



POLICY BOARD MEETING
April 17, 2008
MINUTES

The regular meeting of the MOTOR Policy Board was called to order at 3:30 p.m. on April 17, 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
Lauren Garduño, District Engineer, TxDOT-Odessa District
Wes Perry, Mayor, 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
Stephanie Fuentes, Engineer in Training, TxDOT-Odessa District
Marwan Khoury, Director of Planning & Development, City of Odessa
Matt Squyres, Director of Public Works, City of Odessa
Alfredo Gonzales, Public Transportation Coordinator, TxDOT-Odessa District
Mike McAnally, Director of Operations, TxDOT-Odessa District
Chuck Swallow, Director of Development Services, City of Midland
Don Byrne, Director of Human Resources, City of Odessa
James Zentner, Assistant City Manager, City of Odessa
Edward Esparza, General Manager, MOUTD EZ-Rider
Melba E. Owens, MOTOR Executive Director
Angela Wolf, MOTOR Administrative Assistant

AGENDA ITEM

2. Announcements and Introductions

There were no announcements or introductions.

3. Approval of Minutes

A Motion was made by Lauren Garduño and seconded by Wes Perry, to accept and approve the minutes of the March 20, 2008 Policy Board Meetings as presented. The motion passed unanimously by the following vote:

Dr. Jimmy Goates	Aye
Lauren Garduño	Aye
Mayor Wes Perry	Aye

4. Public Comment Period

There were no comments from the public.

5. Finance Report

Angela Wolf, MPO Administrative Assistant, gave the following report:

The report submitted to you today reflects a total expenditure of \$13,053.68 for the month of February 2008, giving us a current balance of \$337,292.75. We are now 15% expended in our budget allocations. Individual task breakdowns are provided in your report. We are providing additional detailed expenditure reports for Tasks 1-5 for January and February 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 February 2008 expenditures over the expenditures in January 2008, resulted from the \$6,000 paid to Elms, Faris & Company for the MOTOR MPO audit in January 2008. Final payment to Elms, Faris & Company will be made during the month of April 2008.

Melba Owens, MPO Executive Director, gave the following report:

The Texas Transportation Commission at their meeting in March 2008 voted unanimously to apply Transportation Development Credits on a statewide basis to make up the shortfall in matching funds needed for FHWA-PL carry-over funding. Also, TEMPO representatives have met with TxDOT Administration in Austin and had positive conversation regarding a strategy to hold MPOs harmless in the rescission of FHWA-PL funding by providing the equivalent amount of rescinded dollars back to the MPO from an alternative funding program. Ms. Owens will keep the Board updated on the progress being made with this effort.

MPO Staff Recommendations:

Recommend approval of the Financial Report as submitted.

A Motion was made by Lauren Garduño and seconded by Wes Perry to approve the Finance Report as submitted. The Motion passed unanimously as follows:

Dr. Jimmy Goates	Aye
Lauren Garduño	Aye
Mayor Wes Perry	Aye

10. 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.

Melba Owens, Executive Director, asked the Policy Board Members to allow moving Agenda Item 10 forward to discuss personnel matters. She advised that Don Byrne, Director of Personnel, City of Odessa, had another meeting to attend, and would need to leave early. The Policy Board agreed, and went into Executive Session at 3:56 p.m.

Take action concerning Executive Session Matters

A Motion was made by Lauren Garduño, seconded by Wes Perry to approve the new job description for Administrative Planning Assistant. The Motion passed unanimously as follows:

Dr. Jimmy Goates	Aye
Lauren Garduño	Aye
Mayor Wes Perry	Aye

7. Approval of: A) Public Funds Investment Policy for the MOTOR MPO as recommended by Elms Faris in their final audit report, in order to comply with the Public Funds Investment Act (PFIA); and B) Resolution adopting a Public Funds Investment Policy for the MOTOR MPO and appointing Financial Advisory Committee members and Investment Officers for the MOTOR MPO.

Ms. Owens gave the following background information and report:

As you recall, in Cindy Muncy's, Elms, Faris & Company's report on February 21, 2008, it was pointed out that the MOTOR MPO failed to comply with the Public Funds Investment Act (PFIA), insofar as it related to accounting matters. MOTOR did not have an investment policy in place and therefore, did not follow any of the requirements of the PFIA. MOTOR's cash is held within the City of Odessa's pooled accounts which have been maintained in accordance with PFIA.

The Elms, Faris audit report recommended that MOTOR adopt an investment policy and utilize the City of Odessa's investment officer as MOTOR's investment officer. Subsequent to that meeting, Ms. Owens contacted James Zentner, Assistant City Manager of Administrative Services, City of Odessa, who currently serves as the investment officer for the City of Odessa, and asked if he would serve as one of the MOTOR MPO's

investment officers. He has agreed to serve in this capacity for MOTOR. The Policy developed also designates Melba Owens, MOTOR MPO Executive Director to serve as Investment Officer for the MOTOR MPO. Training is required every two (2) years for those serving in this capacity. James Zentner routinely attends this training for the City of Odessa. Ms. Owens would need to attend this training. This particular training was not anticipated when preparing the FY 2008-2009 UPWP.

The MOTOR MPO Investment Policy was developed utilizing the City of Odessa's Public Funds Investment Policy as a guide. This Policy was reviewed by James Zentner who made some recommendations that have been incorporated into this document. Ms. Owens was contacted by Mitch Batuzich, FHWA representative on Tuesday, April 15, 2008 regarding concerns that he has as to whether or not we need to execute such a policy. Ms. Owens provided him with a copy of the State law, and a copy of the recommendation made by Elms, Faris & Company. Since this requirement falls under State law, he referred it to Fred Marquez, TxDOT-Austin, to see if we fall under this requirement under TxDOT audit guidelines. At the time of this report, no further information has been provided by FHWA or TxDOT-Austin.

MPO Staff Recommendation:

We recommend the approval of the MOTOR MPO Investment Policy as submitted; and, approval of Resolution formally adopting an Investment Policy for the MOTOR MPO and appointing Financial Committee Members and Investment Officers for the MOTOR MPO.

A Motion was made by Lauren Garduño and seconded by Wes Perry to approve the MOTOR MPO Investment Policy as submitted; and, approval of Resolution formally adopting an Investment Policy for the MOTOR MPO and appointing Financial Committee Members and Investment Officers for the MOTOR MPO. The Motion passed unanimously as follows:

Dr. Jimmy Goates	Aye
Lauren Garduño	Aye
Mayor Wes Perry	Aye

6. Approval of the Revised Contract with Wilbur Smith & Associates, Inc. for work to be performed with MOTOR in the MTP Development/Scenario Planning/Community Visioning and approval of Work Authorization No. 1 revised budget.

Ms. Owens gave the following background information and report:

The Policy Board Members unanimously approved the Master Contract at their regularly scheduled meeting on March 20, 2008. The Policy Board authorized members of the Technical Advisory Committee and MPO Executive Director to further negotiate the budget proposed for Work Authorization No. 1 with David Freidenfeld, Project Manager for Wilbur Smith & Associates. It was further decided that a lump sum/fixed cost

approach would likely be the best way for the MPO to structure payments for Work Authorizations.

Two subsequent meetings were conducted to negotiate the proposed budget for Work Authorization No. 1. The first meeting was conducted at the TxDOT-Odessa District Offices on Wednesday, March 26, 2008. Participating in that meeting were David Freidenfeld (by conference call), Matt Carr, TxDOT-Odessa District, and Melba Owens, MPO Executive Director. The second meeting was conducted at the MOTOR Conference Room on Thursday, April 3, 2008. Participating in that meeting was David Freidenfeld (by conference call), Matt Carr, TxDOT-Odessa District, Matt Squyres, City of Odessa, and Melba Owens, MOTOR Executive Director. These negotiations resulted in a cost savings to the MOTOR MPO of \$6,984. The original proposed budget was submitted at \$73,984. The negotiated figure presented to you today is \$67,000.

In order to structure a lump sum/fixed cost for Work Authorizations, it became necessary to change some of the language in the Master Contract. A few additional minor changes were made to be more specific. All revisions have been highlighted in pink for your review. The Consultant has also recommended that Work Authorization No. 1 be broken out from the Master Contract, and become a separately executed document. We agree with this approach. The recommended revisions to the Master Contract, and the revised budget projections were sent out electronically to the Technical Advisory Committee Members for review and comment. No objections were expressed by the Committee.

MPO Staff Recommendation:

We would recommend that you consider the Revised Draft Contract and Revised budget proposal for Work Authorization No. 1 for final approval, with any recommendations for changes to be made before the final execution of the Contract.

A Motion was made by Lauren Garduño and seconded by Wes Perry to approve the Revised Draft Contract and Revised budget proposal for Work Authorization No. 1 for final approval. The Motion passed unanimously as follows:

Dr. Jimmy Goates	Aye
Lauren Garduño	Aye
Mayor Wes Perry	Aye

8. MPO Staff Reports:

a. Texas Transportation Commission Meeting in Austin, Texas on March 27, 2008 regarding the 2009-2019 UTP Funding Levels; and, VTC Conference at TxDOT-Odessa District on Wednesday, April 16, 2008 regarding UTP funding

Ms. Owens gave the following report:

Mr. James Bass, Chief Financial Officer for TxDOT-Austin gave a lengthy presentation to the Texas Transportation Commission on March 27, 2008 in which he detailed revenue forecasts for 2009-2019 UTP based on the assumptions of no new debt and no new

revenue. He presented three (3) funding level scenarios for the Commission to consider. Those scenarios were provided to you in your packets. These were discussed in greater detail by Lauren Garduño. The Commission will make a final decision in April, 2008.

b. Transportation Forum in Austin, Texas on April 20th – April 22nd, 2008 – to be attended by MPO Executive Director

Ms. Owens included a program of the forum for your reference. She will provide a report at the Policy Board Meeting in May 2008.

c. Border Trade Advisory Committee Meeting in San Antonio, Texas on April 23, 2008

James Beauchamp, President, MOTRAN, will not be able to attend this conference due to a conflict of interest.

d. Contract with Secured Data Solutions

The Contract with Secured Data Solutions expired in March 2008. They have provided a satisfactory level of service to the MOTOR MPO over the past year. We recommend that we continue with them on a month to month basis for a period of time, which they are agreeable to. The Board was in agreement to remain on a month to month continuation of the contract at this time.

e. Building Lease – Adding a door opening to the expanded space and adding locks to some doors to secure space; transfer of offsite storage files/equipment to the expanded space.

The other side of our building is now occupied by the Red Cross and the Permian Basin Apartment Association. We will, therefore, need to cut a door from our space into the back area. We are providing you with an estimate that has been provided to us by a Contractor to perform this work. I have contacted Justine Ruff, Deputy Director of the Airport, and she has indicated that there will be some insurance issues that have to be addressed before we begin the work, but further stated that they do not have a preference of where we cut the door to the back space. Justine advised that they will provide locks for the doors to secure our space. Dr. Goates, Policy Board Chairman, recommended that the MPO look at other options for the door opening before proceeding.

9. Project Updates – TxDOT-Odessa District

Lauren Garduño, TxDOT-Odessa District, gave project updates while presenting the UTP Funding information under Agenda Item 8a.

11. Adjourn

The Motion was made by Wes Perry, and seconded by Lauren Garduño to adjourn the meeting. The Motion passed unanimously as follows:

Dr. Jimmy Goates	Aye
Lauren Garduño	Aye
Mayor Wes Perry	Aye

The next Policy Board Meeting will be conducted on Thursday, May 15, 2008, in the MOTOR Conference Room at 3:30 p.m.

Minutes submitted and approved by:



Melba E. Owens, Executive Director