



## MEETING NOTICE

TO: North East Texas Regional Mobility Authority Members  
FROM: Linda Thomas, Chair  
DATE: March 13, 2012  
**SUBJECT: NET RMA REGULAR BOARD MEETING**

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

**DATE: March 13, 2012**  
**TIME: 1:30 PM**  
**PLACE: Marshall Civic Center – All American Room 2<sup>nd</sup> Floor**

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 P.M. Tuesday March 13, 2012  
Marshall Civic Center  
2501 East End Blvd  
Marshall, TEXAS 75670  
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 Harrison and Smith Counties, on the NET RMA website, and in the offices of Atkins on March 9, 2012.

**2. INVOCATION**

Chair Thomas asked if Wood County Board Member, Celia Boswell, could 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, Tim Vaughn, Keith Honey, Jim Harris, Jim Stephens, Gaylon White, Gary Halbrooks, Celia Boswell, Walta Cooke and Andy Vinson.

Absent Board Members included: Jeff Sandford, Robert Murray, Dave Spurrier and Mike Thomas.

**4. SWEARING IN OF CHAIR LINDA THOMAS AND NEW NET RMA BOARD MEMBERS: DR. JAMES HARRIS AND MR. JIM STEPHENS**

Judge Hugh Taylor

Linda Thomas was officially sworn into her first full term as Chair of the NET RMA. Her previous swearing in that took place back in January only fulfilled the rest of ex-Chairman Austin's term, which ended in February. Now that she was reappointed by Governor Perry, she needed to be sworn in again to serve her full term.

Three other newly appointed NET RMA Board Members were also sworn in at the meeting by Harrison County Judge Hugh Taylor. Dr. James Harris of Harrison County, Mr. Jim Stephens of Van Zandt County and Mr. Tim Vaughn of Gregg County. Dr. Harris is replacing Rodney Gilstrap as Harrison County's NET RMA representative, Mr. Stephens is replacing Bill Rowton for Van Zandt County and Mr. Vaughn is taking the remaining spot for Gregg County's representative.

**5. REMARKS BY PUBLIC OFFICIALS**

Judge Taylor gave a brief thank you to the NET RMA for hosting its meeting in Harrison County and holding it at the Marshall Civic Center. Judge Taylor then remarked, "I hope your meeting today is successful and that next time ya'll come back maybe you can hold it in the newly renovated historical Harrison County Courthouse because by then the new museum would be open."

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

There were no public comments made at this meeting.

**7. APPROVAL OF MINUTES**

- A. Discussion, Consideration and Approval of Minutes for  
- January 18, 2012 NET RMA Regular Board Meeting

Action Item

Chair Thomas referred the board to the minutes dated January 18, 2012 from the regular board meeting.

The Chair entertained a motion to approve these minutes if there were no edits by the Board. Board Member and Treasurer, Andy Vinson, pointed out few clerical errors and suggested corrective amendments.

Board Member Barham Fulmer moved for approval of the minutes as amended and Board Member Andy Vinson seconded the motion. The motion carried and the minutes for the January 18, 2012 meeting were approved as amended.

## 8. CHAIR'S REPORT

Chair Thomas

### A. Comments from the Chair –

Chair Thomas started off her report by stating, "This is an exciting time to be in transportation ... we have to remain vigilant with the member counties and city officials regarding their needs in transportation in all areas including roads and rail and anything that moves." Chair Thomas continued by mentioning the following items:

- A lot of reorganization is happening at TxDOT and they have cut down on a lot of the planning time and have come up with some bonds (equaling \$2 billion dollars) that will be issued for transportation projects. That said the counties need to see if there are any projects that have been sitting waiting for available cash. The NET RMA is blessed to have former NET RMA Chairman, Jeff Austin III, now in Austin serving on the Texas Transportation Commission to help represent the North East Texas region making the voice of the NET RMA heard even more.
- Chair Thomas mentioned again that the three MPO's in the RMA region are still in jeopardy of their services being taken away due to the proposed requirements of the U.S. Senate MAP-21 transportation reauthorization bill.
- Update on formation of Nomination Committee -  
Chair Thomas established this committee to help in the selection of future people to different committees on the Board. Board Member Keith Honey was named chair of the Nomination Committee with Board Member Walta Cooke serving as member of the committee.

Chair Thomas stated that there could possibly be some additional reorganizing of other NET RMA committees and organizational chart so if there were board members that wanted to be on a certain committee to let her know because she will begin making nominations or reappointing board members soon if needed. Mrs. Thomas also stated that board members who are on committees need to establish a close relationship with those in their communities who are involved with transportation planning and the elected officials in their county so a coalition can be built within their areas.

- Chair Thomas announced to the Board that on April 9, 2012 she, Vice Chairman Gary Halbrooks and former NET RMA Chairman Jeff Austin, III will be traveling to the Kaufman County Commissioners Court to make a presentation regarding Kaufman County potentially joining the NET RMA.

### B. REPORT FROM THE NET RMA NOMINATION COMMITTEE AND DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON ELECTION OF OFFICERS (VICE CHAIR, SECRETARY, AND TREASURER) (RESOLUTION 12-13)

Keith Honey  
Walta Cooke

Board Member and Chair of the Nomination Committee, Keith Honey, gave a summary of the resolution that was set forth for the selection of Board Members to serve as officers for the Board of Directors. Board Members Gary Halbrooks was nominated as Vice-Chairman, Dave Spurrier was nominated for his reappointment to Secretary and Andy Vinson was also nominated for his reappointment to Treasurer.

Board Member and Nomination Committee Chair, Keith Honey, moved for approval of the resolution. Board Member Celia Boswell seconded the motion. The motion carried.

### C. Meetings of Interest

- Texas Transportation Commission Meeting - March 29, April 26 and May 31<sup>st</sup> 2012 in Austin, TX

[www.dot.state.tx.us](http://www.dot.state.tx.us)

These meetings get listed for the Board in case anyone wants to be down in Austin and would like to attend a meeting.

- TeamTX – Date Pending

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

Chair Thomas mentioned that she spoke to Team Texas to gather information on their meeting schedule and was told that in the past their meetings were sporadic but now with all the legislation happening in regards to transportation that the meetings should become more regular. Chair Thomas mentioned the Board may be looking for a new representative for Team Texas in the future.

## 9. TREASURER'S REPORT

Andy Vinson

### A. Discussion, Consideration and Possible Action on the Treasurer's Report

Action Item

Mr. Everett Owen, Project Director, was asked by Chair Thomas to give a brief explanation to the new Board Members of how the funding (the SIB Loan and the Toll Equity Loan) of the Toll 49 Segment 3B project took place so they would have a better understanding of how the financing was structured, therefore making it easier to relate to the financial highlights provided to them during the meeting. Project Director Everett Owen provided an overview of the SIB and TEL loans and their repayment requirements.

Chair Thomas then asked Treasurer and Board Member, Andy Vinson, to give the treasurer's report since the NET RMA's CPA, Tom Fitzgerald, was not in attendance. Mr. Vinson went over the summary of the statement of net assets that Mr. Fitzgerald had prepared that covered the period of December 1, 2011 to January 31, 2012 for the NET RMA which was provided in the board books. Mr. Owen provided some clarifying remarks regarding the status and funding levels for various NET RMA projects.

Board Member Keith Honey moved to approve the Treasurer's Report. Board Member Gary Halbrooks seconded the motion. The motion carried.

## 10. RAIL COMMITTEE REPORT

Celia Boswell

### A. East Texas Passenger Rail Coalition

Mrs. Boswell informed the Board that there would be a meeting of the East Texas Passenger Rail Coalition on March 29, 2012. It would be held in Longview at the Public Library beginning at 10am. This is a grassroots organization so they are still working on the fundamentals for getting the group up and going at full speed. The ETPRC is supporting the concept of a new High-Speed Rail Line between Dallas (Mesquite) TX and Shreveport / Bossier City LA.

### B. Update to Rail Plan

Mrs. Boswell gave a summary to the Board of the Updated Rail Plan that was included in the board books at the meeting. Mrs. Boswell, Chair of the Rail Committee, commented that back in 2009 the committee met regularly in an effort to gather as much information as possible so that criteria could be developed to help prioritize rail projects in the region. Now that it has been a few years and the Committee has collected all of their data, they have prepared an updated Rail Plan for 2011. Mrs. Boswell also mentioned one of the big accomplishments that happened in May of 2011 was the signing of the MOU between the NET RMA and DART. "Think positive about all of this because we have some movers and shakers working on all of this." Mrs. Boswell stated. Chair Thomas then stated that maybe due to all of the new initiatives that the Rail Committee is creating, that one of the big players in the area, Union Pacific Rail Road, would start paying attention. Mrs. Thomas also said that up to this point they have not been interested in passenger rail but this may cause them to turn their heads.

## 11. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON CHANGE ORDER NO. 4 UNDER TOLL 49 DESIGN/BUILD CDA--WIDENING OF WESTBOUND SH 31 (Resolution 12-14)

Action Item

Chair Thomas asked Project Director, Everett Owen, to explain Resolution 12-14 to the Board. Mr. Owen began by using a map to explain to the Board the Toll 49 system; segments that are open to traffic and the segments that are currently under construction so that again, they would have a better understanding of the project and specifically the SH 31 intersection that Change Order No. 4 applied to.

Mr. Owen explained that the TxDOT Contractor on Segment 3A, Longview Bridge and Road, was responsible for construction of the main bridge over SH 31 and the entrance / exit ramps south of SH 31. The Toll 49 Segment 3B contractor, CH2M Hill, was responsible for building connecting ramps from SH 31 to Toll 49 on the north side of SH 31. However, it turned out that having two contractors working in the SH 31 intersection was causing some confusion. So TxDOT agreed to have their Segment 3A contractor widen SH 31 for connection to the ramps, and this work was removed from CH2M Hill's responsibility. As a result, this change order for CH2M Hill was for a savings of \$23,597 in construction costs since CH2M Hill would not have to do the SH 31 paving.

Board Member Walta Cooke moved for the approval. Board Member Jim Stephens seconded the motion. The motion carried.

**12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON CHANGE ORDER NO. 5 UNDER TOLL 49 DESIGN/BUILD CDA-- ADJUSTMENT IN THE DEVELOPMENT PRICE (Resolution 12-15) Action Item**

Chair Thomas again asked Mr. Everett Owen to explain resolution 12-15 to the Board. Mr. Owen gave a brief history of the way the process worked for obtaining the loan agreements for the construction of Toll 49 Segment 3B originally. Then back in October of 2010, the NET RMA board approved the original CDA for the development of the Toll 49 Segment 3B Project that stated the amount of escalation of the development price. Now, due to delays beyond CH2M Hill's control, they are entitled to an escalation of the development price in the amount of \$461,800.00 to help compensate that the Notice to Proceed was not issued within the time period set forth in the CDA. The Resolution states that CH2M Hill would be approved for that increase in the development price amount.

Board Member Gary Halbrooks moved for the approval. Board Member Andy Vinson seconded the motion. The motion carried.

**13. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON CHANGE ORDER NO. 1 UNDER TOLL SYSTEMS INTEGRATION CONTRACT--CAMERA TECHNOLOGY (RESOLUTION 12-16) Action Item**

Mr. Everett Owen explained the resolution regarding the change to Chang Order No. 1 in that due to the changing technology of the cameras and their installation that is used at the TxTAG toll gantries. The Board approved the change to the original agreement that was entered into with Telvent back on September 2, 2011. It stated that the camera requirements would change from requiring color cameras to black and white cameras, but there would be no additional cost to the NET RMA.

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

**14. PROJECT DIRECTOR'S REPORT (Toll 49) Everett Owen**

Mr. Everett Owen stated that in the board binder there were status updates on all of the segments but he was not going to go over those items unless there were specific questions. A few board members did have some questions regarding the tolls and toll revenue projections, which Mr. Owen answered.

**15. REPORT CONCERNING STATUS OF GEC WORK AUTHORIZATIONS Mike Battles**

Chair Thomas asked Mr. Mike Battles, project director of the GEC, to explain Agenda Item 15.

Mr. Battles touched on several items that the GEC was working on giving the board an update. Mr. Battles stated that all the GEC work was current and those items included:

- The GEC is working on the ETHG Feasibility Study and the Smith County MMF study.
- All current financial study assignments are complete.
- The NET RMA Administrative activities included: preparing materials for the March 13<sup>th</sup> Board Meeting, responding to questions from TxDOT regarding the Grant Application for Regional Grant Mobility Manager on behalf of the NET RMA and the East Texas Regional Transportation Partners, monitoring traffic volumes and potential revenue for Toll 49 and assisting TxDOT with design and construction coordination for Segments 3A and 5.
- Web Site [www.netrma.org](http://www.netrma.org) transferred to new website provider and updates are underway. The GEC met with Cypress Interactive on February 27<sup>th</sup> to discuss the new site and its content/layout.
- Round 1 of email setup for Board Members was completed and Round 2 for new members is underway.

## 16. ADJOURNMENT

Chair Thomas dismissed the meeting at 3:25 pm.

All that was discussed as far as the next board meeting was concerned was that it would be on the third Tuesday of the month for future meetings. The actual date was not set.

Lastly, Board Member and Compliance & Oversight Chair, Keith Honey, reminded the board that the TEC filings were due by April 30, 2012. Mr. Honey also noted that Locke Liddell could send out a reminder email to the board in which Brian Cassidy, counsel with Locke Liddell, agreed with.

### **BOARD BOOK APPENDIX - COMPLIANCE & OVERSIGHT**

- A. Open Records Spreadsheet
- B. Surety Bond Spreadsheet
- C. Conflict of Interest Spreadsheet
- D. Term Expiration Spreadsheet
- E. TEC Filing Spreadsheet

  
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Linda Thomas, Chair

  
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Dave Spurrier, Secretary

  
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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 2012 Scheduled Board Meetings / Functions**

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

March 29, April 26 and May 31, 2012  
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.