



**CENTRAL TEXAS
Regional Mobility Authority**

September 28, 2016
AGENDA ITEM #10

Approve the minutes for the September 7,
2016 Regular Board Meeting

Strategic Plan Relevance: Regional Mobility
Department: Legal
Contact: Geoffrey Petrov, General Counsel
Associated Costs: N/A
Funding Source: N/A
Action Requested: Consider and act on motion to approve minutes

Summary:

Approve the attached draft minutes for the September 7, 2016 Regular Board Meeting.

Backup provided: Draft Minutes, September 7, 2016 Regular Board Meeting.

MINUTES
Regular Meeting of the Board of
Directors of the
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY
Wednesday, September 7, 2016
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 1, 2016 at the respective County Courthouses of Williamson and Travis Counties; 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 9:04 a.m. with the following Board members present: James H. Mills, Bob Bennett, David B. Armbrust, Charles Heimsath, David Singleton, Nikelle Meade.

2. Opportunity for Public Comment.

No public comment was provided.

Consent Board Items

Chairman Ray Wilkerson presented Items 3 through 7 for Board consideration as the consent agenda:

MOTION: Approval of consent agenda items 3-7.
RESULT: Approved (Unanimous); 7-0
MOTION BY: David Singleton
SECOND BY: Charles Heimsath
AYE: Wilkerson, Mills, Bennett, Meade, Armbrust, Heimsath, and Singleton.
NAY: None

Note: Board Member Meade abstained from voting on Item 3.

3. Authorize execution of a contract and initial work authorization with Jacobs Engineering Group, Inc. for Construction Engineering and Inspection services for the SH 45 Southwest

Project.

ADOPTED AS: RESOLUTION NO. 16-060

4. Approve execution of a contract and initial work authorization with Hicks & Company for Independent Environmental Compliance Management services for the SH 45 Southwest Project.

ADOPTED AS: RESOLUTION NO. 16-061

5. Approve Work Authorization No. 1 with Parsons Brinckerhoff, Inc. for general engineering consultant services related to the MoPac South Project.

ADOPTED AS: RESOLUTION NO. 16-062

6. Approve Work Authorization No. 2 with Parsons Brinckerhoff, Inc. for general engineering consultant services related to the 183 North Project.

ADOPTED AS: RESOLUTION NO. 16-063

7. Approve Work Authorization No. 3 with Parsons Brinckerhoff, Inc. for general engineering consultant services related to the SH 45 Southwest Project.

ADOPTED AS: RESOLUTION NO. 16-064

Regular Board Items

8. Approve the minutes for the July 27, Regular Board Meeting.

MOTION: Approval for July 27, 2016, Regular Board Meeting minutes.

RESULT: Approved (Unanimous); 7-0

MOTION BY: Bob Bennett

SECONDED BY: Jim Mills

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

NAY: None.

9. Accept the financial statements for July 2016.

Speaking on: Mary Temple, Controller

MOTION: Accept the financial statements for July 2016

RESULT: Approved (Unanimous); 7-0

MOTION BY: Nikelle Meade

SECOND BY: Bob Bennett
AYE: Wilkerson, Mills, Bennett, Meade, Armbrust, Heimsath, and Singleton.
NAY: None

ADOPTED AS: RESOLUTION NO. 16-065

10. Exercise the option of the Mobility Authority under state law to develop, finance, construct, and operate the Manor Expressway (290E) Phase III Project as a toll project.

Note: Item 10 was tabled for consideration at a future Board Meeting. Mike Heiligenstein, Executive Director acknowledged David Plutowski, TXDOT's Statewide RMA Coordinator. Questions remain regarding the appropriate partnership arrangements between the RMA and TxDOT.

Executive Session Pursuant to Government Code, Chapter 551

Chairman Wilkerson announced in open session at 9:10 a.m. that the Board would recess the open meeting and reconvene in Executive Session to deliberate the following items:

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

11. Discuss acquisition of one or more parcels or interests in real property needed for the Bergstrom Expressway (183 South) Project and the Manor Expressway (US 290 E) Project and related legal issues, including consideration of the use of eminent domain to condemn property, pursuant to §551.072 (Deliberation Regarding Real Property; Closed Meeting) and §551.071 (Consultation with Attorney; Closed Meeting).

12. 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).

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

14. Discuss personnel matters as authorized by §551.074 (Personnel Matters).

After completing the executive session, the Board reconvened in open meeting at 10:46 a.m. in the Lebermann Board Room.

Regular Board Items

15. Authorize negotiation and execution of a contract to purchase each of the following described parcels or property interests for the 183 South (Bergstrom Expressway) Project and for the 290E (Manor Expressway) Project:

- A. Parcel 147AC of the 183 South (Bergstrom Expressway) Project, in whole or as a 379 +/- feet denial of access from a 1.159 acre parcel of real estate, owned by KAF Development, and located at 609 S. Hwy 183, in Austin, TX 78741.

MOTION: Authorize the Executive Director to negotiate, execute and exercise an option to purchase a 1.159 acre parcel of real estate, owned by KAF Development, and located at 609 S. Hwy 183, in Austin, TX Travis County. The Executive Director is directed to determine whether acquisition of the entire parcel is in the best interests of the Mobility Authority prior to exercising the option. In the event the Executive Director determines that acquiring the entire parcel is not in the best interest of the Mobility Authority, the Executive Director is authorized to negotiate and execute a settlement agreement in an amount not to exceed \$465,000 to acquire 379 +/- feet denial of access from the same 1.159 acre parcel of real estate, owned by KAF Development, for public use to related to the expansion, construction, operation, and maintenance of Highway 183 South (Bergstrom Expressway), a state highway project, by adopting the resolution presented in executive session.

RESULT: Approved (Unanimous); 7-0

MOTION BY: Nikelle Meade

SECOND BY: Jim Mills

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

NAY: None

ADOPTED AS: **RESOLUTION NO. 16-066**

- 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 Executive Director to execute a settlement agreement in an amount not to exceed \$30,000 on 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 Travis County, for public use related to the expansion, construction, operation, and maintenance of Highway 183 South (Bergstrom Expressway), a state highway project, by adopting the resolution presented in executive session.

RESULT: Approved (Unanimous); 7-0

MOTION BY: Nikelle Meade

SECOND BY: Heimsath
AYE: Wilkerson, Mills, Bennett, Meade, Armbrust, Heimsath, and Singleton.
NAY: None

ADOPTED AS: RESOLUTION NO. 16-067

- C. Parcel 48 of the 290E (Manor Expressway) Project, a 0.747 acre acquisition from a 8.716 acre parcel of real estate, owned by Sovran Acquisition, LP, and located at 9717 Hwy 290E, Austin, TX 78724.

MOTION: Authorize the Executive Director to execute a settlement agreement in an amount not to exceed \$2,500,000 on a 0.747 acre acquisition from a 8.716 acre parcel of real estate, owned by Sovran Acquisition, LP, and located at 9717 Hwy 290E, Austin, TX Travis County, for public use related to the expansion, construction, operation, and maintenance of Highway 290E (Manor Expressway), a state highway project, by adopting the resolution presented in executive session.

RESULT: Approved (Unanimous); 7-0
MOTION BY: Nikelle Meade
SECOND BY: Bennett
AYE: Wilkerson, Mills, Bennett, Meade, Armbrust, Heimsath, and Singleton.
NAY: None

ADOPTED AS: RESOLUTION NO. 16-068

16. Consideration of the use of eminent domain to condemn property: Declare a public necessity to acquire the following described parcels of land, or interests therein, for the 183 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:

- A. Parcel E15 of the 183 South (Bergstrom Expressway) Project, a 0.242 acre parcel of real estate, owned by Church of Christ at East Side, and located at 5701 E. Martin Luther King, Jr. Blvd. in Austin, TX 78723.

MOTION: Authorize the use of the power of eminent domain to acquire an easement interest of a 0.242 acre parcel of real estate, owned by Church of Christ at East Side, and located at 5701 E. Martin Luther King, Jr. Blvd. in Austin, TX Travis County, for public use related to the expansion, construction, operation, and maintenance of 183 South Project (Bergstrom Expressway), a state highway project, by adopting the resolution presented in executive session.

RESULT: Approved (Unanimous);7-0

MOTION BY: Nikelle Meade

SECOND BY: Heimsath

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

NAY: None

ADOPTED AS: RESOLUTION NO. 16-069

Briefing and Discussion on the Following:

17. Monthly update on transportation Projects.

A. Briefing on the MoPac Improvement Project.

Speaking on: Jeff Dailey, Deputy Executive Director
JD Stokes, HNTB Project Manager
Craig Martell, CH2M Executive Director – Special Projects Group

B. Briefing on the 183 South Project.

Speaking on: Justin Word, P.E., Director of Engineering
Aaron Autry, Atkins Senior Project Director
Steve Pustelnyk, Director of Community Relations

Discussion as to permitting process of the City of Austin and its critical path nature. In order to create manageable sized packages, the Agency divided the work into 20 packages. As of September 7, 2016 only six of those packages have been permitted for construction.

18. Executive Director's Report.

A. Reimbursement of project funds to Travis County for the Kellam Road project.

Speaking on: Mike Heiligenstein, Executive Director

B. Texas Transportation Commission Meeting and Luncheon, September 29, 2016.

Speaking on: Mike Heiligenstein, Executive Director

- 19.** WireOne Austin, Presentation by Jared Ficklin as requested by Board Members David Armbrust and Nikelle Meade.

Speaking on: Jared Ficklin, Partner, Chief Creative Technologist at argodesign

The CTRMA Board expressed interest in participating in a feasibility study to be conducted by the Texas A&M Transportation Institute. Mr. Heiligenstein stressed the importance of participation by other local stakeholders such as the City of Austin, Travis County and CapMetro. It was cited as critical that the City of Austin participate and acknowledge the use of city ROW would result from such a project, in all likelihood.

- 20.** Adjourn meeting.