

# MINUTES

## Regular Meeting of the Board of

### Directors of the

#### CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY

Wednesday, November 8, 2017

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 November 2, 2017 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/11082017-658>

**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 Ray Wilkerson called the meeting to order at 9:06 a.m. with the following Board members present: Nikelle Meade, David Singleton, Charles Heimsath, David Armbrust, Amy Ellsworth and Mark Ayotte.

**2. Opportunity for public comment.**

No comments were offered.

**Regular Board Items**

**3. Approve the minutes from the September 26, 2017 Special Called Board meeting.**

**MOTION:** Approval for the September 26, 2017 Special Called Board meeting minutes.

**RESULT:** Approved (Unanimous); 7-0

**MOTION BY:** Amy Ellsworth

**SECONDED BY:** David Singleton

**AYE:** Wilkerson, Singleton, Meade, Heimsath, Armbrust, Ellsworth  
Ayotte

**NAY:** None

4. Accept the financial statements for September 2017.

Mary Temple, Controller presented this item.

**MOTION:** Accept the financial statements for September 2017

**RESULT:** Approved (Unanimous); 7-0

**MOTION BY:** Nikelle Meade

**SECONDED BY:** Charles Heimsath

**AYE:** Wilkerson, Singleton, Meade, Heimsath, Armbrust, Ellsworth  
Ayotte

**NAY:** None

**ADOPTED AS:** Resolution No. 17-057

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

Mary Temple, Controller presented this item.

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

**RESULT:** Approved (Unanimous); 7-0

**MOTION BY:** David Singleton

**SECONDED BY:** Amy Ellsworth

**AYE:** Wilkerson, Singleton, Meade, Heimsath, Armbrust, Ellsworth  
Ayotte

**NAY:** None

**ADOPTED AS:** Resolution No. 17-058

6. Consider and, potentially, modify the annual toll rate escalation for the CTRMA Turnpike System.

Bill Chapman, Chief Financial Officer presented this item.

The Board discussed the item and based on the discussion the Chairman postponed action on this item to the December Board meeting.

7. Approve an interim loan from Regions Commercial Equipment Finance, LLC for the settlement related to the MoPac Improvement Project.

Bill Chapman, Chief Financial Officer presented this item.

**MOTION:** Approve an interim loan from Regions Commercial Equipment Finance, LLC for the settlement related to the MoPac Improvement Project.

**RESULT:** Approved (Unanimous); 7-0

**MOTION BY:** Nikelle Meade

**SECONDED BY:** Charles Heimsath

**AYE:** Wilkerson, Singleton, Meade, Heimsath, Armbrust, Ellsworth Ayotte

**NAY:** None

**ADOPTED AS:** Resolution No. 17-059

8. Authorize procurement of professional engineering design services for the 183A Phase III Project.

**MOTION:** Authorize procurement of professional engineering design services for the 183A Phase III Project.

**RESULT:** Approved (Unanimous); 7-0

**MOTION BY:** Charles Heimsath

**SECONDED BY:** Nikelle Meade

**AYE:** Wilkerson, Singleton, Meade, Heimsath, Armbrust, Ellsworth Ayotte

**NAY:** None

**ADOPTED AS:** Resolution No. 17-060

9. Recommendation for awarding a contract for General Engineering Consulting services.

Justin Word, P.E., Director of Engineering presented this item.

**MOTION:** Award a contract for General Engineering Consulting services to Aktins North America, Inc.

**RESULT:** Approved (Unanimous); 7-0

**MOTION BY:** Mark Ayotte

**SECONDED BY:** Charles Heimsath

**AYE:** Wilkerson, Singleton, Meade, Heimsath, Armbrust, Ellsworth Ayotte

**NAY:** None

**ADOPTED AS:** Resolution No. 17-061

**10.** MoPac Improvement Project monthly report.

Steve Pustelnyk, Director of Community Relations, Tracie Brown, Director of Operations and Jeff Dailey, Deputy Executive Director presented this item.

**11.** Quarterly update on transportation projects under construction.

NOTE: Board member Amy Ellsworth left the dais at 10:11 a.m.

A. 183 South Project.

Justin Word, P.E., Director of Engineering; Aaron Autry, Project Manager, Atkins; and Steve Pustelnyk, Director of Community Relations presented this item.

B. SH 45 SW Project.

Justin Word, P.E., Director of Engineering and Cris Peña, Project Manager, RS&H presented this item.

**12.** Executive Director Board Report.

A. Update and Board discussion on Park and Ride.

NOTE: Board member Charles Heimsath left the dais at 10:47 a.m.

Jeff Dailey, Deputy Executive Director and Javier Arguello, Director of Long Range Planning, Capital Metro presented this item.

B. Update on transportation projects under development.

Mike Heiligenstein, Executive Director presented this item.

C. New employee introduction.

Justin Word, P.E., Director of Engineering introduced the Mobility Authority's new Senior Project Construction Manager, Lloyd Chance.

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

Chairman Wilkerson announced in open session at 11:03 a.m. that the Board would recess the meeting and reconvene in Executive Session to deliberate the following items:

- 13. Discuss acquisition of one or more parcels or interests in real property needed for the Bergstrom Expressway (183 South) and related legal issues, including consideration of the use of eminent domain to condemn property, pursuant to §551.072 (Deliberation Regarding Real Property) and §551.071 (Consultation With Attorney).
- 14. 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).
- 15. Discuss legal issues relating to procurement and financing of Mobility Authority transportation projects, as authorized by §551.071 (Consultation with Attorney).
- 16. Discuss personnel matters as authorized by §551.074 (Personnel Matters).

NOTE: After completing executive session, the Board reconvened in open meeting at 12:24 p.m.

**Regular Board Items**

- 17. Authorize negotiation and execution of a Project Development Agreement with the Texas Department of Transportation for the 183 North Project.

Per staff recommendation, Chairman Wilkerson tabled this item.

- 18. 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:

- A. Parcel 127E of the 183 South (Bergstrom Expressway) Project, an easement taking of 3.052 acres, from 26.845 acres of real estate, **owned by Church of Christ at East Side**, and located at 5701 East Martin Luther King, Jr. Boulevard, on the southwest corner of U.S. Hwy 183 and East MLK Jr. Blvd, Austin, Texas.

Per staff recommendation, Chairman Wilkerson tabled this item.

- 19. **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 E29 of the 183 South (Bergstrom Expressway) Project, an easement taking of 0.082 acres, from 3.76 acres of real estate, **owned by Vargas Properties I, LTD., A Texas Limited Partnership**, and located at 400 Vargas Road, Austin, Travis County, Texas on the west side of 183S.

Geoff Petrov, General Counsel presented this item.

**MOTION:** Authorize the use of the power of eminent domain to acquire an easement interest of 0.082 acres, from 3.76 acres of real estate, **owned by Vargas Properties I, LTD., A Texas Limited Partnership**, and located at 400 Vargas Road, Austin, Texas Travis County Texas on the west side of 183 South, 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); 5-0

**MOTION BY:** Nikelle Meade

**SECONDED BY:** Mark Ayotte

**AYE:** Wilkerson, Singleton, Meade, Armbrust, Ayotte

**NAY:** None

**ADOPTED AS:** Resolution No. 17-062

After confirming that no member of the public wished to address the Board, Chairman Wilkerson declared the meeting adjourned at 12:27 p.m.

**20.** Adjourn meeting.

Approved 12/13/2017