



## **POLICY BOARD MEETING**

**March 15, 2007**

### **MINUTES**

The regular meeting of the MOTOR Policy Board was called to order at 3:30 p.m. on March 15, 2007 in the Motor Conference Room at the Wright Office Complex by Chairman, Mike Bradford.

#### **Policy Board Members Present:**

Chairman, Mike Bradford, Midland County Judge  
Vice Chairman – James Goates, Councilman, City of Odessa  
Lauren Garduño, District Engineer, TxDOT, Odessa District  
Berry Simpson, Councilman, City of Midland

#### **Others in Attendance:**

Gary Law, Dir. of Transportation Planning and Development, TxDOT, Odessa District  
Alfredo Gonzales, Public Transportation Coordinator, TxDOT, Odessa District  
Cameron Walker, Planning Division Manager, City of Midland  
Larry Fuentes, TxDOT, Odessa District  
Stephanie Fuentes, TxDOT, Odessa District  
Don Byrne, Director of Human Resources, City of Odessa  
Tim Lambdin, Program Manager, Secured Data Solutions  
Melba E. Owens, MOTOR Senior Planning Assistant  
Lakshmi Gurrām, MOTOR Principal Transportation Planner

## **AGENDA ITEM**

### **2. Announcements and Introductions**

Melba Owens, MOTOR Senior Planning Assistant, announced that Mr. Michael W. Behrens, Executive Director of the Federal Highway Administration had announced that the Revised Continuing Appropriations Resolution for FY 2007, which provides funding for federal programs through the remainder of FY 2007, rescinded more than \$3.4 billion in previously authorized transportation funds across the United States. Ms. Owens further advised that the Texas Department of Transportation had been advised the State will be required to return approximately \$290 million in unobligated federal-aid funds. Ms. Owens announced that the Texas Transportation Commission would be conducting a special meeting on March 22, 2007 at 9:00 a.m. in Austin to receive public testimony regarding the upcoming rescission, and how it should be implemented. Ms. Owens announced that Lauren Garduño and Gary Law would be attending from Tx-DOT-Odessa District and invited the Board Members to attend.

Gary Law, Tx-DOT-Odessa District made the announcement that Michelle Konkle will no longer be our Field Representative, and that Fred Marquez would be her replacement.

### **3. Approval of Minutes**

The Minutes of the February 15, 2007 Policy Board Meeting were approved unanimously. Motion was made by Lauren Garduño, and seconded by Dr. Goates to accept and approve the minutes. The motion passed by the following vote:

Mike Bradford	Aye
Dr. James Goates	Aye
Berry Simpson	Aye
Lauren Garduño	Aye

### **4. Public Comment Period**

There were no comments from the public.

### **5. MOTOR Staff Report: Melba E. Owens, Senior Planning Assistant**

a. Ms. Owens advised that the *Draft 2008-2011 Transportation Improvement Program (TIP)* was the result of many weeks of research and development, numerous workgroup sessions with MOTOR MPO Staff and TxDOT-Odessa District Staff

Members. She pointed out that as part of the TIP Development, the Staff had carefully studied the Statewide and Metropolitan Planning Final Rule which was published in the Federal Register on February 14, 2007, to be certain that we are in compliance with project selection criterion, financial plan requirements, and to be certain that our underlying planning processes are consistent with SAFETEA-LU requirements. Ms. Owens advised that the Draft TIP 2008-2011 had been presented to the Technical Advisory Committee on Tuesday, March 13, 2007, and the Committee voted unanimously, after recommending some changes which are reflected in the document, to forward the Draft TIP 2008-2011 to the Policy Board for preliminary briefing. A Public Hearing will be held at the MOTOR Conference Room on March 26, 2007 in compliance with the public involvement policy, and in compliance with SAFETEA-LU requirements for expanded public participation. Ms. Owens advised the policy board that Mr. Tim Kolpien of Kolpien & Associates, the consultants for the revision of the public involvement policy, was present and would be addressing the preliminary draft for a new public participation plan.

Mr. Gary Law and Mr. Lauren Garduño, Tx-DOT-Odessa District, gave updates on transportation projects listed within the Draft 2008-2011 TIP document including project letting dates, funding categories, right-of-way acquisition status and inflation costs that are applicable. Some discussion also occurred regarding Proposition 14 Funding and the impact these funds had on some project letting dates. Mr. Law asked for the Policy Board's approval to release the Draft 2008-2011 TIP for the public involvement period. A Motion to approve release of the Draft 2008-2011 TIP to the public involvement period was made by Dr. Goates and seconded by Berry Simpson. The Motion was approved unanimously as follows:

Mike Bradford	Aye
Dr. James Goates	Aye
Berry Simpson	Aye
Lauren Garduño	Aye

*c. MOTOR Web Page* – Ms. Owens advised the Policy Board Members that the MOTOR MPO Staff had been working with Mr. Tim Lambdin, Project Manager for Secured Data Solutions to get the MOTOR website active, and to maintain steady timelines with Secured Data for the full development of our website. Ms. Owens announced that the MOTOR website became active on Friday, March 2, 2007, as had been directed by the Policy Board at their February 15, 2007 Meeting. She advised that MOTOR Staff had

been in the process of working with Mr. Lambdin and his staff to be certain of the design structure that had already been put into place to determine if there will be the need for refinement in some of the link topics, to be certain that all information is current, correct, submitted in appropriate formats, and generally to be certain that we have a user friendly, relevant, first class web site as the final product. She further advised that Mr. Lambdin will be meeting with MOTOR MPO Staff on a regular basis to be certain that we are accomplishing all of our goals and meeting all of our target dates.

Mr. Tim Lambdin gave a preview of all updates to the Policy Board, and pointed out that all of the scheduled MOTOR public meetings through the year (dates, times, location) had been placed on the site. Mr. Cameron Walker, Planning Division Manager, City of Midland, asked that thought be given to removing some of the pictures that had been added to the site to date, and be replaced with pictures that better reflected appropriate activities within the Midland-Odessa area. Mr. Lambdin pointed out the contact section of the web site which would allow the public to make comments to the MPO for subsequent response on various transportation issues. General discussion occurred with the Policy Board Members and others in attendance regarding the possibility of adding the 2008-2011 TIP, 2005-2030 MTP, current fiscal year UPWP documents in pdf format to the website for public review.

Mr. Tim Kolpien, President of Kolpien & Associates, MOTOR's Consultant for public involvement planning, was present and recommended that a 5 second message (tagline) be developed that would instantaneously tell users what MOTOR does. He further advised that they will be working with MOTOR Staff to develop this tag line, and would be submitting some ideas for the Policy Board to consider.

***b. Midessa Study Updates*** - Ms. Owens advised that the first Midessa Study Stakeholders Meeting had been held at the MOTOR Conference Room on February 22, 2007. The Meeting was well attended by emergency responder/emergency personnel as well as technical personnel from both the Cities of Midland and Odessa, and the Counties of Midland and Ector. She advised that there were 22 attendees out of the 39 that were invited. She stated that the Project Team of Kimley-Horn & Associates, Consulting Firm working with MOTOR in this study, conducted the meeting. She explained that the next stakeholders meeting would be on Tuesday, April 10, 2007. Ms. Owens discussed opportunities that had been identified to improve the quality and effectiveness of the next meeting.

Some discussion occurred regarding Kimley-Horn billings, and scheduled deliverables and deliverable dates. Ms. Owens pointed out that MOTOR Staff, with the assistance of

Mr. Gary Law, TxDOT-Odessa District, are working to resolve some invoicing procedures that will tie Kimley-Horn invoices for payment to definable, verifiable deliverables. Ms. Owens advised that she believed that we are near to resolving these issues, and recommended that the two (2) latest invoices provided by Kimley-Horn, which have complied with MOTOR requirements, be approved for payment. Ms. Owens referred to a letter MOTOR submitted to Kimley-Horn on March 2, 2007, which asked Kimley-Horn to enter into a Supplemental Agreement for the Board's consideration, that would tie their invoicing to definable deliverables. She further advised that Kimley-Horn had complied by submitting a signed Supplemental Agreement for the Board's consideration. Ms. Owens expressed that exception is taken to paragraphs two (2) and four (4) of their Agreement, and asked the Board to allow MOTOR Staff to counter the Kimley-Horn proposed Supplemental Agreement with more favorable and accurate language, and forward it back to them for execution. She further asked that the Board authorize the Chairman and Vice Chairman to sign this revised Supplemental Agreement once it had been completed.

A Motion was made by Dr. Goates to proceed with payment to Kimley-Horn for the two (2) invoices received to date, and for the MOTOR Staff to proceed with drafting a revised Supplemental Agreement which can be signed by he and Chairman Bradford on behalf of the MOTOR. The Motion was seconded by Berry Simpson and approved unanimously by the following vote:

Mike Bradford	Aye
Dr. James Goates	Aye
Berry Simpson	Aye
Lauren Garduño	Aye

*d. Public Participation Plan* – Ms. Owens introduced Mr. Tim Kolpien, President of Kolpien & Associates, Consultant for MOTOR's new and revised Public Participation Plan, to give an official update of their involvement with MOTOR Staff toward the development of a new compliant and meaningful public participation plan. Ms. Owens provided the following background regarding Mr. Kolpien and his team: Mr. Kolpien has been involved in dozens of Public Policy endeavors at all levels of government, specifically assisting committees and organizations achieve project delivery and community goals. He has worked in areas of public policy development, public involvement and public affairs. He continues to be a strategist and consultant for campaigns and public officials on local, state, and federal levels that involve legislation that directly affects local policy. His Director, Mr. Paul Rossi, has also been working

with us on our new public participation policy. Mr. Rossi brings over ten years of extensive experience in public affairs, public policy and public relations in service to clients and government agencies. Ms. Owens stated that the quality backgrounds that these consultants bring to us at this time of attempting to meet all Federal SAFETEA-LU requirements, and to ultimately become an exemplary model for all MPO's to pattern after in the area of public participation and public involvement is so needed and appreciated.

Mr. Kolpien presented the Draft Public Participation Plan, which provides a very proactive approach for MOTOR, to the Policy Board Members, and specifically addressed the five (5) major objectives that will bring our public involvement policy into compliance with the spirit of all SAFETEA-LU requirements regarding public participation:

Objective No. 1: Educate the public regarding the planning of transportation system improvements;

Objective No. 2: Solicit public feedback early enough in the transportation planning process so that the final design incorporates solutions which include consideration of public concerns;

Objective No. 3: Provide citizens, public agencies, private transportation and shipping providers, users of pedestrian and bicycle facilities, representatives of the disabled, and other interested parties with opportunities to participate in the transportation planning process;

Objective No. 4: Increase involvement of traditionally underserved communities, such as low-income and minority households, and foster ownership of transportation decision making by considering the needs of those communities; and

Objective No. 5: Maintain opportunities for public participation and education throughout the planning process, particularly after decisions have been made.

e. Consensus Meeting in Austin – This item was covered in the discussion which occurred in Section 5 a. regarding Proposition 14 and the status report of various transportation projects.

**f. Fiscal Agent Contract** – Ms. Owens advised that this item is regarding the need for Policy Board Member signatures to this previously executed Contract so that original signed copies of the Contract can be submitted to TPPS in Austin. The Policy Board Members signed additional copies of this Contract.

**6. Finance Report**

Mr. Abel Gamez, MOTOR Planner, advised the Board that the October, November and December Billings had been submitted to TxDOT-Odessa District, and that the January, 2007 Billing was being processed for approvals. Mr. Gamez discussed some large expenditures that would be coming forward, to include office furniture the amount of approximately \$9,000.00, and two (2) computers totaling approximately \$5,000.00. He explained to the Board that there may need to be a revision to the UPWP later this fiscal year. Mr. Garduño expressed the importance of expediting the billing review/preparation for payment process so that we are not 6 months behind.

**7. Privacy Policy**

Ms. Owens advised the Policy Board Members that Mr. Lambdin, Secured Data Solutions had advised that the MOTOR website would need to have a privacy policy posted. Ms. Owens presented a sample Privacy Policy which had been developed after considerable research by the MOTOR Staff for the Board’s consideration. The Motion was made by Dr. Goates and seconded by Lauren Garduño to submit the sample policy provided to the Odessa City Attorney for review to be certain that we are in compliance with all legal requirements before posting said document to the web. The Motion passed unanimously as follows:

Mike Bradford	Aye
Dr. James Goates	Aye
Berry Simpson	Aye
Lauren Garduño	Aye

**8. Project Status**

A project status report was previously given under the Draft 2008-2011 TIP presentation in Item 5 a.

**9. Conduct Executive Session concerning any and all subjects and for any and all purposes permitted by Chapter 551 of the Texas Government Code, including, but not limited to:**

- a. Texas Government Code, Section 551.071 for the purpose of consulting with the Board's attorney;
- b. Texas Government Code Section 551.072 to deliberate the purchase, lease or value of real property;
- c. Texas Government Code Section 551.074 to discuss personnel matters.

The Policy Board went into Executive Session at 5:45 p.m. and concluded Executive Session at 6:30 p.m..

#### **10. Take Action concerning Executive Session Matters.**

The Policy re-convened the regular meeting at 6:30 p.m. and advised that no action had been taken on Executive Session items.

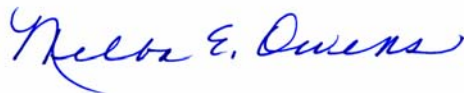
#### **11. Adjourn**

The Policy Board voted unanimously to adjourn the Meeting at 6: 35 p.m. by the following vote:

Mike Bradford	Aye
Dr. James Goates	Aye
Berry Simpson	Aye
Lauren Garduño	Aye

The next Policy Board Meeting will be conducted on Thursday, April 19, 2007 in the MOTOR Conference Room.

Minutes submitted and approved by:



Melba E. Owens  
Senior Planning Assistant  
MOTOR MPO