

## MINUTES

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

Wednesday, August 28, 2013  
9:30 A.M.

The meeting was held in the Mobility Authority Board Room at 3300 N Interstate 35, #300, Austin, Texas 78705-1849. Notice of the meeting was posted August 23, 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 9:36 a.m. and called the roll. Directors present at the time the meeting was called to order were Ms. Nikelle Meade, Mr. David Singleton, Mr. David Armbrust, and Mr. Bob Bennett. Mr. Charles Heimsath joined the dais at 9:42 a.m. Mr. Jim Mills was not present at the meeting.

**2. Open Comment Period.**

No public comments were offered during the Open Comment Period.

**3. Approve the minutes for the July 31, 2013, Regular Meeting of the Board of Directors.**

Chairman Ray Wilkerson presented for Board consideration the minutes for the July 31, 2013, Regular Board Meeting. Mr. Bob Bennett moved to approve the minutes as drafted, and Mr. David Singleton seconded the motion. The motion carried unanimously 5-0, and the minutes were approved as drafted.

**4. Approve naming the Mobility Authority board meeting room to honor Lowell H. Lebermann, Jr.**

This item was postponed until the following Board Meeting.

**5. Reject all bids received July 22, 2013, for improvements to the southbound 183A frontage road at RM 1431.**

Mr. Wes Burford presented this item. Mobility Authority staff recommends rejecting all bids in the interest of the Mobility Authority because sufficient funds are not available to pay the construction costs for the desired improvements.

Mr. David Armbrust abstained from this item. Mr. David Singleton moved for approval, and Ms. Nikelle Meade seconded the motion. The motion carried unanimously, 4-0 (Mr. Armbrust abstaining), and the resolution was approved as drafted.

- 6. Authorize the Executive Director to execute a restated and amended development agreement with Cedar Park Town Center, L.P., procure bids to improve the southbound 183A frontage road at RM 1431; award a contract to the lowest best bidder, and execute a contract with the lowest best bidder.**

Mr. Andy Martin presented this item. Cedar Park Town Center, L.P., the developer, has requested that the Mobility Authority enter into a restated and amended development agreement and escrow agreement and issue a new procurement for a construction contract for the improvements needed for access from its Costco site to the southbound 183A frontage road at RM 1431. In the proposed agreement, a new estimate of construction costs has been calculated by averaging the amounts submitted by the two bidders in the previous procurement, increasing the previous estimate for the construction contract, oversight, and contingencies from \$464,392.00 to \$653,262.18. Before the Authority solicits new bids, the developer must pay an additional \$232,310.32 into the escrow account, so that the account contains a total of \$619,012.48 to assure payment of the developer's contribution to the total improvement costs, including the construction contract, oversight, and a contingency amount of 15%. The agreement continues to provide for a refund of surplus funds from the escrow account if the contract with the lowest best bid is less than the \$653,262.18 estimate for the bid items; and the developer must pay additional funds into escrow if the lowest best bid exceeds that estimate.

The proposed resolution approves the proposed agreement and authorizes the Executive Director to execute the restated and amended development agreement and escrow agreement, authorizes procurement of a construction contract for the proposed improvements, and further authorizes the executive director to award and execute a construction contract without further Board action if the cost to the Mobility Authority does not exceed its cost participation of \$150,000.00 established by the development agreement.

Mr. David Armbrust abstained. Ms. Nikelle Meade moved for approval, and Mr. Bod Bennett seconded the motion. The motion carried unanimously, 4-0 (Mr. Armbrust abstaining), and the resolution was approved as drafted.

- 7. Approve an amended and restated landscape license agreement with the Block House Municipal Utility District.**

Mr. Wes Burford presented this item. The proposed Amended and Restated Landscape License Agreement extends the area for landscaping to the edge of the 183A shared use path constructed after the original agreement was executed.

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

- 8. Approve a new work authorization with Telvent USA, L.L.C., to install improvements needed for a Mobility Authority toll and traffic management center at the Field Office Building on 183A.**

Mr. Tim Reilly presented this item. The proposed work authorization with Telvent USA LLC provides for the reconstruction of portions of the existing field operations building on 183A and to provide fully integrated systems to accommodate a Mobility Authority tolls and traffic

management center. The construction / integration will be in place in time to accommodate the completion of Manor Expressway which includes toll collection systems, traffic monitoring devices, CCTV cameras and Dynamic message boards. The system will also serve the MoPac Expressway lanes and be used for traffic monitoring; incident notification and response; HERO dispatch; and dynamic tolling.

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

**9. Approve an interlocal agreement with the Camino Real Regional Mobility Authority to provide toll transaction processing and toll collection services to CRRMA by and through the Mobility Authority.**

Mr. Tim Reilly presented this item. The Camino Real Regional Mobility Authority (“CRRMA”) has requested that the Mobility Authority provide toll transaction processing and toll collection services, including violation processing and past due collection services. Compensation for the services being performed will be made on a pass-through basis, resulting in a zero cost to the Mobility Authority.

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

**10. Approve an amendment to the Policy Code relating to notice of letting for a construction contract.**

Mr. Andy Martin presented this item. In 2008, the Board amended the Procurement Policies to require publication of a notice of contract letting in the *Austin American-Statesman* at least three weeks before a contract was let. This notice was in addition to a required two-week notice of contract letting posted on the Mobility Authority’s website. The intent of the new requirement—explicitly noted in both the minutes and in the resolution—was to ensure compliance with rules and regulations that applied to procuring a contract for a federal-aid project.

The proposed amendment requires the three-week notice published in the newspaper *only* when the contract to be procured is for a federal-aid project.

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

**Briefing and discussion on the following:**

**11. Quarterly Briefing on the MoPac Improvement Project.**

Ms. Heather Reavey presented this item. CH2M Hill is currently working on the submittal of the first design package, and a pre-submittal workshop was held on July 9, 2013. The survey to support aerial mapping is complete. During July and August 2013 the team will finish the soil boring activities and will begin locating underground utilities in the corridor. Coordination with Capital Metro and UPRR is ongoing, and an executed agreement with Capital Metro has been

received while an agreement with UPRR is pending. Small group meetings were held including five meetings with key stakeholders and thirteen elected officials.

Mr. Mike Sullivan, Vice Chairman of the MoPac Neighborhood Association Coalition and a member of the Old West Austin Neighborhood Association, addressed the Board regarding the MoPac Improvement Project. He expressed that the Coalition is very pleased with the sound wall progress and Mobility Authority projects in general. Mr. Sullivan stated concerns about increased traffic from MoPac to 5<sup>th</sup> Street due to downtown access from the Express Lanes, and asked the Board to consider limiting downtown access from MoPac to Chavez Street exclusively.

## **12. Quarterly Briefing on the Manor Expressway Project.**

Mr. Eric Ploch of Atkins presented this item. Phase I of the Manor Expressway Project has been completed. The facility is currently open to tolled traffic.

CTMC (the design-build developer) has completed construction of several sections of the westbound frontage road of Phase II, including initial grading and has commenced construction of the pavement section between Harris Branch and SH 130. A large portion of the eastbound frontage road has been completed as well. Utility relocation continues throughout the project, and the contractual deadline for substantial completion of all remaining development work is February 7, 2014. Construction of Phase II supported 512 jobs during the reporting month of June 2013. Some sustainability efforts during the reporting period include solar-powered traffic control devices, flashing beacons, pavement reuse, reuse of topsoil, recycled fill and embankment materials, wood recycling, steel recycling, utilization of reclaimed or non-treated water, separating waste for landfills recyclable waste, and equipment emission reduction.

## **13. Quarterly Briefing on the following projects: Bergstrom Expressway environmental study; Oak Hill Parkway environmental study; MoPac South environmental study; 183 North environmental study; SH 45 Southwest environmental study; and SH 71 Express Project environmental study.**

Mr. Wes Burford presented this item and was assisted by Melissa Hurst, Community Outreach Manager.

The Bergstrom Expressway Project is currently in the environmental clearance phase of development. The environmental document is being developed by the Texas Department of Transportation and supported by the Mobility Authority. The project has been authorized by the State Legislature to use a comprehensive development agreement project delivery method, and the Mobility Authority will be analyzing all potential project delivery methods in the coming months. Currently the project is focusing on environmental assessment, schematic development, public outreach, and context sensitive solutions.

The Oak Hill Parkway Project is currently in the environmental clearance phase of development, and is being developed jointly by the Texas Department of Transportation and the Mobility Authority. Currently, the Project team is focusing on actively engaging the public to help identify constraints and initiation of early concept development through the use of citizen workgroups.

The SH 71 Express Project from Spirit Drive to SH 130 is the final segment of a larger upgrade to SH 71 between I-35 and SH 130, and includes improvements to make the area more pedestrian and bicycle friendly. The environmental studies, schematic development, and procurement process are currently underway. The first public meeting was held on August 13, 2013. The first context sensitive solutions advisory group meeting was held on August 29, 2013. The environmental process is anticipated to be completed in the summer of 2014, with construction beginning in the winter of 2014 and ending in the winter of 2016.

The MoPac South Project launched in April 2013. Jacobs Engineering Group has begun preparation of the environmental assessment, primarily data collection and public involvement activities, as well as schematic efforts. The public involvement plan was finalized in June and the project team began preparation of a key stakeholder list and identified key individuals and groups with which to meet. The first open house is anticipated to occur in November 2013.

The MoPac Intersections Project (two intersections on South MoPac, at Slaughter Lane and at La Crosse Avenue) was launched in May 2013. Jacobs Engineering Group has begun preparation of the environmental document, primarily data collection and public involvement activities. The public involvement plan and key stakeholder list was finalized in July. Stakeholder meetings are being scheduled for this fall. The environmental process is anticipated to take approximately one year.

In August 2013, the environmental study for improvements to US 183 North was launched. Contract negotiations with CP&Y as the primary engineering and environmental services consultant are complete, and primary data gathering activities for the project will begin later in the summer.

The SH 45SW environmental study that was launched in June 2013 is currently in the phase of considering environmental impacts, constraints, the needs of drivers, and concerns of surrounding neighbors. Community outreach tools, including frequently asked questions and branding concepts are under development in anticipation of stakeholder and elected official outreach this fall. An open house is scheduled for October and the environmental process is anticipated to take two years.

#### **14. Executive Director's report.**

Mr. Mike Heiligenstein presented this item. A Rider 42 meeting was held at the Mobility Authority offices and was led by Senator Kirk Watson. Staff is working on a policy for monument signs on Mobility Authority roadways, and will provide the Board with a more thorough presentation at the following Board Meeting.

Mr. Bill Chapman explained to the Board that they will receive final drafts of the June, July, and August financial reports at the October 2<sup>nd</sup> Board Meeting because the audit is being finalized.

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

Chairman Wilkerson announced in open session at 11:42 a.m. that the Board would recess the open meeting and reconvene in Executive Session to deliberate the following items:

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

16. 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 11:55 a.m., and Chairman Wilkerson announced that no action was taken in Executive Session.

**Discuss, consider, and take appropriate action on the following:**

17. Authorize negotiation and execution of purchase contract, a settlement agreement, or both in a pending eminent domain proceeding to acquire the following described parcel or property interest for the Manor Expressway Project:

A. Parcel 28 of the Manor Expressway Toll Project, a 2.610 acre tract in Travis County, at 9345 US 290 East, owned by TX Old Manor Housing LP.

B. Parcel 49 of the Manor Expressway Toll Project, a 9.108 acre tract in Travis County, on the south side of US 290 East between Johnny Morris Road and Ferguson Cutoff, owned by JMTCV, Ltd.

Staff recommended a settlement agreement amount of \$344,824.00 to acquire Parcel 28 and a settlement agreement amount of \$2,175,000.00 to acquire Parcel 49.

Ms. Nikelle Meade moved for approval of the staff recommendations for Parcels 28 and 29, and Mr. Bob Bennett seconded the motion. The motion carried unanimously, 5-0, and the resolutions were approved as drafted.

**18. Adjourn Meeting.**

Chairman Ray Wilkerson declared the meeting adjourned at 12:00 p.m. with unanimous consent.

Approve 10/02/2013