

## MINUTES

### Regular Meeting of the Board of Directors of the CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY

Wednesday, October 2, 2013  
9:30 A.M.

The meeting was held in the Mobility Authority's Lowell H. Lebermann, Jr., Board Room at 3300 N Interstate 35, #300, Austin, Texas 78705-1849. Notice of the meeting was posted September 27, 2013 at the respective County Courthouses of Williamson and Travis Counties; online on the website of the Secretary of State; online on the website of the Mobility Authority; and in the Mobility Authority's office lobby at 3300 N Interstate 35, #300, Austin, Texas 78705-1849.

#### 1. **Welcome and Opening Remarks by Chairman Ray Wilkerson.**

Chairman Ray Wilkerson called the meeting to order at 9:32 a.m. and called the roll. Directors present at the time the meeting was called to order were Mr. Jim Mills, Ms. Nikelle Meade, Mr. David Singleton, Mr. Bob Bennett, Mr. Charles Heimsath, and Mr. David Armbrust.

#### 2. **Open Comment Period.**

No public comments were offered during the Open Comment Period.

Chairman Wilkerson announced at 9:33 a.m. that the Board would recess the open meeting and would convene the Audit Committee Meeting.

Chairman Bob Bennett called the Audit Committee to order at 9:34 a.m. and took up the following Audit Committee agenda item:

#### **Discuss, consider, and take appropriate action to accept the Fiscal Year 2013 Audit Reports.**

Ms. Cindy Demers introduced Don McPhee, audit partner for PMB Helin Donovan, LLP, who conducted the annual audit for fiscal year 2013. Mr. McPhee provided a brief presentation of the independent audit that was completed for the year ending June 30, 2013. There were no uncorrected audit adjustments or significant corrected misstatements. In addition, the single audit was completed for the year ending June 30, 2013, and found the Mobility 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 7-0, 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:

**3. Approve the minutes for the August 28, 2013, Regular Meeting of the Board of Directors.**

Chairman Ray Wilkerson presented for Board consideration the minutes for the August 28, 2013 Regular Board Meeting. Mr. David Singleton moved to approve the minutes as drafted, and Ms. Nikelle Meade seconded the motion. The motion carried unanimously 7-0, and the minutes were approved as drafted.

**4. Approve naming the Mobility Authority Board Meeting Room to honor Lowell H. Lebermann, Jr.**

Mr. Mike Heiligenstein presented this item. The Mobility Authority wanted to honor Mr. Lowell H. Lebermann, Jr. by naming the Board Room after him. Mr. Lebermann served as Board Vice Chairman, was a member of the Executive Committee as well as a founding member of the Mobility Authority Board of Directors. Mr. Lebermann passed away on July 9, 2009 and served on the Board up until his untimely passing.

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.

**5. Approve an interlocal agreement with the Texas Department of Transportation for off-site materials, independent assurance, and skid and permeability testing.**

Mr. Wes Burford presented this item. The interlocal agreement with the Texas Department of Transportation will provide materials inspection and testing, independent assurance testing, and permeability testing of hot mix asphalt services to the Mobility Authority on an “as requested” basis for Mobility Authority transportation projects.

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

**6. Discussion and possible action regarding the region’s future utilization of MOKAN as a transportation corridor.**

Mr. Mike Heiligenstein presented this item. Staff recommends the Board approve a resolution requesting that the Texas Department of Transportation to initiate a study of the MOKAN corridor for the purpose of developing the corridor as an alternative to the already congested IH 35.

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

**7. Authorize negotiation of an extension to interim financing from Regions Bank.**

Mr. Bill Chapman presented this item. In 2011 the Mobility Authority entered into a \$5 million interim financing loan with Region’s Bank. The Authority has been drawing down on this note to reimburse expenditures on various projects as well as paying down on the principal from proceeds received through the \$13.6 million multi-project Financial Assistance Agreement

(FAA) with TxDOT. The expiration date defined in the original Region's loan agreement is December 15, 2013. The Mobility Authority is seeking an extension of this date as well as an increase in the amount of the loan with the provision not to exceed future proceeds under the multi-project FAA.

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

**8. Approve Texas County and District Retirement System Plan Provisions for Plan Year 2014.**

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 2014.

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

**9. Approve the financial statements for July and August, 2013.**

Mr. Bill Chapman presented this item. There was nothing unusual to report about the July and August financial reports.

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

**Briefing and discussion on the following:**

**10. Policy for locating monument signs on Mobility Authority right-of-way.**

Mr. Sean Beal presented this item explaining monument signs and requesting feedback from the Board in order for the Mobility Authority to develop policies relating to gateway monuments.

**11. Monthly status report on the MoPac Improvement Project.**

Ms. Heather Reavey and Mr. Steve Pustelnyk presented this item and provided a brief update on activities that occurred during the month of September.

Ms. Sandra Helton addressed the Board regarding the MoPac Improvement Project and her objection to the extent and size of the proposed sound wall #3.

**12. Executive Director's report.**

Mr. Mike Heiligenstein presented this item. Travis County voted to support the southeast Travis County road project. Mobility Authority staff will develop and bring back to the Board an interlocal agreement to assist the county in this project.

## **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 reconvene in Executive Session to deliberate the following items:

13. 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).
14. Discuss legal issues related to claims by or against the Mobility Authority; pending or contemplated litigation and any related settlement offers; or other matters as authorized by §551.071 (Consultation With Attorney).
15. Discuss legal issues relating to procurement and financing of Mobility Authority transportation projects, as authorized by §551.071 (Consultation With Attorney).
16. Discuss legal issues related to legislation enacted by the 83<sup>rd</sup> Texas Legislature that could affect the Mobility Authority or its operations, §551.071 (Consultation With Attorney).

The Board reconvened in open meeting at 12:34 p.m., and Chairman Wilkerson announced that no action was taken in Executive Session.

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

17. Authorize negotiation and execution of purchase contract, a settlement agreement, or both in a pending eminent domain proceeding to acquire the following described parcel or property interest for the Manor Expressway Project:

- A. Parcel 42 of the Manor Expressway Toll Project, a 4.709 acre tract in Travis County, at the southeast corner of US 290 East and Johnny Morris Road, owned by H. Dalton Wallace.

Staff recommended a settlement agreement amount of \$1,475,000.00 to acquire Parcel 42.

Ms. Nikelle Meade moved for approval of the staff recommendations for Parcel 42, and Mr. Jim Mills seconded the motion. The motion carried unanimously, 4-0, and the resolution was approved as drafted.

### **18. Adjourn Meeting.**

Chairman Ray Wilkerson declared the meeting adjourned at 12:36 p.m. with unanimous consent.

Approved 10/30/2013