



**CENTRAL TEXAS
Regional Mobility Authority**

AGENDA ITEM #3 SUMMARY

Approve the minutes for the October 31, 2012 Regular Board Meeting and the November 14, 2012 Board Retreat and Workshop.

Department: Law
Associated Costs: None
Funding Source: None
Board Action Required: YES (by Motion)

Description of Matter:

The Minutes for the October 31, 2012, Regular Board Meeting and November 14, 2012, Board Retreat and Workshop.

Attached documentation for reference:

Draft Minutes for the October 31, 2012, Regular Board Meeting

Draft Minutes for the November 14, 2012, Board Retreat and Workshop

Contact for further information:

Andrew Martin, General Counsel

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

**Wednesday, October 31, 2012
9:30 A.M.**

The meeting was held at 301 Congress Avenue, Suite 360, Austin, Texas 78701. Notice of the meeting was posted October 26, 2012 at the respective County Courthouses of Williamson and Travis Counties; online at the website of the Secretary of State; online at the website of the Mobility Authority; and on the bulletin board in the Mobility Authority's lobby at 301 Congress Avenue, Suite 650, Austin, Texas 78701.

1. Welcome and Opening Remarks by Chairman Ray Wilkerson.

Chairman Ray Wilkerson called the meeting to order at 9:35 a.m. and called the roll. Directors present when the meeting was called to order were Vice Chairman Jim Mills, Ms. Nikelle Meade, Mr. Bob Bennett, Mr. Charles Heimsath, and Mr. David Armbrust. Mr. David Singleton was not present for the meeting.

2. Open Comment Period.

No public comments were offered.

3. Approve the minutes for the August 28, 2012, Regular Board Meeting and the September 13, 2012, Special Called Meeting.

Chairman Ray Wilkerson presented minutes for the August 28, 2012, Regular Board Meeting and the September 13, 2012, Special Called Board Meeting for consideration by the Board. Mr. Jim Mills moved for approval, and Mr. Charles Heimsath seconded the motion. The motion carried unanimously 6-0, and the minutes were approved as drafted.

Chairman Wilkerson announced at 9:36 a.m. that the Board would recess the open meeting and would reconvene in the Audit Committee Meeting.

Chairman Bob Bennett called the Audit Committee to order at 9:37 a.m. and took up the following Audit Committee agenda item:

Discuss, consider, and take appropriate action to accept the Fiscal Year 2012 Audit Reports.

Ms. Cindy Demers introduced Don McPhee, audit partner for PMB Helin Donovan, LLP, who conducted the annual audit for fiscal year 2012. Mr. McPhee provided a brief presentation of the independent audit that was completed for the year ending June 30, 2012. The Authority's financial statements received an unqualified opinion meaning that there was reasonable assurance that the financial statements were free of material misstatement. There were no uncorrected audit adjustments or significant corrected misstatements. In addition, the single audit was completed for the year ending June 30, 2012, and found the Authority to be in compliance with the requirements of OMB A-133.

Mr. Jim Mills moved for acceptance of the audit reports, and Mr. Charles Heimsath seconded the motion. The motion carried unanimously 6-0, and the Audit Committee resolution was approved as drafted.

Chairman Bob Bennett adjourned the Audit Committee meeting at 9:45 a.m. by unanimous consent.

Chairman Wilkerson reconvened the Board meeting to consider the following agenda items:

- 4. Report the automatic Toll Rate Escalation Percentage to become effective January 1, 2013, and, if desired, approve a modified Toll Rate Escalation Percentage effective January 1, 2013.**

Mr. Bill Chapman presented this item. Section 301.003 of the Mobility Authority's Policy Code provides that on October 1, 2012, and each October 1 thereafter, the staff will report a proposed automatic percentage increase in the toll rates charged on Mobility Authority toll projects, calculated according to the formula established by Section 301.003. The formula is based on changes to the most recently published non-revised index of Consumer Prices for All Urban Consumers (CPI-U) before seasonal adjustment, as published by the Bureau of Labor Statistics of the U.S. Department of Labor. For 2012, the formula results in a 2.0% automatic increase. The automatic percentage increase in tolls becomes effective on January 1, 2013, unless the Board by majority vote adopts a modified toll escalation percentage.

The board took no action to adopt a modified toll escalation percentage. Toll rates on the 183A Turnpike will increase by 2.0%, effective January 1, 2013.

5. Adopt base toll rates for the Manor Expressway.

Mr. Bill Chapman presented this item. Phase 1 of the Manor Expressway is scheduled to open in January 2013. This item establishes the base toll rates for the Manor Expressway. For Phase 1 (and until the entire Manor Expressway is open), the toll at each toll gantry for a passenger car (two axle) vehicle with a TxTAG or other transponder account will be \$0.50 and for a Pay By Mail customer the toll at each toll gantry will be \$0.67. When the entire Manor Expressway opens, tolls at the Phase 1 gantries will increase to \$0.53 and \$0.71, respectively, and tolls at the other gantries will be \$0.53 and \$0.71, except for the Giles Lane gantry, where the toll will be \$1.06 and \$1.41. Tolls for a vehicle with more than two axles will be calculated using the formula: toll rate multiplied by (n-1), where "n" equals the number of axles on the vehicle.

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

6. Authorize the Executive Director to file one or more requests for financial assistance with the Texas Department of Transportation for funding to develop the MoPac South Project and the Bergstrom Expressway Project, and to negotiate and execute agreements required to obtain the requested financial assistance.

Mr. Wes Burford presented this item. This item authorizes filing applications with the Texas Department of Transportation to obtain financial assistance in the amount of \$100 million towards the cost of developing and constructing the Bergstrom Expressway Project and \$16.5 million towards the cost of developing the MoPac South Express Lanes Project. If the requests are approved by the Texas Transportation Commission, the Executive Director is authorized to negotiate and execute the Financial Assistance Agreement between the Mobility Authority and TxDOT and any other agreements needed to secure the financial assistance.

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

7. Authorize a new work authorization with HNTB Corporation for services related to environmental review and procurement and review of design work for the MoPac South Project.

This item was tabled.

8. Approve a legislative program for issues and proposals affecting the Mobility Authority in the 83rd Texas Legislature.

Mr. Andy Martin presented this item. The 83rd Legislature will convene in January 2013, and will be considering legislative proposals and issues that could affect the Mobility Authority. In previous legislative sessions, the Mobility Authority has worked with other regional mobility authorities and tolling entities to address issues of common concern. The proposed legislative program includes issues anticipated in the upcoming session, as well as items of particular and specific concern to the Mobility Authority.

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

9. Authorize an extension of the HERO Program for services on IH-35 and U.S. Highway 183.

Mr. Andy Martin presented this item. Existing funding for the current service area of the HERO program will be exhausted in mid-November, 2012, at which time funding will be available under a new Advance Funding Agreement to provide HERO program services on IH-35 and U.S. Highway 183.

The HERO extension authorizes the Executive Director to provide motorist assistance program services to the expanded service area along IH-35 and US 183 in accordance with the approval of CAMPO and the AFA when existing funding for the current service area has been exhausted.

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

10. Approve 2013 Plan Year Changes to the CTRMA Plan with the Texas County and District Retirement System.

Mr. Bill Chapman presented this item. The Mobility Authority provides retirement benefits to its employees through the Texas County and District Retirement System (TCDRS). Each year certain plan provisions must be adopted and approved by the Board. This action continues the Mobility Authority employer contribution rate of 14% for FY 2013.

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

11. Accept the financial reports for August and September 2012.

Mr. Bill Chapman presented this item. There was nothing unusual to report on the financial reports for August and September 2012.

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.

Briefing and discussion on the following:

12. Quarterly Briefing on the Manor Expressway Project.

Mr. Eric Ploch presented this item. Construction continues to progress for Phase I of the Manor Expressway Project. Progress includes completed erection of pre-stressed concrete beams and steel girders, forming and pouring bridge decks and placement of concrete paving for approach slabs. As of September 25, 2012, construction is approximately 95% complete. During September 2012 Phase I supported 228 jobs. Sustainability initiatives include solar-powered traffic control devices, salvage and reuse of embankment on-site, use of local/regional materials, and recycling.

Design work for both the interim development work and the remainder of the project has been substantially completed for Phase II. Central Texas Mobility Constructors provided a draw request that includes substantial completion of the interim development work on December 31, 2012. During September 2012, Phase II supported 421 jobs. Sustainability initiatives include flashing beacons, pavement reuse, topsoil reuse, recycled fill/embankment materials, wood recycling, and automated equipment idle shutdown.

13. Quarterly Briefing on the MoPac Improvement Project.

Ms. Heather Reavey presented this item. The environmental study is complete after the issuance of a “finding of no significant impact” by the FHWA on August 23, 2012. The finding cleared the MoPac Improvement Project to proceed to the final design and construction phase.

The project team continues to coordinate with stakeholders and elected officials, and various meetings were held in the 3rd quarter of 2012. An e-newsletter was sent out to project stakeholders on September 4, 2012, to update the public on the Project’s approval from FHWA and the upcoming construction phase.

The RFDP was finalized, approved by FHWA and TxDOT, and officially issued to the Proposing Teams on September 1, 2012. The proposers will have approximately four months to prepare their technical and price proposals, with submittals due in January 2013.

The overall project remains on schedule. The anticipated start of design and construction is mid-2012, with a potential opening in 2016.

14. Quarterly Briefing on environmental assessments for the Bergstrom Expressway, the Oak Hill Parkway, the MoPac South Study, the 183 North Project, and the SH 45 Southwest Project.

Mr. Wes Burford presented this item. The Bergstrom Expressway Study is currently focusing on the environmental assessment, public outreach, and context sensitive design solutions. The Mobility Authority is currently working with TxDOT and other agencies to identify ways to expedite the environmental processes and clearance date. The environmental assessment is anticipated to be complete by mid-2014. The first open house was held in September 2012 with over 100 attendees.

The Oak Hill Parkway Study is currently focusing on public outreach and resource agency coordination. Community members participated in an Oak Hill Envisioning Mobility Workshop on August 29, 2012. The Mobility Authority, TxDOT, City of Austin, Capital Metro, and public officials conducted a press conference on October 17, 2012, to unveil the study name and logo, and present next steps in the process.

The MoPac South Study is in the procurement process for a preliminary engineering and environmental services consultant. A request for qualifications was issued on September 21, 2012, and responses to the RFQ were submitted on October 12, 2012. The evaluation committee determined a short list for interviews on October 25, 2012, and interviews are scheduled for November 5, 2012.

The Mobility Authority will soon initiate activities to start the Environmental Study for the 183 North Study. The project was selected as one of the recipients of the Capital Area Metropolitan Planning Organization (CAMPO) Surface Transportation Program – Metropolitan Mobility (STP MM) Funding Program. The environmental study and community outreach program are anticipated to start in 2013.

On the SH 45 Southwest Project environmental study, TxDOT has the contract to perform the environmental study and the Mobility Authority is working with TxDOT to assist in the public involvement effort and overall scheduling for the study. As of now, everyone is waiting on a decision from the FHWA setting the appropriate logical termini and study limits for this project.

15. Executive Director's report.

Mr. Mike Heiligenstein presented this item and provided the Board with a schedule of proposed board meeting dates for 2013.

The 10th year anniversary of the Mobility Authority was October 2012.

Executive Session Pursuant to Government Code, Chapter 551

Chairman Wilkerson announced in open session at 11:02 a.m. that the Board would recess the open meeting and reconvene in Executive Session to deliberate the following items:

16. *Discuss 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; Closed Meeting).*
17. *Discuss legal issues related to First Baptist Church of Leander, et al v. Texas Department of Transportation, et al; Cause No. D-1-GN-09-001329 in the 201st District Court of Travis County, Texas as authorized by §551.071 (Consultation With Attorney).*

The Board reconvened in open meeting at 12:05 p.m., and Chairman Wilkerson announced that no action was taken in Executive Session.

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

21. Authorize negotiation and execution of settlement agreement and a purchase contract for the Manor Expressway Project of the following parcel or property interest:

Mr. Andy Martin presented items 21A, 21B, and 22.

A. Parcel 52N (a/k/a 52-2AC), a release and relinquishment of a right of ingress and egress and a right of direct access to and from Highway 183 for a designated portion of a 27.63 acre tract in Williamson County, at the northeast corner of Highway 183A and Crystal Falls Parkway, owned by Crystal Falls, Ltd.

Staff recommends acquiring a denial of access easement in the amount of \$1000.00.

B. Parcel 82AC, a release and relinquishment of a right of ingress and egress and a right of direct access to and from Highway 183A for a designated portion along the eastern boundary of a 0.202 acre tract and a 37.88 acre tract in Williamson

County, at the northwest corner of Highway 183A and FM 1431, owned by Cedar Park Town Center, LP.

Staff recommends acquiring a denial of access easement in the amount of \$1000.00.

22. Authorize vacating and releasing a denial of access easement to the landowner of the following described parcel or property interest for the 183A Project:

Parcel 82AC, a release and relinquishment of a right of ingress and egress and a right of direct access to and from Highway 183A for a designated portion along the eastern boundary of a 0.202 acre tract and a 37.88 acre tract in Williamson County, at the northwest corner of Highway 183A and FM 1431, owned by Cedar Park Town Center, LP.

Staff recommends a release of the existing right of access.

Mr. Bob Bennett moved for approval of items 21A, 21B and 22, and Ms. Nikelle Meade seconded the motion. The motion carried unanimously 6-0, and the resolutions were approved as drafted.

23. Adjourn Meeting.

Chairman Ray Wilkerson declared the meeting adjourned at 12:04 p.m. with unanimous consent.

**MINUTES FOR
Board of Directors Retreat & Workshop
of the
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

**Wednesday, November 14, 2012
9:00 A.M.**

The meeting was held at the University of Texas Club, President's Room East, 6th Floor at 2108 Robert Dedman Drive, Austin, Texas 78712. Notice of the meeting was posted November 9, 2012 at the respective County Courthouses of Williamson and Travis Counties; online at the website of the Secretary of State; online at the website of the Mobility Authority; and on the bulletin board in the Mobility Authority's lobby at 301 Congress Avenue, Suite 650, Austin, Texas 78701.

1. Welcome and Opening Remarks by Chairman Ray Wilkerson.

Chairman Ray Wilkerson called the meeting to order at 9:08 a.m. and called the roll. Directors present when the meeting was called to order were Vice Chairman Jim Mills, Ms. Nikelle Meade, Mr. Bob Bennett, Mr. David Singleton, Mr. Charles Heimsath, and Mr. David Armbrust.

2. Open Comment Period.

No public comments were offered.

3. Role of Board of Directors in directing organization.

Mr. Mike Heiligenstein presented this item for discussion by the Board members and staff.

4. Funding and budgeting for capital improvement projects.

Mr. Wes Burford presented this item for discussion by the Board members and staff.

5. Briefing regarding the use of public private partnerships for upcoming Mobility Authority projects.

Mr. Bill Chapman presented this item for discussion by the Board members and staff.

6. Report on Operations.

Mr. Tim Reilly presented this item for discussion by the Board members and staff.

7. Authorize procurement of a MoPac Improvement Project community outreach manager.

Mr. Steve Pustelnyk presented this item. The Communications Department is requesting authority to issue a Request for Proposals to acquire the services of a Community Relations Consultant to oversee the communications and community outreach program during construction of the MoPac Improvement Project.

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

Executive Session Pursuant to Government Code, Chapter 551

Chairman Wilkerson announced in open session at 12:19 p.m. that the Board would recess the open meeting and reconvene in Executive Session to deliberate the following items:

8. *Discuss legal issues related to First Baptist Church of Leander, et al v. Texas Department of Transportation, et al; Cause No. D-1-GN-09-001329 in the 201st District Court of Travis County, Texas as authorized by §551.071 (Consultation With Attorney).*
9. *Discuss legal issues relating to the procurement and financing of current and future Mobility Authority transportation projects, as authorized by §551.071 (Consultation With Attorney).*
10. *Discuss personnel matters as authorized by §551.074 (Personnel Matters).*

The Board reconvened in open meeting at 12:48 p.m., and Chairman Wilkerson announced that no action was taken in Executive Session.

Chairman Ray Wilkerson then recessed the meeting to allow board members who intended to take a tour of the Manor Expressway to reconvene at the van parked outside at 2108 Robert Dedman Drive.

23. Adjourn Meeting.

At 1:05 p.m., Chairman Ray Wilkerson noted that there was no quorum present at the tour van and accordingly declared the meeting adjourned.