sent RFPs to bid on the work needed to clean slit out of the drainage ditches along Toll 49 but only two submitted bids, Southwest Environmental and East Texas Bridge. Since it was a "lowest bid" type of job, Southwest Environmental got the work. Board Member Robert Messer asked Mr. Owen why were there only two bids submitted? Mr. Owen replied "it's a "nasty little job and SW Environmental was accustomed to doing these types of jobs" and that it was common to only receive one or two bids back.

- Update on Application for State Infrastructure Bank Loan for Toll 49, Segment 4

Mr. Owen reported that nothing has changed with the application process for the SIB Loan since the March meeting.

- Update on East Texas Hourglass-Toll 49, Segment 7 Studies

Mr. Owen went over the update for Segment 7 of Toll 49 with the use of a power point presentation that was given to the Board. The current status for Segment 7 is broken down into four parts: refined feasibility study alternatives, quantified impacts of the oil wells, residences and environmental constraints. Mr. Owen reported that there isn't a workable alternative identified and a larger study area is needed. These are the main reasons that Segment 7, as it conceptually stands now, will not be constructed in the near future.

After being asked by the Board what will be done now in Gregg County to help with the transportation needs he responded with, that working in conjunction with Gregg County there are several local projects that the NET RMA could assist. Additional planning will need to be done to identify specific project on. Local improvements to FM 2275 (George Richie Road) and FM 1844 have been suggested as possibilities since the current state of these roads are the two lanes with narrow shoulders pose traveling issues. The improvements could include wider shoulders, lighting/reflective pavement markings, intersection improvements and wider sections.

There is also a possibility to expand the Segment 7 study area by amending the feasibility study and developing additional corridors Mr. Owen added.

9. LONG RANGE PLANNING UPDATE

Hudson Old

Chair Thomas called upon Mr. Hudson Old, Chairman of the Long Range Planning Committee, to discuss with the Board any updates. Mr. Old then deferred to fellow Board member, Mr. Robert Messer, to handle the latest news on the upcoming Long Range Planning activities.

Mr. Messer addressed the Board letting them know about an initial meeting between Kaufman County officials and State officials as an initiative to get transportation projects going in and around Kaufman County. Topics of discussion will include an overview of current Kaufman County projects, a review of future needs of the County such as State Highway 34, discussion of \$54 million in bond issuance proceeds and discussion of opportunities for collaboration with NETRMA.

The meeting will be held on Wednesday May 21st in Tyler at Venue Properties, Gary Halbrooks office, at 2:30 PM.

Mr. Messer extended an invitation to the Board if they were interested in attending.

10. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN AMENDMENT TO THE PROCUREMENT POLICIES REGARDING THE DISPOSITION OF SURPLUS REAL PROPERTY AND LEASE OF TRANSPORTATION PROJECT ASSETS (RESOLUTION 14-14)

Action Item

Chair Thomas asked Interim Executive Director, Everett Owen, to address the Board and discuss the resolution. Mr. Owen then deferred to Brian Cassidy of Locke Lord to discuss the resolution.

Mr. Cassidy explained that the NET RMA is empowered to procure such goods and services as it deems necessary to assist with its operations and the development of transportation projects and to sell or otherwise dispose of property that the authority determines is no longer necessary or useful.

The NET RMA Board was asked to amend primarily Sections 13,14, and 15 of the Procurement Policies, primarily for the purpose of including procedures for the sale or transfer of surplus real property and the lease of transportation project assets and to address recent legislative changes, including changes to the definition of a transportation project.

Board Member and Vice Chairman Gary Halbrooks moved the approval. Board Member Robert Messer seconded the motion. The motion carried.

11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO IMPLEMENT THE RESULTS OF THE SPEED STUDY CONDUCTED BY TXDOT ON TOLL 49 AND RECOMMENDED INCREASE TO POSTED SPEED LIMITS AND ESTABLISHMENT OF MINIMUM SPEED LIMITS (RESOLUTION 14-15) **Action Item**

Chair Thomas asked Mr. Owen to address the Board and discuss the resolution.

Mr. Owen explained that the Texas Transportation Code provides that a regional mobility authority may adopt and enforce rules for the use of any transportation project, including tolls, fares, or other user fees, speed and weight limits, and traffic and other public safety rules. The NET RMA had TxDOT conduct a speed zone study to see if Toll 49 would support an increase in speed along with setting a minimum speed.

The TxDOT study results were evaluated to see if the current roadway geometrics on the portion of Toll 49 at SH 155 north to IH 20 would support the 75 MPH speed zone. It was deemed to be supportive of the increase and appropriate signage would be installed to reflect the change. The minimum speed for this stretch of Toll 49 will be posted at 65 MPH. As far as the portion of Toll 49 from SH 110 to SH 155 is concerned, the maximum speed of 70 MPH will remain the same while a new minimum speed of 60 MPH will be posted.

Board Member Jack Traylor moved the approval. Board Member Mike Thomas seconded the motion. The motion carried.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE A SUPPLEMENTAL WORK AUTHORIZATION NO. 4.01 FOR TOLL MAINTENANCE OPERATIONS FOR ATKINS (RESOLUTION 14-16) **Action Item**

Chair Thomas asked Mr. Owen to address the Board and discuss the resolution.

Atkins had previously developed a proposed scope of work and budget for toll maintenance support services necessary for the continued successful operation and maintenance of Toll 49, including customer services, public involvement activities, website maintenance, toll operations support, and facilities maintenance oversight. Originally budgeted funds are almost depleted and now it is necessary to adjust the budget to cover the actual rate of expense for maintaining the roadway.

There was a 70% increase of extra costs from the original budgeted amount of \$267,000.00. This supplemental fee amount is for \$200,000.00 totaling an amount not to exceed \$467,000.00. The extra cost comes out of the toll revenues said Mr. Owen when asked by a Board member.

Atkins has modified the budget set forth in Work Authorization No. 4.0, to reflect the increase in the modified budget reflected in Supplemental Work Authorization No. 4.01 that the Board is being asked to approve. All work performed under Supplemental Work Authorization No. 4.01 will be subject to the Agreement for Services between the NET RMA and Atkins and that no additional work will be undertaken without prior Board approval.

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

13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPROVE A SUPPLEMENTAL WORK AUTHORIZATION NO. 1.01 FOR GEC SERVICES FOR ATKINS (RESOLUTION 14-17)

Action Item

Chair Thomas asked Mr. Owen to address the Board and discuss the resolution.

Atkins previously developed a proposed scope of work and budget for GEC services for the 2014 fiscal year, including work related to program planning and management activities, technical and financial studies, preparation and conduct of board meetings, and implementation of marketing and public information programs.

The original amount budgeted was for \$450,000.00. Because several additional monthly Board Meetings have been held, expenses are ahead of budget. This supplemental fee amount is for \$90,000.00 totaling \$540,000.00 which won't be exceeded.

Atkins has modified the budget set forth in Work Authorization No. 1.0 to reflect the increase in the modified budget reflected in Supplemental Work Authorization No. 1.01. All work performed under Supplemental Work Authorization No. 1.01 is subject to the Agreement for GEC Services between the NET RMA and Atkins and that no additional work may be undertaken without prior approval Board approval.

Board Member Robert Messer moved the approval. Board Member Jeff Sandford seconded the motion. The motion carried.

14. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO AMEND THE FY 2014 NET RMA BUDGET (RESOLUTION 14-18)

Action Item

Chair Thomas asked Mr. Owen to address the Board and discuss the resolution.

The resolution was to amend the NET RMA FY 2014 budget to reflect the necessary change in the GEC services area of the budget due to increased costs of operation of Toll 49 since the original budget was approved.

After a brief discussion, Board member Mike Thomas suggested that the Board not adjust the budget due to any other unforeseen costs because if it was adjusted then it portrays a "false sense of budgeting correctly".

The Board agreed. The resolution was officially withdrawn per Brian Cassidy of Locke Lord.

15. TREASURER'S REPORT

Action Item
Tom Fitzgerald

Tom Fitzgerald, NET RMA CPA, briefly discussed the treasurer's report as of March 31, 2014 that was provided to the Board in the packets. He pointed out a few highlights being that the cash in the Operating Account at Texas Bank & Trust Co. had the following balances: NETRMA funds \$129,620, Rusk County funds for Loop 571 \$239,369 totaling \$368,989, the funds at Amegy Bank for the operation of Toll 49 totaled \$2,835,821, tolls receivable from CTRMA and Municipal Service Bureau (net of processing fees) for January totaled \$370,626,

funds held for the completion of construction of Toll 49 Segment 3B totaled \$927,896, accounts payable at March 31, 2014 totaled \$799,130.

Board Member Robert Messer asked Mr. Fitzgerald if there could be three different types of the budget presented during the board meetings at some point to show more detailed financial status of the money. Mr. Messer requested a monthly breakdown, a year-to-date (YTD) and current year versus last year format. Mr. Fitzgerald commented that those wouldn't be a problem to create and present to the Board.

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

16. ADJOURNMENT


Chair Thomas adjourned the NET RMA regular board meeting at 3:00 PM.



Gary Halbrooks, Vice-Chair



Dave Spurrier, Secretary



James C. Varnell

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 2014 Scheduled Board Meetings / Functions

2014 Tentatively Scheduled Board Meetings:

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

May 29 and June 26, 2014 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.