

## MINUTES

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

Wednesday, October 30, 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 October 25, 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 9:35 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, and Mr. David Armbrust. Mr. Charles Heimsath joined the dais at 10:15 a.m.

**2. Open Comment Period.**

No public comments were offered during the Open Comment Period.

**3. Approve the minutes for the October 2, 2013, Regular Meeting of the Board of Directors.**

Chairman Ray Wilkerson presented for Board consideration the minutes for the October 2, 2013, Regular Board Meeting. Mr. Bob Bennett moved to approve the minutes as drafted, and Ms. Nikelle Meade seconded the motion. The motion carried unanimously 6-0, and the minutes were approved as drafted.

**4. Approve an agreement with the Texas Department of Transportation relating to the financing, development, and operation of the SH 71 Toll Lanes Project.**

Mr. Mike Heiligenstein presented this item. The project agreement for SH 71E from near Presidential Boulevard easterly to SH 130 allows for TxDOT to plan and construct the project and for the Mobility Authority to operate and maintain the newly constructed tolled lanes. TxDOT will take lead responsibility for planning and delivering the project and the Mobility Authority will take responsibility for operations and maintenance of the newly constructed main lane tolled facilities. TxDOT will operate and maintain the general purpose lanes as well as the frontage roads.

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. Approve an advance funding agreement with the Texas Department of Transportation for the Bergstrom Expressway (183 South) Project.**

Mr. Wes Burford presented this item. Approval of the advance funding agreement will allow the Mobility Authority to access \$6.5 million in STP MM funds committed to the Bergstrom Expressway project through CAMPO for fiscal year 2014 which will allow further development of the project.

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

**6. Approve an agreement with Travis County relating to the development of a 1.9 mile roadway from SH 71 south to Pearce Lane.**

Mr. Mike Heiligenstein presented this item. On October 1, 2013, the Travis County Commissioners Court authorized negotiating an interlocal agreement with the Mobility Authority under which Travis County would pay the Mobility Authority to design and construct a new non-tolled 1.9 mile roadway between Highway 71 and Pearce Lane, in southeast Travis County, and turn the road over to Travis County for operation and maintenance when complete. Approval of the draft resolution authorizes the Executive Director to complete negotiations with Travis County and to execute an interlocal agreement consistent with the term sheet provided to Travis County.

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.

**7. Approve a new work authorization with Atkins North America, Inc., for engineering services relating to the design and construction of a 1.9 mile roadway from SH 71 south to Pearce Lane.**

Mr. Wes Burford presented this item. Atkins North America, Inc. will provide General Engineering Consultant services to the Mobility Authority for project activities required to assist in development and construction of a 1.9 mile roadway from SH 71 south to Pearce Lane for Travis County under an interlocal agreement with Travis County. These efforts will include, but not be limited to, design; environmental evaluations and approvals; utility coordination; construction contract procurement/letting; construction management, oversight, and inspection services.

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

**8. Approve issuance of a procurement for surface crack sealing on 183A frontage roads.**

Mr. Wes Burford presented this item. Currently there are joints and cracks in the asphalt frontage roads surfaces for the 183A Toll Road that need to be sealed to prevent damage to the road. Staff is requesting authority to procure a contract to seal the joints and cracks, and will advertise to solicit bids from contractors that do this work. After bids are received, a recommendation will be presented to the Board of Directors to award the contract to the lowest responsive bidder.

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.

**9. Report the automatic toll rate escalation percentage to become effective January 1, 2014, and, if desired, approve a modified toll rate escalation percentage effective January 1, 2014.**

Ms. Cindy Demers presented this item. The Policy Code provides that on October 1 of each year staff is to calculate a percentage increase in the toll rates charged on all Mobility Authority toll facilities using the formula established by the Policy Code. 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. The reported percentage increase in toll rates will become automatically effective on January 1 unless the board affirmatively votes to modify the percentage.

The Executive Director recommends that the Board adopt a motion to continue the existing Manor Expressway toll rates and not apply the October 2013 Toll Rate Escalation Percentage effective January 1, 2014, to those gantries. Those toll rates will be adjusted later in 2014 when the entire length of the Manor Expressway is open to traffic, in accordance with the toll charge schedule adopted by the Board in October, 2012. This recommendation is only for the Manor Expressway, and the automatic increase in toll rates will go into effect January 1, 2014, for tolls charged in 183A.

Mr. Jim Mills moved for approval, and Mr. Bob Bennett seconded the motion. The motion carried unanimously, 6-0, and Manor Expressway toll rates were excluded from the automatic toll rate escalation.

**10. Approve the annual compliance report to the Texas Department of Transportation required by 43 Texas Administrative Code §26.65.**

Ms. Cindy Demers presented this item. Rule 26.65 adopted by the Texas Department of Transportation requires each regional mobility authority to file a report with TxDOT to confirm the RMA has complied with reporting requirements established by state law and the rule. The rule further states the compliance report must be approved by the RMA's board of directors and certified by its executive director.

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

**11. Approve the financial statements for September, 2013.**

Ms. Cindy Demers presented this item. There was nothing unusual to report on the financial statements.

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

**Briefing and discussion on the following:**

**12. Presentation by the Texas Department of Transportation on the I-35 Capital Area Improvement Program.**

Mr. Terry McCoy, Deputy District Engineer with the Austin District of the Texas Department of Transportation, presented this item. TxDOT continues to refine concepts and engage stakeholders in discussions about the need for near term and mid-term improvements to the IH 35 corridor within the Central Texas Region which includes Williamson, Travis and Hays Counties.

**13. Briefing on toll collection and enforcement activities.**

Mr. Tim Reilly and Ms. Tracie Brown presented this item and provided an update on the status Mobility Authority toll collection and enforcement activities.

**14. Quarterly briefing on the MoPac Improvement Project.**

Ms. Heather Reavey presented this item. CH2M Hill completed submittal of the first design package, and a request has been made of TxDOT and FHWA for concurrence in accepting the design. Geotechnical surveying is nearing completion, and the environmental re-evaluation is awaiting approval from TxDOT and FHWA. An open house was conducted on September 5, 2013. CH2M Hill is currently fabricating traffic barriers specifically for the project, and is mobilizing its resources for construction. Installation of the traffic barrier is expected to begin in December 2013.

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. She believes the people who own properties that back up to MoPac between Bullard Drive and 2222 should receive the sound wall they voted for. The other half of the proposed wall extending north to the pedestrian bridge is opposed by some residents. They believe their property values and quality of life will be negatively impacted once the 20 foot wall is built. Ms. Helton asked the Board to consider all avenues to prevent the extent to which the wall is being proposed.

Ms. Linda Bristow addressed the Board regarding the MoPac Improvement Project and her objection to the extent and size of the proposed sound wall #3. Ms. Bristow stated that although her home was part of the analysis for the wall, neither she nor her husband were contacted about the proposed sound wall. Ms. Bristow believes the wall will be a huge detriment to her neighborhood including a loss of trees that provide aesthetics, pollution removal and shade, and loss of air flow.

Ms. Carolyn Ahrens addressed the Board regarding the MoPac Improvement Project and her objection to the extent and size of the proposed sound wall #3. Ms. Ahrens stated that she has spoken to many of her neighbors, including the majority of the voting homeowners about the proposed sound wall #3 northern section plans, and stated that the majority of the voting homeowners do not want sound wall #3 north of Bullard Drive. Ms. Ahrens stated that the interlocal agreement between the Mobility Authority and the City of Austin allows the parties to make amendments to the agreement, including amendments to the proposed sound wall #3. She encouraged the Board to work with the City Council to make amendments because she

believes the communication to the neighborhood was inadequate, voting was impaired due to inadequate communication, and there are neighborhood concerns including graffiti and vandalism.

Ms. Carri Crowe addressed the Board regarding the MoPac Improvement Project and her objection to proposed sound wall #3. She urged the Board to work with the City of Austin to address concerns of neighbors affected by a half mile portion of the proposed sound wall #3 north of Bullard Drive, and to make sure that the wall is wanted before it is built. She asked that the Board work with the City of Austin to find a solution to which everyone can say yes.

Mr. Tim Damron addressed the Board regarding the MoPac Improvement Project and his objection to the proposed sound wall #3. Mr. Damron has attended several open houses in the past couple of years in order to gain as much knowledge as possible about the MoPac Improvement Project and proposed sound wall #3. Mr. Damron stated that there is a section of the proposed sound wall #3 that is not supported by those it is intended to benefit. He asks that the Mobility Authority review the information regarding those who are not in favor of the proposed sound wall and find some amicable resolution to the concerns expressed by the homeowners. The sound walls for the MoPac Improvement Project are not being built for the benefit of motorists or the public at large, but rather they are built only to benefit a select group of homeowners.

Mr. Aaron Charles de la Garza addressed the Board regarding the MoPac Improvement Project and his support of the neighbors who are opposed to sound wall #3. He stated that the Board is receiving a lot of feedback about a particular section of the proposed sound wall #3. Mr. de la Garza believes there is an opportunity for the Mobility Authority to take a look at the proposed sound wall's feasibility north of Bullard Drive in order to address the concerns of those objecting to the sound wall. He mentions that there is flexibility in terms of the length of the wall and voting provisions. There is currently no design work that has been completed so far, which allows time to reconsider the extent and size of the proposed sound wall #3. The wall could be built on MoPac which would address the need under federal regulations for noise abatement.

Chairman Wilkerson thanked the speakers for addressing the Board. The Board decided they will discuss sound wall #3 in executive session.

#### **15. Quarterly briefing on the Manor Expressway Project.**

Mr. Alistair Miller presented this item. Phase I of the Manor Expressway Project has been completed and is currently open to tolled traffic.

Substantial progress has been made on the frontage road construction for Phase II. Central Texas Mobility Constructors completed construction of the pavement section of both the westbound and eastbound frontage roads. A small portion of the eastbound frontage road remains incomplete due to an ATMOS gas metering station that will be relocated. Installation of the final asphalt surface course on the westbound frontage road has been completed. Intersection and some main lane construction continues to progress. The following sustainability initiatives were reported: solar-powered traffic control devices, pavement reuse, topsoil reuse, recycled fill and embankment materials, wood and steel recycling, utilization of reclaimed or non-treated water, separating waste for landfills recyclable waste, and equipment

emission reduction. With Phase II in active construction public involvement continues to play a crucial role with the use of the project hotline, twitter updates, website updates, emails, and outreach.

**16. Quarterly briefing on the following projects: Bergstrom Expressway environmental study; Oak Hill Parkway environmental study; MoPac South environmental study; 183 North environmental study; and SH 45 Southwest environmental study.**

Ms. Melissa Hurst presented this item. The Bergstrom Expressway project development process is currently focusing on environmental assessment, schematic development, public outreach, and context sensitive solutions. The Mobility Authority is currently working with TxDOT and other agencies to identify ways to expedite the environmental process and clearance date. The third open house was held on October 10, 2013, with over 50 attendees and an additional 77 online participants. The Mobility Authority is currently supporting TxDOT in the development of the environmental assessment and advancing planning and funding activities.

The Oak Hill Parkway Project is currently focusing on actively engaging the public to help identify the project constraints and initiation of early concept development through the use of citizen workgroups. A meeting was held with various City of Austin Department Directors and personnel to introduce the process being undertaken for the project and the various concepts under consideration. A design workshop public meeting was held on September 30, 2013 to introduce the new concepts and options. The second open house will be held on October 22, 2013.

The Mobility Authority has initiated activities on the environmental study for improvements to MoPac from Cesar Chavez Street south to Slaughter Lane. Jacobs continues preparation of the environmental assessment, primarily data collection and public involvement activities, as well as schematic efforts. Several environmental field surveys have been conducted as part of the data collection including; underwater investigations for threatened mussels, karst surveys, and vegetation. Design survey and right of way determination continues, and CDM Smith continues to collect historical information and model traffic data for use in environmental alternatives analysis, operational analysis, and traffic and revenue evaluations. The project website launched in September, and the first open house will be held on November 7, 2013.

In August 2013 the Mobility Authority launched the environmental study for improvements to US 183 North. CP&Y began preparation of the environmental assessment, primarily data collection and public involvement activities, as well as schematic efforts. The first technical workgroup meeting is anticipated to occur in December 2013. Development of the public involvement plan, key stakeholder list, and outreach tools is ongoing. The first open house is anticipated to occur in January 2014.

The Texas Department of Transportation is working with the Mobility Authority, Hays and Travis counties, and regulatory agencies to study a possible solution for improving mobility in the rapidly growing area of northern Hays and southern Travis counties. TxDOT and their consultants continue preparation of a state environmental impact statement. An origin and designation study was launched in October 2013. The project website and phone hotline were launched in September 2013. Stakeholder meetings and elected official briefings continue since

August 2013. The first open house was held on October 7 with over 250 citizens attending. The second open house is anticipated in December 2013.

**17. Executive Director's report.**

Mr. Mike Heiligenstein presented this item and mentioned the Costco Project and the re-procurement that occurred after the Mobility Authority rejected all bids. The project is now underway and will be a major driver for future traffic on 183A. The project is expected to be complete in late November.

**Executive Session Pursuant to Government Code, Chapter 551**

Chairman Wilkerson announced in open session at 11:26 a.m. that the Board would recess the open meeting and reconvene in Executive Session to deliberate the following items:

18. 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).

19. Discuss legal issues relating to procurement and financing of Mobility Authority transportation projects, as authorized by §551.071 (Consultation With Attorney).

The Board reconvened in open meeting at 12:30 p.m., and Chairman Wilkerson announced that no action was taken in Executive Session.

**20. Adjourn Meeting.**

Chairman Ray Wilkerson declared the meeting adjourned at 12:31 p.m. with unanimous consent.

Approved 11/20/2013