



**CENTRAL TEXAS
Regional Mobility Authority**

AGENDA ITEM #5 SUMMARY

Approve the Minutes for the January 25, 2012
Regular Board Meeting.

Department: Law

Associated Costs: None

Funding Source: None

Board Action Required: YES (by Motion)

Description of Matter:

The Minutes for the January 25, 2012 Regular Board Meeting require approval from the Board.

Attached documentation for reference:

Draft Minutes for January 25, 2012 Regular 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**

**Wednesday, January 25, 2012
9:30 A.M.**

The meeting was held at 301 Congress Avenue, Suite 360, Austin, Texas 78701. Notice of the meeting was posted January 20, 2012 at the County Courthouses of Williamson and Travis 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.

1. Welcome and Opening Remarks by Chairman Ray Wilkerson

Chairman Ray Wilkerson called the meeting to order at 9:30 a.m. and called the roll. Directors present at the time the meeting was called to order were Vice Chairman Jim Mills, Mr. David Singleton, Mr. Henry Gilmore, Mr. Charles Heimsath, and Mr. Bob Bennett. Ms. Nikelle Meade was not present for the meeting.

Chairman Wilkerson acknowledged and thanked Mr. Henry Gilmore for his service to the Mobility Authority since it began in 2003.

2. Open Comment Period

No public comments were offered.

3. Approval of Minutes of December 7, 2011 General Board Meeting

Chairman Ray Wilkerson presented the minutes from the December 7, 2011 Board Meeting for review by the Board. Mr. Bob Bennett moved for approval, and Mr. Henry Gilmore seconded the motion. The motion carried unanimously 6-0, and the minutes were approved as drafted.

4. Approval of the 2012 Strategic Plan for the Central Texas Regional Mobility Authority (CTRMA).

Ms. Cindy Demers presented this item. No substantive changes were made to the Strategic Plan since it was presented at the December Regular Board Meeting. The 2012 Strategic Plan is in its final format, and will be made available to the public upon approval by the Board.

Mr. Jim Mills moved for approval, and Mr. David Singleton seconded the motion. The motion carried unanimously 6-0, and the resolution was approved as drafted.

5. Awarding the construction contract for the 183A South Brushy Creek Pedestrian Bridge.

Mr. Wes Burford presented this item. Staff issued a request for bids to construct a pedestrian bridge across South Brushy Creek linking the 183A Shared Use Path to the Williamson County Regional Trail. Staff recommends awarding the contract to Montoya Anderson Construction, Inc. for an amount not to exceed \$838,703.25.

Mr. Charles Heimsath moved for approval, and Mr. Jim Mills seconded the motion. The motion carried unanimously 6-0, and the resolution was approved as drafted.

6. Approving a new interlocal agreement with the Cameron County Regional Mobility Authority to provide ongoing toll system maintenance services.

Mr. Tim Reilly presented this item. The interlocal agreement will have the Mobility Authority provide continued, long term toll system maintenance of the Cameron County Regional Mobility Authority (CCRMA) toll system, and will renew annually unless notice of termination is given by either party. CCRMA will pay the Mobility Authority for its costs of providing these services through its contractor, Telvent USA Corporation, in the amount of \$56,092.00 annually.

Mr. Charles Heimsath moved for approval, and Mr. Henry Gilmore seconded the motion. The motion carried unanimously 6-0, and the resolution was approved as drafted.

7. Approving an amended work authorization with Telvent USA Corporation under the maintenance services for the toll collection system contract to provide toll system maintenance services to the Cameron County Regional Mobility Authority.

Mr. Tim Reilly presented this item. The amended work authorization will be added to the Telvent USA Corporation contract for Maintenance Services to provide continued, long term toll system maintenance for the Cameron County Regional Mobility Authority toll system under an approved interlocal agreement between the Mobility Authority and CCRMA. The work authorization will begin when the one year of maintenance services provided in the Toll System Implementation contract expires, and will renew annually in the amount of \$56,092.00.

Mr. Charles Heimsath moved for approval and Mr. Jim Mills seconded the motion. The motion carried unanimously 6-0, and the resolution was approved as drafted.

8. Approving an interlocal agreement with the North Texas Tollway Authority (NTTA), the Texas Department of Transportation (TxDOT), and the Harris County Toll Road Authority (HCTRA) to provide for continuing maintenance of the interoperability hub system.

Mr. Tim Reilly presented this item. An interlocal agreement between the Mobility Authority, TxDOT, NTTA, and HCTRA provides that NTTA will perform preventive,

predictive, corrective, and emergency maintenance services on the software and databases that comprise the Interoperability Hub System for electronic toll transactions. That interlocal agreement expired January 15, 2012. The proposed interlocal agreement will re-establish services until January 15, 2013, at the same \$70,000 annual cost as was established under the prior agreement. The total cost is divided equally among the four parties to this agreement, and the Mobility Authority's share of the cost is \$17,500.

Mr. David Singleton moved for approval, and Mr. Bob Bennett seconded the motion. The motion carried unanimously 6-0, and the resolution was approved as drafted.

9. Approving an interlocal agreement with the Texas Department of Transportation to provide courtesy patrols on the 183A Turnpike during 2012.

Mr. Tim Reilly presented this item. The interlocal agreement will provide courtesy patrols for 183A including the Phase II Extension project. The interlocal agreement will be for calendar year 2012 in an amount not to exceed \$85,996.08.

Mr. Henry Gilmore moved for approval, and Mr. Bob Bennett seconded the motion. The motion carried unanimously 6-0, and the resolution was approved as drafted.

10. Approving a policy to establish permitting requirements and processes relating to use of CTRMA-provided utility encasements of the 183A Turnpike.

Mr. Andy Martin presented this item. The proposed policy establishes a requirement that any utility facility installed in Mobility Authority right-of-way for 183A between its intersections with RM 2243 and Hero Way must be located within the existing utility encasements installed and owned by the Mobility Authority. Use of these utility encasements will require an agreement between the owner of the utility facility and the Mobility Authority that includes, among other provisions, payments that fully reimburse the Mobility Authority for its actual costs to provide the encasements for use by the utility provider.

Mr. Jim Mills moved for approval, and Mr. Bob Bennett seconded the motion. The motion carried unanimously 6-0, and the resolution was approved as drafted.

11. Approving the assignment of the professional services agreement for legal services as CTRMA's bond counsel from Vinson & Elkins LLP to Bracewell & Giuliani LLP.

Mr. Bill Chapman presented this item. Since 2004, the law firm of Vinson & Elkins LLC ("V&E") has provided bond counsel services to the Mobility Authority. Effective January 17, 2012, the attorneys in V&E's public finance practice joined Bracewell & Giuliani LLC ("Bracewell"), and V&E no longer provides public finance legal services.

The assignment is a three-party agreement between the Mobility Authority, V&E, and Bracewell that assigns the existing contract for bond counsel services with V&E to

Bracewell. The Mobility Authority will continue to receive bond counsel services under the direction of Glenn Opel, now a partner at Bracewell, on the same rates, terms, and conditions as provided when Mr. Opel was a partner at V&E.

Mr. Bob Bennett moved for approval, and Mr. Henry Gilmore seconded the motion. The motion carried unanimously 6-0, and the resolution was approved as drafted.

12. Approving an update to the list of Authorized Investment Broker Dealers included in the CTRMA Investment Policy.

Ms. Cindy Demers presented this item. The proposed resolution adds three additional firms to the current list of authorized broker dealers for the Mobility Authority.

Mr. Bob Bennett moved for approval, and Mr. David Singleton seconded the motion. The motion carried unanimously 6-0, and the resolution was approved as drafted.

13. Approving amendments to governing documents for the voluntary CTRMA employee retirement contributions plan.

Mr. Bill Chapman presented this item. Federal law requires that the Mobility Authority's employee retirement contributions plan be revised periodically to incorporate applicable changes to federal laws and regulations.

Nationwide Retirement Solutions has provided the restated plan documents (the "Governmental Plan for Nationwide Volume Submitter Plan" and the "Central Texas Regional Mobility Authority Governmental Plan Summary of Plan Provisions") that incorporate required changes. Board approval of these restated documents is needed to ensure the Plan complies with federal law.

Mr. Charles Heimsath moved for approval, and Mr. Henry Gilmore seconded the motion. The motion carried unanimously 6-0, and the resolution was approved as drafted.

14. Accepting the monthly financial reports for November and December, 2011.

Mr. Bill Chapman presented this item. Overall revenues include some grant revenue. Traffic revenue for the first six months is up, but not as significant an increase as in the first traffic and revenue statements. When the 183A extension opens in April there should be an increase in transactions.

Mr. Henry Gilmore moved for approval, and Mr. Jim Mills seconded the motion. The motion carried unanimously 6-0, and the resolution was approved as drafted.

Briefing and discussion on the following:

15. Quarterly briefing on the Manor Expressway Project.

Mr. Eric Ploch presented this item. Phase I construction continues to progress including columns, column capitals, bent caps, pre-stressed concrete beams and forming and pouring bridge decks. Roadway construction includes excavation, embankment, mechanically stabilized earth retaining walls, permanent drainage, illumination and intelligent transportation system conduit, asphaltic concrete pavement, traffic control and erosion control efforts. Phase I is currently behind schedule largely due to a partial stoppage of construction operations over certain holidays and weekend evenings to ensure safety of construction personnel and motorists. Construction is reported at 76% complete.

Phase II design work has progressed for the interim design work and the remainder of the project. The design work is being executed in three segments. Clearing and grubbing have been substantially completed. Earthwork excavation and embankment, drainage structures, and bridge substructures have commenced. Phase II development work is on schedule with the current contract requirement.

Some sustainable initiatives used in both Phase I and II include use of solar-powered traffic control devices, salvage and use of embankment on-site, use of local/regional materials to reduce emissions and fuel costs, use of warm-mix asphalt pavement and recycled asphaltic pavement, and reuse of topsoil. Outreach activity has continued through the project hotline, Twitter, the Mobility Authority's website, text messaging, emails, and visits to various businesses in the project area.

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

Mr. Chris Bilich presented this item. 183A Phase II is 85% complete, and scheduled to open in the spring of 2012. The Scottsdale Drive bridges have been completed, and opened to traffic on October 24th, 2011. Crews have been working on mainlane roadway paving and installation, toll gantry foundation, sign column construction, and electrical conduit installation. The construction of the Phase II Shared Use Path continues.

17. Quarterly briefing on the MoPac Improvement Project.

Mr. Paul Terranova presented this item. An environmental finding from the Federal Highway Administration is anticipated in the fall of 2012. If the revised environmental assessment is deemed satisfactory, it will be released for public review and a public hearing will be held in the spring of 2012. The schematic design will be available for public comment at the upcoming March 1 and 6 community open houses and at the public hearing. The Austin City Council voted on proposed sound walls in which the city was an impacted property owner along the MoPac corridor as part of the MoPac Improvement Project, and authorized construction of sound wall #3 along Great Northern Blvd in the city's right-of-way. Public involvement and community outreach continues with stakeholder meetings, elected official briefings, informational workshops, community open houses, project updates, e-newsletter, and project focus groups. The overall project

remains on schedule. It is anticipated that a facility could potentially be open to traffic in 2016.

18. Executive Director's report.

Mr. Mike Heiligenstein presented this item. Staff began looking into the benefits and opportunities of providing express lanes on IH 35 to and from the Kyle and Buda areas. A special workshop chaired by Senator Kirk Watson recommended funding from Prop 12 Rider 42 for the environmental and design work for Loop 1 express lanes from Lady Bird Lake south to Slaughter Lane. Prop 12 Rider 42 money focuses on the most congested roadways in the state of Texas

Executive Session Pursuant to Government Code, Chapter 551

Chairman Wilkerson announced in open session at 11:00 a.m. that the Board would recess the open meeting and reconvene in Executive Session to deliberate the following items:

- 19. 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).**
- 20. Discussion of legal issues related to claims by or against the Authority, pending or contemplated litigation and any related settlement offers, including First Baptist Church of Leander et al. v. Texas Department of Transportation et al. (Cause No. D-1-GN-09-001329 in the 201st Judicial District Court of Travis County), or other matters as authorized by §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 personnel matters as authorized by §551.074 (Personnel Matters).**

The Board reconvened in open meeting at 11:50 a.m., and Chairman Wilkerson announced that there was no action taken in Executive Session.

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

- 23. 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.**

No action was taken on this item.

24. Adjourn Meeting.

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