

## MINUTES

### Regular Meeting of the Board of

### Directors of the

### CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY

**Wednesday, June 27, 2018**

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 June 21, 2018 at the respective County Court Houses 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:**

<https://mobilityauthority.swagit.com/play/06272018-709>

**1. Welcome and opening remarks by the Chairman and the members of the Board of Directors.**

After noting that a quorum of the Board was present, Chairman Wilkerson called the meeting to order at 9:01 a.m. with the following Board members present: David Armbrust, Mark Ayotte, John Langmore, Frank Leffingwell, and Nikelle Meade.

**2. Opportunity for public comment.**

Sharon Blythe, Advocate, Austin Memorial Park Cemetery provided comment.

**Regular Board Items**

**3. Approve the minutes from the May 30, 2018 Regular Board Meeting.**

**MOTION:** Approval for the May 30, 2018 meeting minutes.

**RESULT:** Approved (Unanimous); 6-0

**MOTION BY:** Mark Ayotte

**SECONDED BY:** Frank Leffingwell

**AYE:** Wilkerson, Armbrust, Ayotte, Langmore, Leffingwell, Meade

**NAY:** None.

**4. Accept the financial statements for May 2018.**

Presentation by Mary Temple, Controller and Tracie Brown, Director of Operations answered Board Member Langmore's questions.

**MOTION:** Accept the financial statements for May 2018.

**RESULT:** Approved (Unanimous); 6-0

**MOTION BY:** John Langmore

**SECONDED BY:** Nikelle Meade

**AYE:** Wilkerson, Armbrust, Ayotte, Langmore, Leffingwell, Meade

**NAY:** None.

**ADOPTED AS:** Resolution No. 18-019

**5. Discuss and consider adoption of the 2018 Strategic Plan.**

Presentation by Jori Hayter, Communications Manager.

**MOTION:** Adopt the 2018 Strategic Plan.

**RESULT:** Approved (Unanimous); 6-0

**MOTION BY:** John Langmore

**SECONDED BY:** Frank Leffingwell

**AYE:** Wilkerson, Armbrust, Ayotte, Langmore, Leffingwell, Meade

**NAY:** None.

**ADOPTED AS:** Resolution No. 18-020

**6. Discuss and consider adoption of the 2019 Operating Budget.**

Presentation by Bill Chapman, Chief Financial Officer and Mary Temple, Controller and Greg Mack, Assistant Director of IT and Toll Systems answered board members' questions.

**MOTION:** Adopt the 2019 Operating Budget.

**RESULT:** Approved (Unanimous); 6-0

**MOTION BY:** Nikelle Meade

**SECONDED BY:** Frank Leffingwell

**AYE:** Wilkerson, Armbrust, Ayotte, Langmore, Leffingwell, Meade

**NAY:** None.

**ADOPTED AS:** Resolution No. 18-021

**7. Award a contract for construction engineering and inspection services for the Manor Expressway (290E) Phase III Project.**

Presentation by Justin Word, P.E., Director of Engineering.

**MOTION:** Award a contract for construction engineering and inspection services for the Manor Expressway (290E) Phase III Project.

**RESULT:** Approved (Unanimous); 6-0

**MOTION BY:** John Langmore

**SECONDED BY:** Mark Ayotte

**AYE:** Wilkerson, Armbrust, Ayotte, Langmore, Leffingwell, Meade

**NAY:** None.

**ADOPTED AS:** Resolution No. 18-022

**8. Consider and take appropriate action on a resolution in support of the Kramer Station relocation by Capital Metro and authorization for negotiation of possible financial and development support.**

Presentation by Mike Heiligenstein, Executive Director and Jeff Dailey, Deputy Executive Director. Todd Hemingson, VP Strategic Planning & Development, Capital Metro and Brian Cassidy, Locke Lord answered Board Members' questions.

Capital Metro, Charles Schwab and Brandywine Realty Trust are working together in a public private partnership to relocate the existing Kramer Station ½ mile north to the Broadmoor Development and Schwab campus area. CapMetro is applying to the USDOT for a BUILD grant to cover approximately 46% of the project cost. Brandywine has inquired about potential CTRMA participation in the project if the necessary funding is not obtained through the grant.

Executive Director Heiligenstein introduced the item by briefing the Board on the initial meeting between himself, Chairman Wilkerson and Brandywine. He indicated that the project includes significant transportation benefits, is supported by the community and is worthy of CTRMA support. In alignment with the agency's strategic plan, Executive Director Heiligenstein supported CTRMA's role to investigate opportunities such as this that benefit the community but made clear to Brandywine that any funding from CTRMA would be subject to repayment.

Board Member Langmore discussed certain elements Capital Metro development plan with Todd Hemingson. Mr. Hemingson described Capital Metro's participation in the project as the provider of rail service, discussed the construction of a plaza to support a new park and ride facility as well as additional bus service in the area, and provided information about the BUILD grant application.

Board Member Langmore questioned CTRMA's role as a potential lender. Executive Director Heiligenstein, Deputy Director Dailey and Brian Cassidy explained that CTRMA would not act as a traditional lender but that other opportunities may be available such as direct participation as the design builder for the project, funding of project costs through a tax reinvestment zone if set up by the city, or reimbursement of CTRMA costs through development fees. Mr. Cassidy also clarified that any CTRMA involvement would be through participation in a transportation project and not by acting as traditional bank or financial institution.

General Counsel Geoff Petrov explained that Board approval would provide for CTRMA support of Capital Metro's Build grant application and authorize staff to negotiate terms for participation in the project subject to repayment of any CTRMA funding, but would require any potential agreement related to project funding or other work to be performed by CTRMA to be brought back to the Board for consideration and approval.

Chairman Wilkerson emphasized that CTRMA's purpose is not limited to building roads and should be open to other mobility options. Chairman Wilkerson stated: "...we are extraordinarily clear that there would have to be a revenue stream to cover us. The one thing that was interesting that we have to keep in mind, is that we're not just a pavement company, we are also enabling for any kind of congestion [relief] or moving traffic in anyway, this had the Park and Ride part of it, and it would take some relief off of MoPac, and some other areas, because this would create a much more accessible situation, and quite honestly it would be in partnership and working with our good friends at Cap Metro who...there are some good ways we should be involved the marketplace. So, we were quite clear that we could not do a grant, nor a gift, or anything else, so that's very clear. But I do think it's worth considering, and we should be open to anyone who comes to us that finds any way that needs traffic solutions in Central Texas. That's what our enabling legislation is – we are not a toll road company. So I think there are some ways to branch out that we should be more open to, to suggestions like this.

**MOTION:** Support for Kramer Station relocation by CapMetro and authorization for possible financial and development support.

**RESULT:** Approved (4-0); Armbrust and Meade abstained

**MOTION BY:** Mark Ayotte

**SECONDED BY:** Frank Leffingwell

**AYE:** Wilkerson, Langmore, Ayotte, Leffingwell

**NAY:** None.

**ABSTAIN:** Armbrust, Meade

**ADOPTED AS:** Resolution No. 18-023

## **Briefings and Reports**

### **9. Executive Director Report**

#### **A. Status report on Winsted Lane and MoPac.**

Presentation by Justin Word, P.E., Director of Engineering

#### **B. Status Report on 183A Brushy Creek and RM 1431 Trip Options**

Presentation by Justin Word, P.E., Director of Engineering

#### **C. InterCity visit to Atlanta, October 28 –30, 2018**

Presentation by Mike Heiligenstein, Executive Director.

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

Chairman Wilkerson announced in open session at 11:44 a.m. that the Board would recess the open meeting and reconvene in Executive Session to deliberate the following items:

- 10.** Discuss acquisition of one or more parcels or interests in real property needed for the Bergstrom Expressway (183 South) 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).
- 11.** 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).
- 12.** Discuss legal issues relating to procurement and financing of Mobility Authority transportation projects, as authorized by §551.071 (Consultation with Attorney).
- 13.** Discuss personnel matters as authorized by §551.074 (Personnel Matters).

After completing the executive session, the Board reconvened in open meeting at 12:09 p.m.

- 14. 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 E23E of the 183 South (Bergstrom Expressway) Project, an easement taking of 0.090 acres, from approximately 3.76 acres of real estate, owned by **Icon 811-827 Interchange Boulevard Owner Pool 2, LLC, a Delaware Limited Liability Company**, and located at 811 Interchange Boulevard, Austin, Travis County, Texas on the west side of 183S.

**MOTION:** Authorize the use of the power of eminent domain to acquire an easement interest of a 0.090 acres, from approximately 3.76 acres of real estate, owned by **Icon 811-827 Interchange Boulevard Owner Pool 2, LLC, a Delaware Limited Liability Company**, and located at 811 Interchange Boulevard, Austin, Travis County, Texas on the west side of 183S.

**RESULT:** Approved (Unanimous); 6-0

**MOTION BY:** Nikelle Meade

**SECONDED BY:** John Langmore

**AYE:** Wilkerson, Armbrust, Ayotte, Langmore, Leffingwell, Meade

**NAY:** None.

**ADOPTED AS:** Resolution No. 18-024

- B. Parcel E24 of the 183 South (Bergstrom Expressway) Project, an easement taking of 0.125 acres, from 8.05 acres of real estate, owned by **Icon IPC TX Property Owner Pool 6 Austin, LLC, a Delaware Limited Liability Company**, and located at 800 Interchange Boulevard, Austin, Travis County, Texas on the west side of 183S.

**MOTION:** Authorize the use of the power of eminent domain to acquire an easement interest of 0.125 acres, from 8.05 acres of real estate, owned by **Icon IPC TX Property Owner Pool 6 Austin, LLC, a Delaware Limited Liability Company**, and located at 800 Interchange Boulevard, Austin, Travis County, Texas on the west side of 183S.

**RESULT:** Approved (Unanimous); 6-0

**MOTION BY:** Nikelle Meade

**SECONDED BY:** Mark Ayotte

**AYE:** Wilkerson, Armbrust, Ayotte, Langmore, Leffingwell, Meade

**NAY:** None.

**ADOPTED AS:** Resolution No. 18-025

After confirming that no member of the public wished to address the Board, Chairman Wilkerson declared the meeting adjourned at 12:13 p.m.

**15. Adjourn Meeting.**

Approved 07/25/2018