

**GENERAL MEETING OF THE BOARD OF DIRECTORS  
OF THE  
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

**RESOLUTION NO. 08-53**

WHEREAS, the Central Texas Regional Mobility Authority ("CTRMA") was created pursuant to the request of Travis and Williamson Counties and in accordance with provisions of the Transportation Code and the petition and approval process established in 43 Tex. Admin. Code § 26.01, *et. seq.* (the "RMA Rules"); and

WHEREAS, the Board of Directors of the CTRMA has been constituted in accordance with the Transportation Code and the RMA Rules; and

WHEREAS, the CTRMA entered into a Professional Consulting Services Agreement with Everett Owen, P.E., effective July 8, 2004 (the "Agreement"), for the provision of independent, third-party engineering advice concerning project design and engineering development activities, review and oversight of the activities and billings of the CTRMA's general engineering consultant, and assistance in the review of qualifications and proposals from firms or teams seeking to perform work for the CTRMA; and

WHEREAS, the initial term of the Agreement expired and in Resolution No. 05-50, dated June 29, 2005, the CTRMA Board of Directors approved the renewal of the Agreement; and


WHEREAS, Owen has ceased to perform certain tasks under the Agreement except as specifically requested by the CTRMA Executive Director and services are currently being provided on a month to month basis; and

WHEREAS, the CTRMA staff recommends that the Agreement be renewed through July 9, 2009 under the terms and substantially in the form set forth in the Second Amendment to the Agreement attached hereto as Attachment "A".


NOW THEREFORE, BE IT RESOLVED, that the Board of Directors authorizes and approves the Second Amendment to the Agreement as attached hereto as Attachment "A", and authorizes the Executive Director to finalize and execute the Second Amendment to the Agreement on behalf of the CTRMA.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 27th day of August, 2008.

Submitted and reviewed by:

  
Tom Nielson  
General Counsel for the Central  
Texas Regional Mobility Authority

Approved:

  
Robert E. Tesch  
Chairman, Board of Directors  
Resolution Number 08-53  
Date Passed 8-27-08

**ATTACHMENT "A"  
TO  
RESOLUTION 08-53**

**Proposed Second Amendment to Owen  
Professional Consulting Services Agreement**

**Second Amendment To  
Professional Consulting Services Agreement  
Between  
Central Texas Regional Mobility Authority  
And  
Everett Owen, P.E.**

This Second Amendment (this "Second Amendment") to the Professional Consulting Services Agreement by and between Central Texas Regional Mobility Authority ("CTRMA") and Everett Owen, P.E. ("Owen") is made effective as of July 9, 2006, and is for the purpose of amending Paragraphs 1.1, 3.1 and 4.1 of the Professional Consulting Services Agreement originally dated effective July 8, 2004 (the "Agreement").

The Agreement was previously amended effective July 9, 2005 by the First Amendment to the Professional Consulting Services Agreement.

Pursuant to action taken by the CTRMA Board of Directors on August 27, 2008 in Resolution No. 08-53, paragraphs 1.1, 3.1 and 4.1 of the Agreement are hereby further amended as described below.

Paragraph 1.1 is amended to add the following definition:

Second Renewal Term means the period beginning at the expiration of the First Renewal Term (July 9, 2006) and ending three years later (July 9, 2009).

Paragraph 3.1 is amended to read as follows:

3.1 Term. Notwithstanding the date on which each document is executed by CTRMA and Owen, this Agreement and all amendments thereto are effective on and as of the effective dates set forth in each respective document. The Agreement shall remain in effect for the Initial Term, the First Renewal Term and the Second Renewal Term, and any further renewals or extensions thereof, unless earlier terminated in accordance with Section 3.2.

Paragraph 4.1 is amended to read as follows:

4.1. Compensation. CTRMA shall compensate Owen for providing the Services at an hourly rate for hours actually worked by Owen on matters for which Services are specifically requested. The applicable hourly rates shall be as follows: From July 9, 2006 until September 1, 2007, at a rate of \$100.00 per hour; from September 1, 2007 until January 24, 2008, at a rate of \$135.00 per hour, and from January 24, 2008 until July 9, 2009, at a rate of \$150.00 per hour.

By their signatures below, the parties to the Agreement evidence their agreement to the provisions set forth in this Second Amendment, and the amendments set forth herein shall be applicable as of the effective date of this Second Amendment for all purposes.

CENTRAL TEXAS REGIONAL  
MOBILITY AUTHORITY

OWEN

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Mike Heiligenstein, Executive Director

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Everett Owen, P.E.