



**CENTRAL TEXAS
Regional Mobility Authority**

Meeting Date: October 28, 2015
AGENDA ITEM #11

Approve the minutes for the
September 30, 2015, Regular Board Meeting

Strategic Plan Relevance: Regional Mobility
Department: Law
Contact: Andrew Martin, General Counsel
Associated Costs: Not Applicable
Funding Source: Not Applicable
Action Requested: Consider and act on motion to approve minutes

Summary:

Approve the Minutes for the September 30, 2015, Regular Board Meeting.

Backup provided: Draft Minutes, September 30, 2015, Regular Board Meeting

MINUTES
Regular Meeting of the Board of Directors
of the
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY
Wednesday, September 30, 2015
9:00 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 24, 2015 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.

**An archived copy of the live-streamed video of this meeting
is available at: <http://www.mobilityauthority.com/about/vod.php>**

1. Welcome and Opening Remarks by Chairman Ray Wilkerson.

After noting that a quorum of the Board was present, Chairman Ray Wilkerson called the meeting to order at 9:03 a.m., with the following Board members present: Ray Wilkerson, James H. Mills, Nikelle Meade, David B. Armbrust, and David Singleton.

Robert Bennett joined the meeting at 9:10 a.m., during discussion of Agenda Item 9.

Charles Heimsath did not attend the meeting.

2. Opportunity for Public Comment.

The Board heard public comment from Bill Bunch.

Consent Board Items

Chairman Ray Wilkerson presented Items 3 through 8 for Board consideration as the consent agenda:

MOTION: Approval of consent agenda items 3-8.
RESULT: APPROVED (Unanimous); 5-0
MOTION BY: David Singleton
SECOND BY: Nikelle Meade

AYE: Wilkerson, Mills, Meade, Armbrust, and Singleton
NAY: None

3. Approve a contract with Nortex Concrete Lift & Stabilization, Inc., under state purchasing program of the Texas Comptroller to provide pavement maintenance services as needed.

ADOPTED AS: RESOLUTION NO. 15-051

4. Approve a work authorization for Group Solutions RJW to provide public involvement services for the 183 South (Bergstrom Expressway) Project.

ADOPTED AS: RESOLUTION NO. 15-052

5. Approve additional funding for the contract with Maldonado Nursery and Landscaping, Inc., for landscape maintenance on Mobility authority roadways.

ADOPTED AS: RESOLUTION NO. 15-053

6. Approve a time extension and additional funding for the contract with Austin Traffic Signal Construction Co., Inc., for routine maintenance and repair for traffic signals and roadway illumination on Mobility Authority roadways.

ADOPTED AS: RESOLUTION NO. 15-054

7. Approve an amendment to extend the agreement with the North East Texas Regional Mobility Authority to provide toll collection processing services.

ADOPTED AS: RESOLUTION NO. 15-055

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

ADOPTED AS: RESOLUTION NO. 15-056

Regular Board Items

9. Award contract for system-wide performance based maintenance services for current and future Mobility Authority corridors.

Presenter: Wesley M. Burford, P.E.

MOTION: Award the system-wide performance based maintenance services contract to Roy Jorgenson Associates, Inc. for a maximum amount of \$20,876,495.

RESULT: APPROVED (Unanimous); 6-0

MOTION BY: David Armbrust

SECOND BY: Nikelle Meade

AYE: Wilkerson, Mills, Bennett, Meade, Armbrust, and Singleton

NAY: None

ADOPTED AS: RESOLUTION NO. 15-057

- 10.** Award a professional services contract to provide survey quality assurance services for the 183 South (Bergstrom Expressway) Project.

Presenter: Justin Word, P.E.

MOTION: Award professional services contract for survey quality assurance services contract to McGray & McGray for a maximum amount of \$1,200,000.

RESULT: APPROVED (Unanimous); 6-0

MOTION BY: Nikelle Meade

SECOND BY: David Singleton

AYE: Wilkerson, Mills, Bennett, Meade, Armbrust, and Singleton

NAY: None

ADOPTED AS: RESOLUTION NO. 15-058

- 11.** Award a professional services contract to provide materials acceptance testing services for the 183 South (Bergstrom Expressway) Project.

Presenter: Justin Word, P.E.

MOTION: Award a professional services contract for materials acceptance testing service contract to Rodriguez Engineering Laboratories for a maximum amount of \$5,000,000.

RESULT: APPROVED (Unanimous); 5-0

MOTION BY: Nikelle Meade

SECOND BY: David Armbrust

AYE: Wilkerson, Mills, Bennett, Meade, and Armbrust

NAY: None

NOT VOTING: Singleton (off the dais)

ADOPTED AS: RESOLUTION NO. 15-059

- 12.** Award a professional services contract to provide construction inspection services for the 183 South (Bergstrom Express) Project.

Presenter: Justin Word, P.E.

MOTION: Award a professional services contract for construction inspection services contract to RS&H for a maximum amount of \$18,000,000.

RESULT: APPROVED (Unanimous); 5-0

MOTION BY: James Mills

SECOND BY: Nikelle Meade

AYE: Wilkerson, Mills, Bennett, Meade, and Armbrust
NAY: None
NOT VOTING: Singleton (off the dais)

ADOPTED AS: RESOLUTION NO. 15-060

- 13.** Authorize solicitation of bids for a construction contract for interim improvements at the SH 130 – Manor Expressway intersection.

Presenter: Justin Word, P.E.

MOTION: Authorize interim improvement construction bid for SH 130 – Manor Expressway intersection.

RESULT: APPROVED (Unanimous); 6-0

MOTION BY: James Mills

SECOND BY: David Singleton

AYE: Wilkerson, Mills, Bennett, Meade, Armbrust, and Singleton

NAY: None

ADOPTED AS: RESOLUTION NO. 15-061

- 14.** Authorize procurement of professional engineering design services for direct connectors at the SH 130 – Manor Expressway intersection.

Presenter: Justin Word, P.E.

MOTION: Authorize procurement of professional engineering design services for direct connectors for SH 130 – Manor Expressway intersection.

RESULT: APPROVED (Unanimous); 6-0

MOTION BY: David Singleton

SECOND BY: David Armbrust

AYE: Wilkerson, Mills, Bennett, Meade, Armbrust, and Singleton

NAY: None

ADOPTED AS: RESOLUTION NO. 15-062

- 15.** Accept the financial statements from July and August 2015.

Presenter: Bill Chapman

MOTION: Accept financial statements from July and August 2015

RESULT: APPROVED (Unanimous); 6-0

MOTION BY: Robert Bennett

SECOND BY: David Armbrust

AYE: Wilkerson, Mills, Bennett, Meade, Armbrust, and Singleton

NAY: None

ADOPTED AS: RESOLUTION NO. 15-063

16. Approve the minutes for the July 21, 2015, Special Meeting, the minutes for the July 29, 2015, Regular Board Meeting, and the minutes for the August 24, 2015 Special Meeting.

Presenter: Andrew Martin

MOTION: Approval of July 21, 2015, July 29, 2015, and August 24, 2015 meeting minutes

RESULT: Approved (Unanimous); 4-0

MOTION BY: Nikelle Meade

SECOND BY: Robert Bennett

AYE: Wilkerson, Mills, Bennett, and Meade

NAY: None

ADOPTED AS: Motion Passed

17. Audit Committee Meeting:

- A. Audit committee meeting called to order by Committee Chairman Bennett.
- B. Introduction of external auditors from Padgett, Stratemann & Co., L.L.P.
 - a. Presentation by Bill Chapman
- C. Discuss, consider, and take appropriate action to accept the Fiscal Year 2015 Audit Reports.
 - a. Presentation by Mike O'Brian

MOTION: Approval of the FY 2015 external audit.

RESULT: Approved (Unanimous); 6-0

MOTION BY: James Mills

SECOND BY: Nikelle Meade

AYE: Wilkerson, Mills, Bennett, Meade, Armbrust, and Singleton

NAY: None

ADOPTED AS: RESOLUTION NO. 15-064

- D. Audit Committee Meeting Adjourned.

Briefing and Discussion on the Following:

18. Executive Director's Report –

- Mike Heiligenstein spoke on:
 - Project Updates
 - Discussion of Mobility Authority market and brand research
 - Introduction of new Mobility Authority employees

- Heather Reavey and Steve Pustelynk spoke on MoPac Improvement Project

Executive Session Pursuant to Government Code, Chapter 551

Chairman Wilkerson announced in open session at 11:07 a.m. that the Board would recess the open meeting and reconvene in Executive Session to deliberate the following items:

- 19.** Discuss acquisition of one or more parcels or interests in real property needed for the 183 South project and related legal issues, including consideration of the use of eminent domain to condemn property, pursuant to §551.071 (Consultation With Attorney; Closed Meeting).
- 20.** 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).
- 21.** Discuss legal issues relation to the procurement and financing of Mobility Authority transportation projects, as authorized by §551.071 (Consultation With Attorney).
- 22.** Discuss personnel matters as authorized by §551.074 (Personnel Matters)

The Board then recessed into an executive session in the Travis Conference Room.

After completing the executive session, the Board reconvened in open meeting in Lebermann Board Room.

Regular Board Items

- 23.** Consideration of the use of eminent domain to condemn property: Declare a public necessity to acquire the following described parcels of land, or interest therein, for the 83 South (Bergstrom Expressway) Project; and with respect to each such parcel or interest therein, authorize any of the following actions: (i) acquisition through negotiation or by the use of eminent domain to condemn the parcel or interest therein; (ii) execution of a contract to purchase, and (ii) execution of a possession and use agreement:

Presenter: Andrew Martin

- A. Parcel 125 of the 183 South (Bergstrom Expressway) Project, a 0.853 acre parcel of real estate, owned by Capital Metropolitan Transportation Authority and located at 5316 Ed Bluestein Blvd. and East 51st Street.

MOTION: Authorize the use of the power of eminent domain to acquire a fee simple interest in Parcel 125, a 0.853 acre parcel, located at 5316 Ed Bluestein Blvd., Austin, TX 78723, at the southwest corner of Ed Bluestein Blvd. and East 51st Street, for public use to expand, construct, operate, and maintain the 183 South transportation project, by adopting the resolution provided as backup for Agenda Item 23-A.

RESULT: Approved (Unanimous); 5-0

MOTION BY: Nikelle Meade

SECOND BY: Robert Bennett

AYE: Wilkerson, Mills, Bennett, Meade, and Singleton

NAY: None

NOT VOTING: Armbrust (departed from the meeting at 10:20 a.m.)

ADOPTED AS: RESOLUTION NO. 15-065

- B. Parcel 114E of the 183 South (Bergstrom Expressway) Project, a 0.055 acre parcel of real estate, owned by Dr. Masoud Arami, Majid Kamalipour and Mohammed Arami and located at 6111 FM 969, Austin, TX 78725, in the 4000 block of Ed Bluestein.

MOTION: Authorize the use of the power of eminent domain to acquire a drainage easement in Parcel 114E, a 0.055 acre parcel, located at 6111 FM 969, Austin, TX 78725, in the 4000 Block of Ed Bluestein, for public use to expand, construct, operate, and maintain the 183 South transportation project, by adopting the resolution provided as backup for Agenda Item 23-B.

RESULT: Approved (Unanimous); 5-0

MOTION BY: Nikelle Meade

SECOND BY: Robert Bennett

AYE: Wilkerson, Mills, Bennett, Meade, and Singleton

NAY: None

NOT VOTING: Armbrust (departed from the meeting at 10:20 a.m.)

ADOPTED AS: RESOLUTION NO. 15-066

- C. Parcel 120E of the 183 South (Bergstrom Expressway) Project, a 0.041 acre parcel of real estate, owned by Hewlett-Packard Company and located at 3301 Hibbetts Road, Austin, TX 78725, in the 3000 block of Ed Bluestein.

MOTION: Authorize the use of the power of eminent domain to acquire a drainage easement in Parcel 120E, a 0.041 acre parcel, located at 3301 Hibbetts Road, Austin, TX 78725, in the 3000 Block of Ed Bluestein, for public use to expand, construct, operate, and maintain the 183 South transportation project, by adopting the resolution provided as backup for Agenda Item 23-C.

RESULT: Approved (Unanimous); 5-0

MOTION BY: Nikelle Meade

SECOND BY: Robert Bennett

AYE: Wilkerson, Mills, Bennett, Meade, and Singleton

NAY: None

NOT VOTING: Armbrust (departed from the meeting at 10:20 a.m.)

ADOPTED AS: RESOLUTION NO. 15-067

D. Parcel 127E of the 183 South (Bergstrom Expressway) Project, a 3.052 acre parcel of real estate, owned by Church of Christ at East Side, and located at 5701 E. Martin Luther King Blvd., Austin, TX, 78721.

MOTION: Authorize the use of the power of eminent domain to acquire a drainage easement in Parcel 127E, a 3.052 acre parcel, located at 5701 E. Martin Luther King Jr. Blvd., Austin, TX 78721, for public use to expand, construct, operate, and maintain the 183 South transportation project, by adopting the resolution provided as backup for Agenda Item 23-D.

RESULT: Approved (Unanimous); 5-0

MOTION BY: Nikelle Meade

SECOND BY: Robert Bennett

AYE: Wilkerson, Mills, Bennett, Meade, and Singleton

NAY: None

NOT VOTING: Armbrust (departed from the meeting at 10:20 a.m.)

ADOPTED AS: RESOLUTION NO. 15-068

E. Parcel 129E of the 183 South (Bergstrom Expressway) Project, a 3.874 acre parcel of real estate, owned by MFPB Ed Bluestein, LLC, and located at the 3443 Ed Bluestein Blvd., Austin, TX 78721.

MOTION: Authorize the use of the power of eminent domain to acquire a drainage easement in Parcel 129E a 3.874 acre parcel, located at 3443 Ed Bluestein Blvd., Austin, TX 78721, for public use to expand, construct, operate, and maintain the 183 South transportation project, by adopting the resolution provided as backup for Agenda Item 23-E.

RESULT: Approved (Unanimous); 4-0
MOTION BY: Nikelle Meade
SECOND BY: Robert Bennett
AYE: Wilkerson, Mills, Bennett, and Meade
NAY: None
NOT VOTING: Singleton (abstained from voting)
Armbrust (departed from the meeting at 10:20 a.m.)

ADOPTED AS: RESOLUTION NO. 15-069

24. Authorize negotiation and executed of a contract to purchase each of the following described parcels or property interest for the 183 South (Bergstrom Expressway) Project:
- A. Parcel 126 of the 183 South (Bergstrom Expressway) Project, a 0.197acre of real estate, Parcel 113E of the 183 South (Bergstrom Expressway) Project, a 0.034 acre parcel of real estate, and Parcel 113AC of the 183 south (Bergstrom Expressway) Project, a 205.62 linear feet denial of access line, owned by the Young Men’s Christian Association of Austin, Inc., and located at 5201 Ed Bluestein Blvd., Austin, TX.

MOTION: Authorize the negotiation and execution of a contract to purchase Parcel 126 of the 183 South (Bergstrom Expressway) Project for a maximum amount of \$50,573.

RESULT: Approved (Unanimous); 5-0
MOTION BY: Nikelle Meade
SECOND BY: Robert Bennett
AYE: Wilkerson, Mills, Bennett, Meade and Singleton
NAY: None
NOT VOTING: Armbrust (departed from the meeting at 10:20 a.m.)

ADOPTED AS: RESOLUTION NO. 15-070

Chairman Ray Wilkerson declared the meeting adjourned at 12:11 p.m. with unanimous consent.