



**POLICY BOARD MEETING  
October 20, 2008  
MINUTES**

The regular meeting of the MOTOR Policy Board was called to order at 5:00 p.m. on October 20, 2008 in the Motor Conference Room at the Wright Office Complex by Policy Board Chairman, Dr. Jimmy Goates.

**Policy Board Members Present:**

Dr. Jimmy Goates, Chairman, Councilman, City of Odessa  
Randy Hopmann, Interim District Engineer, TxDOT-Odessa District  
Jerry Morales, Councilman, City of Midland

**Policy Board Members Not Present:**

Mike Bradford, Midland County Judge  
Susan Redford, Ector County Judge

**Others in Attendance:**

Matt Carr, Transportation Planning and Development, TxDOT-Odessa District  
Mike McAnally, Director of Operations, TxDOT-Odessa District  
Matt Squyres, Director of Public Works, City of Odessa  
Alfredo Gonzales, Public Transportation Coordinator, TxDOT-Odessa District  
Bill Hodge, GIS Division Manager, City of Midland  
Melba E. Owens, MOTOR Executive Director  
Stephanie Fuentes, MOTOR Senior Transportation Planner  
Melanie Kiker, MOTOR Transportation Planner  
Angela Wolf, MOTOR Administrative Assistant

**AGENDA ITEM**

**2. Announcements and Introductions**

Melba Owens, MPO Executive Director, introduced our newest board member, Mr. Jerry Morales, City of Midland Councilman. Mr. Morales has recently been appointed to serve on the Board, replacing Mayor Wes Perry. Ms. Owens also introduced Mr. Randy Hopmann, Interim District Engineer, TxDOT-Odessa District who is filling in for Lauren Garduño while Mr. Garduño is on special assignment. He did inform us that Mr. Garduño will be back on November 1 as he has finished with the statewide reorganization earlier than anticipated.

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

A Motion was made by Dr. Jimmy Goates and seconded by Jerry Morales, to accept and approve the minutes of the September 22, 2008 Policy Board Meeting as presented. The motion passed unanimously by the following vote:

|                  |     |
|------------------|-----|
| Dr. Jimmy Goates | Aye |
| Jerry Morales    | Aye |
| Randy Hopmann    | Aye |

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

There were no comments from the public.

### **5. Finance Report**

Angela Wolf, MPO Administrative Planning Assistant, gave the following report: The report submitted today reflects a total expenditure of \$22,810.19 for the month of August, 2008, giving us a current balance of \$444,512.98. We are now 32% expended in our budget allocations. Individual task breakdowns are provided in each report. We are providing additional detailed expenditure reports for Tasks 1-5 for July and August of the new fiscal year, in which we have defined the primary responsibilities of each Task, and provided a comparative analysis of monthly expenditures. The decrease in the August, 2008 expenditures over the expenditures in July, 2008, resulted from payments made in July, 2008 to Wilbur Smith & Associates for work completed in Work Authorizations No. 1 and 2 in the amount of \$13,000.

Ms. Owens gave the following FY 2008 MPO Audit report:

Federal requirements are that any MPO that expends \$500,000 or more of federal financial assistance in a fiscal year is required to conduct an audit for that year in accordance with 31 U.S.C. 7501-7505; OMB Circular A-133; and 49 CFR 18.26. If an MPO expends less than \$500,000 in federal financial assistance during its fiscal year, a federal financial audit is not required; however, if the MPO elects to conduct an audit anyway, the cost must be paid from non-federal funds.

The MPOs total expenditures for FY 2008 will not equal to, or exceed \$500,000. Ms. Owens visited with Cindy Muncy, Senior Audit Manager, Elms Faris & Co., and she advised that if we get permission from the granting agency to have an audit done, even though we will fall below the \$500,000 threshold, the audit could be paid for under grant dollars. She further explained that if we skip a year, and then have to conduct one next year, which is likely because of the payment of Work Authorization No. 3 to Wilbur Smith & Associates for delivery of the 2010-2035 MTP document in 2009, it makes it more costly and much more difficult. Last year's cost to perform the MPO audit was \$10,750.

### **MPO Staff Recommendations:**

Recommend approval of the Financial Report as submitted, and approval to proceed with setting up the FY 2008 audit if approved by the granting agency. This approval will be

sought from TxDOT as they are the pass through agency for our funds. They submit all billings for reimbursement for MPO expenditures to the FHWA.

Mr. Hopmann recommended that Matt Carr touch base with TxDOT-Austin as soon as possible that way Ms. Owens will know what needs to be done or whether or not it is going to be reimbursable from Tx-DOT.

A Motion was made by Randy Hopmann and seconded by Jerry Morales to approve the Finance Report as submitted. The Motion passed unanimously as follows:

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| Dr. Jimmy Goates | Aye |
| Jerry Morales    | Aye |
| Randy Hopmann    | Aye |

**6. Final presentation/approval of the report of web survey results. The survey was conducted as part of the MTP Development/Scenario Planning/Community Visioning Project to assist the MPO with gauging the community's perceptions, opinions, and values concerning the key issues relevant to transportation and community development. David Freidenfeld, Project Manager, Wilbur Smith & Associates, will join us by phone for this presentation/discussion.**

Ms. Owens gave the following background:

The web based survey was conducted as part of the MTP Development/Scenario Planning/Community Visioning Project to assist the MPO with gauging the community's perceptions, opinions, and values concerning the key issues relevant to transportation and community development. It was presented in draft form to the Technical Advisory Committee on Thursday, October 16, 2008, for their review and comment. The Technical Advisory Committee made several recommendations for changes to the draft report, most of which have been made in the document that each member has before them today. A few of the other recommendations for changes/additions will be finalized for Technical Advisory Committee review at their meeting in November, 2008. The Technical Advisory Committee asked that the draft be forwarded for Policy Board review at your meeting today, and that final approval of the document be made at your regularly scheduled meeting in November which will give the Technical Advisory Committee Members and the Policy Board Members the opportunity to make recommendations for changes/additions to the document before final approval.

Mr. Freidenfeld summarized the draft final report of the regional survey results with some of the recommendations made by the Technical Advisory Committee

**MPO Staff Recommendation:**

Recommend approval of the draft survey report with changes as recommended by the Technical Advisory Committee and Policy Board Members, and that the final report reflecting said changes be brought back to you at your regularly scheduled meeting in November (November 17th), 2008 for final approval.

The Motion was made by Jerry Morales and seconded by Randy Hopmann to approve the draft survey report with changes as recommended and with the ability to submit further recommendations until it goes back to the Technical Advisory Committee. The Motion passed unanimously as follows:

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|------------------|-----|
| Dr. Jimmy Goates | Aye |
| Jerry Morales    | Aye |
| Randy Hopmann    | Aye |

**7. Approval of Memorandum of Understanding Agreement between MOTOR MPO, TxDOT-Odessa District, and MOUTD to be in full compliance with all SAFETEA-LU requirements.**

Ms. Owens gave the following background:

Mr. Montie Wade, Senior Research Engineer for the Texas Transportation Institute has over the past year performed research as requested by TxDOT, to determine if the planning agreements the MPOs in the State currently have in place are in compliance with SAFETEA-LU requirements. SAFETEA-LU regulations state:

*§ 450.314 Metropolitan Planning Agreements.*

*(a) The MPO, the State(s), and the public transportation operator(s) shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the State(s), and the public transportation operator(s) serving the MPA. To the extent possible, a single agreement between all responsible parties should be developed. The written agreement(s) shall include specific provisions for cooperatively developing and sharing information related to the development of financial plans that support the metropolitan transportation plan (§ 450.322) and the metropolitan TIP (§ 450.324) and development of the annual listing of obligated projects (§ 450.332).*

Questionnaire responses indicated that, with the possible exception of one MPO (Corpus Christi), existing agreements do not meet the preferred approach. Although the statement in the regulations "To the extent possible" indicates that a strict interpretation of the rule that all must be signatory to one agreement between all responsible parties can not be made, they were advised that that the official position of FHWA is that "a single agreement between all responsible parties" is the "preferred" approach.

We explained to Mr. Wade that the MOTOR MPO currently has a Planning Contract with TxDOT, and a Memorandum of Understanding Agreement with the Midland Odessa Urban Transit District. However, it was his conclusion that inasmuch as the Federal Highway Administration has expressed preference in the MPOs having a single agreement between all responsible parties of the metropolitan transportation planning process, that all MPOs should comply with the preferred approach.

Ms. Owens has subsequently prepared the attached Memorandum of Agreement for your review and approval. It should be noted that the Memorandum of Agreement does not

replace intentions of our existing contracts/agreements. This one-time agreement specifies that the Unified Planning Work Program (UPWP) will detail and document the responsibilities required by § 450.314. They believe, and we concur, that the UPWP is the logical document in which to describe mutual and separate responsibilities, deliverables, and associated costs.

The Technical Advisory Committee reviewed and approved this agreement at their meeting on October 16, 2008, and recommended it forward for final approval by the Policy Board. The Agreement was also forwarded to Lee Ann Rimer, Assistant City Attorney for the City of Odessa, who has no concerns with our moving forward with this agreement.

**MPO Staff Recommendation:**

Motor Staff recommends approval of the Memorandum of Agreement as presented.

The Motion was made by Jerry Morales and seconded by Randy Hopmann to approve the Memorandum of Understanding Agreement as prepared. The Motion passed unanimously as follows:

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|------------------|-----|
| Dr. Jimmy Goates | Aye |
| Jerry Morales    | Aye |
| Randy Hopmann    | Aye |

**8. Approval of the Administrative Revision to the 2008-2011 TIP for the addition of an informational appendix regarding eligible Grouped CSJ backlogged Projects as requested by TxDOT-Odessa District.**

Stephanie Fuentes, MOTOR MPO, Senior Transportation Planner gave the following background and report:

TxDOT-Odessa District has requested an Administrative Revision to the 2008-2011 TIP to allow for the addition of an informational appendix regarding certain eligible Grouped CSJ Backlogged Projects. We contacted TxDOT TP&P in Austin, and they indicated that we could place these eligible projects under Appendix D.

The purpose of Appendix D is to identify projects that are undergoing preliminary engineering and environmental analysis consistent with early project development. The Federal Highway Administration allows these projects to be referenced in the current Transportation Improvement Program in order to facilitate the feasibility and preliminary engineering and environmental analysis phases.

Appendix D contains projects that are scheduled for implementation beyond the four years of the TIP time frame, and it in no way implies that these projects are programmed in the TIP. Cost estimates are preliminary and do not represent any commitment of construction funding. Consistency with the Metropolitan Transportation Plan will be verified as alternatives are examined in studies or environmental clearance efforts.

**MPO Staff Recommendation:**

The MOTOR MPO Staff recommends approval of the administrative revision to the 2008-2011 TIP as submitted. If approved by the Policy Board, this revision will be provided to TxDOT TP&P in Austin on or before Monday, November 3, 2008.

The Motion was made by Randy Hopmann and seconded by Jerry Morales to approve the Administrative Revision to the 2008-2011 TIP as submitted. The Motion passed unanimously as follows:

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|------------------|-----|
| Dr. Jimmy Goates | Aye |
| Jerry Morales    | Aye |
| Randy Hopmann    | Aye |

**9. MPO Staff Reports: (Including, but not limited to):**

**9a. Survey Winners**

The web survey was active on the MOTOR MPO website since mid-August, and e-mails were sent out to key stakeholders requesting that they participate in the survey, and forward it to as many others that they felt would be willing to take the survey. We sent out a follow-up e-mail on Thursday, September 11, 2008, to all those who had participated in our survey, thanking them again for their participation, and asking again that they forward the survey to others that they felt would be interested in participating. We closed the web survey on Thursday, October 1, 2008. We received a total of 513 useable survey responses, of which 463 answered all the questions within the survey. Only one Spanish survey was completed. Five participants were subsequently randomly selected to receive \$100 gift cards to either Wal-Mart or Target. Of the five participants notified of their winning status, only three (3) have come forward to date to claim their gift cards. Winning participants who have claimed their gift cards are: Jonathan Galusky, Jeff Brammer, and Phyllis Shedeck.

**9b. First Community Workshop scheduled for Tuesday, November 18, 2008 from 5:00 p.m. – 8 p.m. at the Atmos Energy Fischer Community Room – Barbeque dinner will be provided by Prescott’s, and there will be drawings for 4-5 door prizes. We are planning for approximately 65-70 attendees.**

Our first Community Workshop is scheduled for Tuesday, November 18, 2008 from 5:00 p.m. – 8:00 p.m. at the Atmos Energy Fischer Community Room. A free barbeque dinner, sponsored by Prescott’s Café, will be provided as well as door prizes. We are planning for 65-70 attendees. This will be an opportunity for residents of both communities to express their ideas and concerns regarding issues such as:

- How should the region grow?
- What kind of development in the region is desirable?
- Where should new development be located?
- How can transportation help to achieve our vision of the future?
- What type of transportation investments are needed for the future?

### **9c. Highway Trust Fund Update**

On Wednesday, September 10, 2008, the U. S. Senate passed a measure to effect an immediate \$8 billion infusion for the Federal Highway Trust Fund, and returned the amended legislation to the House of Representatives for their consideration. The House passed the measure on a 376-29 vote on Thursday, September 11, 2008. The President signed the legislation into effect September 15, 2008.

Based on the dismal revenue figures presented by the Federal Highway Administration, it appears likely that we will likely revisit this scenario again sometime in Federal Fiscal Year 2009. Therefore, we must now be even more mindful of the difficulties that will be presented by the current revenue sources and investment strategies if no modifications are effected by the forthcoming Highway Bill. The occurrence of such a substantial shortfall in funding should serve as a catalyst in the search for new ideas and investment that might sustain our transportation system for the future.

### **9d. TxDOT Town Hall Meeting on Transportation needs – to be conducted at the CEED Building on November 13, 2008 beginning at 6:30 p.m.**

The Texas Department of Transportation will hold a Town Hall Meeting at the Center for Energy and Economic Diversification on Thursday, November 13, 2008 beginning at 6:30 p.m. TxDOT Executive Director Amadeo Saenz and other key TxDOT and local transportation representatives will be on hand to answer questions and provide information on projects and funding, including a brief perspective on regional infrastructure requirements for the future.

### **10. Project Reports**

**TxDOT-Odessa District** - Mr. McAnally gave the following updates:

JBS is still on schedule.

Segment 1 of the Reliever Route has slowed due to the oil show. The crew working was not able to get a motel room due to all of the attendees at the oil show.

Holiday Hill Road extension is on time.

Mr. Hopmann gave the following background and information about Proposition 14. At the end of August, Governor Perry, Lt. Governor Dewhurst and Speaker Craddick sent our Chair a letter strongly encouraging that TxDOT Commission go ahead and issue their authority in Prop 14 bonds. Prop 14 bonds are really just accelerating projects because the debt services comes from future gas tax revenues. So it is not any new money coming into TxDOT, you're just leveraging your future revenues to build projects today. The Commission has taken the action to proceed to the Bond Review Board and that has been approved. The question now is how to decide which projects to move forward with Prop 14 bonds. You may recall November 2007 was when there were nearly a billion dollars worth of mobility projects state-wide that were delayed. So what our Commission has done is gone back to those delayed projects and said that they want to restore the funding to those projects so that they can move forward to construction. On that list, Odessa District and Midland County has a project which is on I20 at Loop 250 on the east side of Midland to construct an interchange. This is actually two different projects but they are linked together. You have to build both of them. This is an approximately \$43 million project. At the Commission's meeting which is on October 30, it is anticipated that they will take action to restore funding on this list of projects. They will also look at selecting some additional projects

called Other Regional Needs. The Midland-Odessa area has some other projects that could potentially receive funding in that category as well. One of them being the 2<sup>nd</sup> phase of the Reliever Route SH349 and our Commission could go further into the MPO's latest list that has been developed and pick a project or two out of that list. It is unknown how that will go. But once the decisions are made on the 30<sup>th</sup> of October, he is sure there will be some state-wide press releases coming out of Austin notifying everybody of the projects that have been selected for this Prop 14 bonds. In the meantime, he encourages the MPO to continue scheduling and developing other projects because either next spring, or next summer or next fall, Proposition 12 will be coming out and we need to make sure that we have a healthy number of projects that are developed and ready to go to letting as soon as possible so that our Commission will take a look at those projects in their decision making process for Prop 12. Mr. Hopmann indicated that the MPO has a good list of projects and the district is in the process of developing those projects. There may be a couple of the MPO projects that we need to get through the MTP revision process and get them added into the plan so that the district can begin developing those projects. But the MPO has the time to get that done.

**City of Midland**  
**County of Midland**  
**City of Odessa**  
**County of Ector**

There were no further project reports.

**11. 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 an Executive Session under Section 551.074.

**12. Take action concerning Executive Session matters.**

No action was taken in Executive Session. Ms. Owens advised the Policy Board Members that Melanie Kiker, Planner, had tendered her resignation effective on Thursday, October 23, 2008. Ms. Owens explained that Ms. Kiker had been offered a supervisory position with her previous employer, and had accepted the position. Ms. Owens advised that an attempt will be made to fill the position as soon as possible.

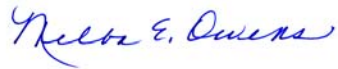
**13. Adjourn.**

Dr. Jimmy Goates made the Motion to adjourn the meeting. The motion was seconded by Randy Hopmann. The motion passed unanimously as follows:

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| Dr. Jimmy Goates | Aye |
| Jerry Morales    | Aye |
| Randy Hopmann    | Aye |

The next regularly scheduled Policy Board Meeting will be conducted on Monday, November 17, 2008, in the MOTOR Conference Room at 5:00 p.m.

Minutes submitted and approved by:



Melba E. Owens, Executive Director