

**AUGUST 24, 2011 CTRMA BOARD OF DIRECTORS MEETING
Summary Sheet**

AGENDA ITEM # 3

Approve the minutes for the July 28, 2011 General Board Meeting.

Department: Law

Board Action: YES (by motion)

Description of Matter:

The minutes for the July 28, 2011 General Board Meeting require approval by the Board.

Attached Document: Draft Minutes July 28, 2011 General Board Meeting

Contact for further information:

Andrew Martin, General Counsel

**MINUTES FOR
General Meeting of the Board of Directors
of the
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

**Thursday, July 28, 2011
9:30 A.M.**

The meeting was held at 301 Congress Avenue, Suite 360, Austin, Texas 78701. Notice of the meeting was posted July 21, 2011 at the County Courthouse of Williamson County, with the Secretary of State, on the CTRMA website, and on the bulletin board in the lobby of CTRMA's offices at Suite 650, 301 Congress Avenue, Austin, Texas. Also, Notice of the meeting was posted July 22, 2011 at the County Courthouse of Travis County.

1. Welcome and Opening Remarks by Chairman Ray A. Wilkerson

Chairman Wilkerson called the meeting to order at 9:40 a.m. and called the roll. Board Members present at the time the meeting was called to order were Chairman Ray Wilkerson, Vice-Chairman Jim Mills, Ms. Nikelle Meade, Mr. David Singleton, Mr. Bob Bennett, Mr. Charles Heimsath, and Mr. Henry Gilmore.

2. Open Comment Period

No public comments were offered.

3. Approval of Minutes of June 29, 2011 General Board Meeting

Chairman Ray Wilkerson presented the minutes from the June 29, 2011 Board Meeting for review by the Board. Mr. Bob Bennett moved for approval of the minutes, and Mr. Henry Gilmore seconded the motion. The motion carried unanimously 7-0, and the minutes were approved as drafted.

4. Approve a proposed amendment to the October, 2005 Agreement with URS Corporation for Traffic and Revenue Engineering Services to delete Article 17 (Authority Indemnified) and related provisions.

This item was delayed for consideration following the Executive Session.

5. Approve selection of one or more firms to provide communications and marketing consulting services.

Mr. Mario Espinoza presented this item. Mr. Espinoza introduced the evaluation committee that included Deborah Melba, Executive Assistant to the Executive Director; Connie Watson, Public Information Officer for Williamson County; Karla Taylor Villalone,

Public Information Manager for the City of Austin's Transportation Department; Larry Graham, Customer Service and Public Affairs Director for Texas Gas Services; as well as Mr. Espinoza. CTRMA received proposals from Door Number 3, Hahn Texas, Crosswind Communications, and Elizabeth Christian and Associates. The top three proposers were asked to provide presentations to the evaluation committee. Staff recommended Crosswind Communications for an initial contract term of two years with two one-year renewal options for an annual amount not to exceed \$400,000.00.

Ms. Nikelle Meade moved for approval of the resolution. Mr. Charles Heimsath seconded the motion. The motion carried unanimously 7-0, and the resolution was approved as drafted.

6. Approve an amended work authorization with Atkins North America, Inc., relating to general support and assistance for CTRMA operations.

Mr. Wes Burford presented this item seeking Board approval of an amended to a work authorization for general support and assistance from Atkins North America, Inc. Staff requested the Board authorize \$100,000.00 under the work authorization for general support and assistance during FY 2012, reduced from the \$594,508 approved by Resolution 11-077.

Mr. Bob Bennett moved for approval, and Mr. Charles Heimsath seconded the motion. The motion carried unanimously 7-0, and the resolution was approved as drafted.

7. Approve an amended work authorization with HNTB Corporation relating to general support and assistance for CTRMA operations.

Mr. Wes Burford presented this item seeking Board approval of an amended work authorization for general support and assistance from HNTB Corporation. Staff requested the Board authorize \$576,500.00 under the work authorization for general support and assistance during FY 2012, reduced from the \$1,302,500 approved by Resolution 11-078.

Mr. Bob Bennett moved for approval and Mr. Henry Gilmore seconded the motion. The motion carried unanimously 7-0, and the resolution was approved as drafted.

8. Approve an amended work authorization with HNTB Corporation relating to initial development of future projects, project feasibility studies, and support for certain other project specific activities.

Mr. Wes Burford presented this item seeking Board approval of an amended work authorization for future projects, project feasibility studies, and support for certain other project specific activities with HNTB Corporation. The amended work authorization is for activities associated with the HERO program oversight and preparing project applications for program calls, among other services. The work authorization is for one year in the additional amount of \$350,000.00.

Mr. Charles Heimsath moved for approval of the resolution, and Mr. David Singleton seconded the motion. The motion carried unanimously 7-0, and the resolution was approved as drafted.

- 9. Approve an amended work authorization with Atkins North America, Inc., relating to initial development of future projects, project feasibility studies, and support for certain other project specific activities.**

Mr. Wes Burford presented this item seeking Board approval of an amended work authorization for future projects, project feasibility studies, and support for certain other project specific activities with Atkins North America, Inc. The amended work authorization is for activities associated with projects' preliminary engineering and preparing project applications for program calls, and would be for one year in the additional amount of \$250,000, for a total of \$499,427.

Mr. Bob Bennett moved for approval of the resolution, and Mr. Henry Gilmore seconded the motion. The motion carried unanimously 7-0, and the resolution was approved as drafted.

- 10. Approve a new work authorization with HNTB Corporation relating to general administrative support and assistance for CTRMA operations.**

Mr. Wes Burford presented this item seeking Board approval of a work authorization for general administrative support and assistance with HNTB Corporation. The work authorization is for administrative support and assistance during FY 2012 that would be billed at an 8% profit rate in an amount not to exceed \$454,000.

Ms. Nikelle Meade moved for approval, and Mr. David Singleton seconded the motion. The motion carried unanimously 7-0, and the resolution was approved as drafted.

- 11. Approve a new work authorization with Atkins North America, Inc., relating to general administrative support and assistance for CTRMA operations.**

Mr. Wes Burford presented this item seeking Board approval of a work authorization for general administrative support and assistance with Atkins North America, Inc. The work authorization is for administrative support and assistance during FY 2012 that would be billed at an 8% profit rate in an amount not to exceed \$525,000.

Mr. Henry Gilmore moved for approval, and Mr. Bob Bennett seconded the motion. The motion carried unanimously 7-0, and the resolution was approved as drafted.

12. Approve a new work authorization with HNTB Corporation relating to the US183/183A Intersection Improvement Project.

Mr. Wes Burford requested that the Board allow staff to pull the item for further consideration and presentation at a future meeting.

Without any object Chairman Wilkerson pulled this item.

13. Authorize the Executive Director to administratively approve certain construction change orders.

Mr. Wes Burford presented this item requesting the Board's approval to authorize the Executive Director to administratively approve certain construction change orders. Staff is recommending the Executive Director be authorized to approve construction change orders in an amount up to \$300,000.00, consistent with the authority TxDOT gives its District Engineers.

Ms. Nikelle Meade moved for approval of the resolution, and Mr. Henry Gilmore seconded the motion. The motion carried unanimously 7-0, and the resolution was approved as drafted.

14. Accept the monthly financial report for June, 2011.

Mr. Bill Chapman presented this item. The new bonds were added to the liability section on the balance sheet. Also, the annual audit field work will start August 1, 2011.

Mr. Bob Bennett moved for approval, and Mr. David Singleton seconded the motion. The motion carried unanimously 7-0, and the resolution was approved as drafted.

Briefing and discussion on the following; no action proposed:

15. Quarterly briefing on the MoPac Improvement Project.

Ms. Heather Reavey presented this item providing an update on the MoPac Improvement Project. The environmental process is on schedule, and the environmental assessment and design schematic are both currently being reviewed. Four of the seven neighborhood sound wall workshops have occurred. The Context Sensitive Design Advisory Committee met to discuss concepts to create constructible, maintainable, and cost effective aesthetic solutions within the MoPac corridor. There is continued coordination between the bike/pedestrian community, including the City of Austin, CAMPO and FHWA, on potential improvements to the bike and pedestrian facilities along and across the corridor. Official notification from the Union Pacific Railroad has been received and they declined our request for shared use of right of way for refuge bays. The General Engineering Consultant is currently examining alternatives. Cost estimates are continually updated, and coordination with utilities continues.

16. Quarterly briefing on the 183A Phase II Project.

Ms. Heather Reavey presented this item providing an update on the construction activities for the 183A Phase II Project. There is continued placement of precast bridge deck panels and concrete on the 183A mainlane overpasses at New Hope Drive, Block House Creek, Crystal Falls Parkway, RM 2243, and Hero Way. The temporary closure of the Scottsdale Drive crossover began May 2, 2011 in order to facilitate the construction of the Scottsdale Drive bridges over the 183A mainlanes. The temporary closure should last approximately four months. Concrete paving operations have begun for the mainlanes. Construction is ahead of the contract required completion date, and is currently reported at 60.5% complete. Construction supported 440 jobs during the month of June, 2011.

17. Quarterly briefing on the Manor Expressway Project.

Mr. Eric Ploch presented this item providing an update on the construction activities for the Manor Expressway Project. Construction of the direct connectors at US183, also known as Phase I, continues to progress with drilled shafts, footings, columns, column capitals, bents caps, and prestressed concrete beams, bridge deck framework, as well as reinforcing steel placement. The project is currently 63% complete and is on schedule. The project created 415 jobs during the month of June, 2011. Phase II of the Manor Expressway Project began on June 29, 2011 when staff issued a Notice to Proceed to Central Texas Mobility Constructors, LLC (CTMC). CTMC has submitted the 30% Roadway plans for the Interim Development Work. Also, CTMC has substantially developed the 30% bridge layout plans and the 30% culvert layouts for the Interim Development Work. Commencement of construction activities is anticipated by the end of July. Current construction focus for Phase II is initiating the clearing and grubbing activities to support the Interim Development Work.

18. Update on the Green Mobility Challenge.

Mr. Eric Ploch presented this item. The Green Mobility Challenge was officially launched on July 1, 2011 with the opening of registration and the website going live. Letters from Mr. Mike Heiligenstein have been sent to all potential judges inviting them to participate, and tentative commitments have been received. An email blast was sent to 300 professional and university contacts, and additional outreach via email, phone calls, and in-person meetings has commenced. Senator Kirk Watson has agreed to emcee the finals event.

19. Executive Director's report.

Mr. Steve Pustelnyk provided a follow-up to the violation enforcement process stating that several stories have been reported on local Austin news stations. Collections through Municipal Services Bureau were up about \$11,000.00 after the news stories aired.

Mr. Mike Heiligenstein stated that staff is moving forward with the procurement for finance and development advisors. Outside counsel, Brian Cassidy, is working on preparing a Request for Information.

Executive Session Pursuant to Government Code, Chapter 551

Chairman Wilkerson announced in open session at 10:55 a.m. that the Board would recess the open meeting and would reconvene in Executive Session to deliberate the following items:

- 20. Discussion of the acquisition of one or more parcels or interests in real property needed for the Manor Expressway Project and related legal issues, pursuant to §551.072 (Deliberation Regarding Real Property; Closed Meeting) and §551.071 (Consultation with Attorney).**
- 21. Discussion of legal issues relating to procurement and financing of CTRMA transportation projects, as authorized by §551.071 (Consultation with Attorney).**
- 22. Discussion of legal issues related to claims by or against the Authority, pending or contemplated litigation, and any related settlement offers, or other matters as authorized by §551.071 (Consultation with Attorney).**
- 23. Discussion of personnel matters as authorized by §551.071 (Consultation with Attorney).**
- 4. Discuss the item to approve a proposed amendment to the October, 2005 Agreement with URS Corporation for Traffic and Revenue Engineering Services to delete Article 17 (Authority Indemnified) and related provisions, as authorized by §551.071 (Consultation with Attorney).**

The Board reconvened in open meeting at 11:30 a.m., and Chairman Wilkerson announced that there was no action taken in Executive Session.

Discuss, consider, and take appropriate action on the following:

- 4. Approve a proposed amendment to the October, 2005 Agreement with URS Corporation for Traffic and Revenue Engineering Services to delete Article 17 (Authority Indemnified) and related provisions.**

Mr. Bill Chapman presented this item, and explained that the item provides an opportunity for the Board to consider and take action on the request initiated by URS Corporation to amend the October, 2005 Agreement for Traffic and Revenue Engineering Services with URS Corporation. The proposed amendment would delete Article 17 (Authority Indemnified) and related provisions of that agreement. Mr. Chapman recommended approval of the request.

Ms. Nikelle Meade made a motion to reject the requested amendment, and Charles Heimsath seconded the motion. The motion carried unanimously 7-0, and the amendment was rejected by the Board.

- 24. Declare a public necessity to acquire one or more of the following described parcels of land for the Manor Expressway Project, and with respect to those parcels, authorize the negotiation and execution of a purchase contract, the negotiation and execution of a possession and use agreement, or the use of the power of eminent domain to acquire the parcel for the Manor Expressway Project, as applicable.**

Ms. Nikelle Meade made a motion, seconded by Mr. Bob Bennett, to adopt the staff recommended resolutions from staff for each of the the parcels listed below:

The motion carried unanimously, 7-0, and separate resolutions authorizing the action specified by the motion were approved for each parcel as drafted.

A. Authorize the Executive Director to execute a purchase contract for Parcel 31 of the Manor Expressway Toll Project, a 2.432 acre parcel of real estate owned by Robert W. and Janice W. Jenkins, located at 9475 US Hwy 290E in Travis County, in the amount of \$670,961.

B. Authorize the Executive Director to acquire by agreement of file a suit for eminent domain of Parcel 44A of the Manor Expressway Toll Project, a 0.479 acre parcel of real estate owned by Applied Materials, Inc., located at 9700 US Hwy 290E in Travis County.

C. Authorize the Executive Director to acquire by agreement of file a suit for eminent domain of Parcel 44B of the Manor Expressway Toll Project, a 0.907 acre parcel of real estate owned by Applied Materials, Inc., located at 9700 US Hwy 290E in Travis County.

E. Authorize the Executive Director to acquire by agreement of file a suit for eminent domain of Parcel 57 of the Manor Expressway Toll Project, a 0.184 acre parcel of real estate owned by Applied Materials, Inc., located at the northwest corner of US Hwy 290E and Harris Branch Parkway in Travis County.

G. Authorize the Executive Director to execute a purchase contract for Parcel 37 of the Manor Expressway Toll Project, a 2.030 acre parcel of real estate owned by Scott William Elder, located at 9577 US Hwy 290E in Travis County, in the amount of \$853,404.

H. Authorize the Executive Director to acquire by agreement of file a suit for eminent domain of Parcel 50A and 50A (E) of the Manor Expressway Toll Project, a 1.496 acre parcel of real estate and a 0.037 acre drainage easement owned by Robert Hurst Rental Company, located at 9741 US Hwy 290E in Travis County.

I. Authorize the Executive Director to acquire by agreement of file a suit for eminent domain of Parcel 50B of the Manor Expressway Toll Project, a 0.341 acre parcel of real estate owned by Robert Hurst and Janet Lockwood, located at 9741 US Hwy 290E in Travis County.

29. Adjourn Meeting.

Chairman Wilkerson declared the meeting adjourned by unanimous consent at 12:00 p.m.