

## MINUTES

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

Wednesday, March 26, 2014  
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 March 21, 2014 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 9:05 a.m. and called the roll. Directors present at the time the meeting was called to order were Mr. Jim Mills, Mr. David Singleton, Mr. Bob Bennett, Mr. Charles Heimsath, and Mr. David Armbrust. Ms. Nikelle Meade was not present for the meeting.

**2. Open Comment Period.**

No comments were given.

**3. Approve the minutes for the February 26, 2014, Regular Board Meeting and the March 19, 2014, Board Workshop.**

Chairman Ray Wilkerson presented for Board consideration the minutes for the February 26, 2014, Regular Board Meeting and the March 19, 2014, Board Workshop. Mr. Bob Bennett moved to approve the minutes as drafted, and Mr. Jim Mills seconded the motion. The motion carried unanimously 6-0, and the minutes were approved as drafted.

**4. Approve an agreement with Travis County and Hays County relating to financing and development of the SH 45 SW Project.**

Mr. Wes Burford presented this item. Staff recommends approval of an interlocal cooperation agreement with Travis County and Hays County to provide a portion of the funds needed by the Mobility Authority to develop Segment 3 of State Highway 45 Southwest ("SH 45 SW") subject to the state environmental impact statement currently being prepared by the Texas Department of Transportation. The proposed agreement has been approved by the respective Commissioners Courts of Travis and Hays Counties. The Mobility Authority is responsible for obtaining all funding to design and construct SH 45 SW that will be needed in addition to the \$20 Million provided by the two counties under this agreement.

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

**5. Authorize procurement of a construction contract for the Maha Loop/Elroy Road project.**

Mr. Wes Burford presented this item. The Board previously approved an interlocal cooperation agreement with Travis County for the Mobility Authority to design and construct a new county road in southeast Travis County, the Maha Loop/Elroy Road from Pearce Lane to SH 71. The construction project consists of a 3-lane section, one lane in each direction with a center turn lane that will allow contra flow. Design and construction of the road will be completed to ensure compatibility with future development of an ultimate 5-lane section. Staff requests Board approval to procure, consistent with the Mobility Authority Procurement Policy, a contract to construct that road.

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.

**6. Award a construction contract for the Manor Expressway maintenance yard.**

Mr. Wes Burford presented this item. During the pre-qualification process staff pre-qualified four bidders that had the ability to bid this job, but staff only received one bid. The bid was about 50% over the engineer's estimate. Staff went back and reviewed how the job was estimated and believe there was a flaw in the way the job was estimated. Staff believes it is in the best interest of this agency to reject the bid and re-advertise the project. Staff recommended rejecting all bids.

Mr. Charles Heimsath made a motion to reject all bids, and Mr. David Armbrust seconded the motion. The motion carried unanimously, 6-0, and the resolution was approved as drafted.

**7. Authorize the Executive Director to negotiate, execute, and convey to the City of Austin all drainage easements required to develop the Manor Expressway maintenance yard.**

Mr. Wes Burford presented this item. The City of Austin review and permitting processes for the Manor Expressway maintenance yard require the Mobility Authority, as developer of the site, to convey drainage easements for two existing drainage paths. The drainage easements convey the limits of the 100 year floodplain for each drainage path, consistent with the City of Austin Land Development Code.

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

**8. Approve a change order with the Central Texas Mobility Constructors, LLC, relating to painting for the Manor Expressway.**

Mr. Wes Burford presented this item. The change order with Central Texas Mobility Constructors, LLC ("CTMC") for the Manor Expressway Phase II Project is to compensate

CTMC for painting additional surfaces of structural elements on the Manor Expressway Project.

Staff has reviewed the aesthetic paint requirements required by the contract and recommends that additional structural surfaces be painted to achieve a standard consistent with other Mobility Authority projects. The increase in painted surface will require an extension of the contract's substantial completion date of 88 days, resulting in a revised substantial completion date of May 6, 2014. Additionally, this change order includes an extension of overhead costs and project traffic control for the additional 88 days.

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

**9. Exercise the option of the Mobility Authority under state law to develop, finance, construct, and operate the Bergstrom Expressway (183 South) Project as a toll project.**

Mr. Andy Martin presented this item. State law provides that the Mobility Authority, a "local tolling entity," has the first option to develop, finance, construct, and operate any new toll project located in Travis and Williamson Counties. This option is commonly referred to as "primacy."

The draft resolution exercises the Mobility Authority's option to develop the Bergstrom Expressway (183 South) Project, and directs the Executive Director to communicate that action to the Texas Department of Transportation.

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

**10. Authorize a request for qualifications for a design-build contract to develop the Bergstrom Expressway (183 South) Project, and designate the Authority's representative for that design-build procurement process.**

Mr. Wes Burford presented this item. Issuing a Request for Qualifications to develop the Bergstrom Expressway is the first step in the state-mandated procurement process for selecting a design-build contractor. Section 370.403, Transportation Code, also requires designation of an engineer or firm independent of a design-build contractor to act as the Mobility Authority's representative for the procurement process and for the duration of work on the project.

Mr. Bob Bennett moved for approval, and Mr. David Singleton seconded the motion. The motion carried unanimously, 6-0, and the respective resolutions were approved as drafted.

**11. Approve the financial statements for February 2014.**

Mr. Bill Chapman presented this item. There was nothing unusual to report for the February financial statements.

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

**Briefing and discussion on the following:**

**12. Update on the Central Corridor High-Capacity Transit Study.**

Mr. Kyle Keahey presented this item, and provided an update on the Central Corridor High-Capacity Transit Study.

**13. Executive Director's report.**

Mr. Mike Heiligenstein explained that the Maha Loop Project and SH 45 SW Project have progressed. The Manor Expressway grand opening will occur on Saturday, May 17<sup>th</sup>, 2014.

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

Chairman Wilkerson announced in open session at 10:18 a.m. that the Board would recess the open meeting and reconvene in Executive Session to deliberate the following item:

14. Discuss acquisition of one or more parcels or interests in real property needed for the Manor Expressway Project and related legal issues as authorized by §551.072 (Deliberation Regarding Real Property; Closed Meeting) and by §551.071 (Consultation With Attorney).

15. 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).

The Board reconvened in open meeting at 10:31 a.m., and Chairman Wilkerson announced that no action was taken in Executive Session.

**16. Declare a public necessity to acquire the following described parcel or interest in real property for the Manor Expressway Project by the use and power of eminent domain:**

**Parcel 21A(AC) of the Manor Expressway Toll Project, a “denial of access line” of 301.15 linear feet along the southern boundary of a 2.844 acre tract abutting the right-of-way of U.S. Highway 290, west of Chimneyhill Drive in Travis County, owned by Salim Haddad, Trustee.**

Mr. Andy Martin presented this item. Staff recommends approval to file an eminent domain action for Parcel 21A(AC) for denial of access.

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

**17. Adjourn Meeting.**

Chairman Ray Wilkerson declared the meeting adjourned at 10:35 a.m. with unanimous consent.

Approved 04/30/2014