



POLICY BOARD MEETING
January 17, 2008
MINUTES

The regular meeting of the MOTOR Policy Board was called to order at 3:30 p.m. on January 17, 2008 in the Motor Conference Room at the Wright Office Complex by Policy Board Vice-Chairman, Judge Mike Bradford.

Policy Board Members Present:

Dr. Jimmy Goates, Chairman, Councilman, City of Odessa
Lauren Garduño, District Engineer, TxDOT-Odessa District
Mike Bradford, Midland County Judge
Susan Redford, Ector County Judge

Policy Board Members Not Present:

Vacant, Councilman, City of Midland

Others in Attendance:

Gary Law, Dir. of Transportation Planning and Development, TxDOT-Odessa District
Matt Carr, Transportation Planning and Development, TxDOT-Odessa District
Alfredo Gonzales, Public Transportation Coordinator, TxDOT-Odessa District
Mike McAnaly, Director of Operations, TxDOT-Odessa District
Don Byrne, Director of Human Resources, City of Odessa
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 Susan Redford, to accept and approve the minutes of the December 20, 2007 Policy Board Meeting as presented. The motion passed unanimously by the following vote:

Dr. Jimmy Goates Aye
Judge Mike Bradford Aye
Lauren Garduño Aye
Judge Susan Redford Aye

4. Public Comment Period

There were no comments from the public.

5. Finance Report

Melba Owens, Executive Director, gave the following report:

The report submitted today reflects a total expenditure of \$15,208.34 for the month of December, 2007, giving us a current balance of \$386,168.09. We are now 6% 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 the first two (2) months of the new fiscal year, in which we have defined the primary responsibilities of each Task, and provided a comparative analysis of monthly expenditures.

Cindy Muncy, Elms, Faris & Company has advised the MPO Staff that she still needs to visit with James Zentner, City of Odessa, Dr. Goates, and the MPO staff with a draft. She will then have a final audit report ready for the February 21st, 2008 Meeting. We have made one payment to the firm in the amount of \$6,000. Final payment will be made in February, 2008 for approximately \$1,500. The total of all payments should not exceed \$7,500.

MPO Staff Recommendations:

Recommend approval of the Financial Report as submitted.

The Motion was made by Judge Susan Redford and seconded by Lauren Garduño to approve the Finance Report as submitted. The Motion passed unanimously as follows:

Dr. Jimmy Goates Aye
Judge Mike Bradford Aye
Lauren Garduño Aye
Judge Susan Redford Aye

6. Convene Public Meeting to Consider Draft Amendment to 2005-2030 MTP and Approval to Release for Ten (10) Day Public Comment Period.

Melba Owens provided the following information:

On February 14, 2007, the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) published final rules for Statewide and Metropolitan Transportation Planning. These rules became effective on March 16, 2007. The rule required Statewide Transportation Improvement Plans (STIP), Metropolitan

Transportation Plans (MTP), and Transportation Improvement Programs (TIP) to have financial plans that reflect “year of expenditure dollars” for revenue and project cost estimates. The following information is provided:

FHWA’s new regulations require the use of year-of-expenditure analysis and the reporting of total project costs, including all engineering and right-of-way costs, and a section regarding Operations and Maintenance of the existing roadways within each City that are eligible for Federal aid funding. MPOs must now account for cost escalation as part of their fiscal constraint determination and documentation. Any MTP or TIP adopted or modified after December 11, 2007, must conform to these new requirements. Modifications to the TIP and MTP are expected on February 1, 2008 as part of the normal STIP quarterly update cycle.

We have amended our 2008-2011 TIP to adjust funding across projects to meet the design requirements. We have also amended the 2008-2011 TIP and the 2005-2030 MTP to be in compliance with the above referenced federal regulations to include a section on Operations and Maintenance in both the TIP and MTP documents.

A slide presentation was shown during the Public Meeting for the Amendments to the 2005-2030 MTP. Copies of the slides were also attached in everyone’s packet.

MPO Recommendation:

We recommend that the Draft Amendment to the 2005-2030 MTP be approved to release for the ten (10) day public comment period. By our procedures adopted within the Public Participation Plan, we will distribute the 2005-2030 MTP amendment to all locations within our plan. The public comment period would close on January 28, 2008. We will need to call a special Policy Board Meeting on Thursday, January 31, 2008 to allow for final adoption of the MTP amendment and administrative modifications. The final Amended MTP will be submitted to the Transportation Planning and Programming Division in Austin on February 1, 2008 in time for TxDOT’s quarterly STIP revision schedule. This will put us in full compliance with SAFETEA-LU “year of expenditure”, “total project cost” and “operation and maintenance” requirements.

The Motion was made by Dr. Jimmy Goates and seconded by Judge Susan Redford to approve the Draft Amendment to 2005-2030 MTP and Approval to Release for Ten (10) Day Public Comment Period as submitted. The Motion passed unanimously as follows:

Dr. Jimmy Goates Aye
Judge Mike Bradford Aye
Lauren Garduño Aye
Judge Susan Redford Aye

7. Convene Public Meeting to Consider Draft Amendment to 2008-2011 TIP and Approval to Release for Ten (10) Day Public Comment Period.

Melba Owens provided the following information:

On February 14, 2007, the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) published final rules for Statewide and Metropolitan Transportation Planning. As you recall, these rules became effective on March 16, 2007. The rule required Statewide Transportation Improvement Plans (STIP), Metropolitan Transportation Plans (MTP), and Transportation Improvement Programs (TIP) to have financial plans that reflect “year of expenditure dollars” for revenue and project cost estimates. The following information is provided:

FHWA’s new regulations require the use of year-of-expenditure analysis and the reporting of total project costs, including all engineering and right-of-way costs, and a section regarding Operations and Maintenance of the existing roadways within each City that are eligible for Federal aid funding. MPOs must now account for cost escalation as part of their fiscal constraint determination and documentation. Any MTP or TIP adopted or modified after December 11, 2007, must conform to these new requirements. Modifications to the TIP and MTP are expected on February 1, 2008 as part of the normal STIP quarterly update cycle.

We have amended our 2008-2011 TIP to adjust funding across projects to meet the design requirements. We have also amended the 2008-2011 TIP and the 2005-2030 MTP to be in compliance with the above referenced federal regulations to include a section on Operations and Maintenance in both the TIP and MTP documents.

A slide presentation was shown during the Public Meeting for the Amendments to the 2008-2011 TIP. Copies of the slides were also attached in everyone’s packet.

MPO Staff Recommendation:

We recommend that the Draft Amendment to the 2008-2011 TIP be approved to release for the ten (10) day public comment period. By our procedures adopted within the Public Participation Plan, we will distribute the 2008-2011 TIP amendment to all locations within our plan. The public comment period would close on January 28, 2008. We will need to call a special Policy Board Meeting on Thursday, January 31, 2008 to allow for final adoption of the TIP amendment and administrative modifications. The final Amended TIP will be submitted to the Transportation Planning and Programming Division in Austin on February 1, 2008 in time for TxDOT’s quarterly STIP revision schedule. This will put us in full compliance with SAFETEA-LU “year-of-expenditure”, “total project cost” and “operation and maintenance” requirements.

The Motion was made by Judge Susan Redford and seconded by Judge Mike Bradford to approve the Draft Amendment to 2008-2011 TIP and Approval to Release for Ten (10) Day Public Comment Period as submitted. The Motion passed unanimously as follows:

Dr. Jimmy Goates Aye
Judge Mike Bradford Aye
Lauren Garduño Aye
Judge Susan Redford Aye

8. Approval of Resolution No. 17-01-2008-1 to Certify Year-of-Expenditure/Total Project Cost Compliance.

Melba Owens provided the following information:

This Resolution officially attests that the MOTOR Policy Board has reviewed all documentation provided for “year of expenditure” compliance and certifies that the Transportation Improvement Program (TIP) and the Metropolitan Transportation Plan (MTP) amendments have financial plans that reflect “year of expenditure dollars” for revenue and project cost estimates in compliance with 23 CFR 450.216(l), 450.322(f)(10)(iv) and 450.324(h) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

MPO Staff Recommendation:

The MPO Staff recommends approval of Resolution No. 17-01-2008-1.

The Motion was made by Judge Mike Bradford and seconded by Judge Susan Redford to approve Resolution No. 17-01-2008-1 to Certify Year-of-Expenditure/Total Project Cost Compliance as submitted. The Motion passed unanimously as follows:

Dr. Jimmy Goates Aye
Judge Mike Bradford Aye
Lauren Garduño Aye
Judge Susan Redford Aye

9. Approval of Resolution No. 17-01-2008-2 to Approve Amendment No. 1 to the FY 2008-2009 UPWP.

Melba Owens provided the following information:

Under consideration is Resolution No. 17-01-2008-2 which amends the 2008 UPWP to reduce/adjust funds in Task 1.0 (Administration-Management), 2.0 (Data Development and Maintenance), Task 3.0 (Short Range Planning), and Task 4.0 (Long Range Planning) to demonstrate fiscal constraint.

The need to amend the FY 2008 UPWP is further justified as follows:

- The MOTOR MPO FY 2008-2009 UPWP was developed to include unobligated and unexpended balances from Fiscal Year 2007. The MPO was advised on December 6, 2007, in letter from James L. Randall, Director of Transportation Planning and Programming in Austin, that the authorized amount of PL 112 Funds for Fiscal Year 2008 that we may program and expend does not include unobligated and unexpended balances for Fiscal Years 2006 or FY 2007 as the Texas Department of Transportation is unable to match these funds. We programmed a total of \$533,757.29 for FY 2008 in our

UPWP. The total authorized for FY 2008 is \$418,937.67 which results in a shortfall in our Fiscal Year 2008 budget in the amount of \$114,819.62.

The following reductions/adjustments reflect our proposed amendments to demonstrate fiscal constraint: Task 1.0 (Administration-Management) - The Administrative Assistant will remain in this position through April 1, 2008. The Administrative Assistant will be moved into the Senior Planning Assistant position (Task 3.0-Short Range Planning) on April 1, 2008 and continue in the Senior Planning Assistant position through the end of Fiscal Year 2008. This will result in a cost savings in Task 1.0 in salary/benefits in the amount of \$17,248.56; Task 2.0 (Data Development and Maintenance) – The Planner I position will not be filled in FY 2008. This results in a cost savings in salary/benefits in the amount of \$51,973.68; Task 3.0 (Short Range Planning) – The Senior Planning Assistant position will not be filled until April 1, 2008. This will result in a cost savings in salary/benefits in the amount of \$24,483.48. Task 4.0 (Long Range Planning) – The Senior Transportation Planner position will not be filled until April 1, 2008. This will result in a cost savings in salary/benefits in the amount of \$21,113.90. The total cost savings reflected in each task totals the \$114,819.62 needed for us demonstrate fiscal constraint in the FY 2008 UPWP. The cost savings adjustments have been made in each of the Tasks in the FY 2008 Task Breakdown attached hereto.

MPO Staff Recommendation:

Motor Staff recommends adoption of this 2008-2009 UPWP Amendment #1.

The Motion was made by Lauren Garduño and seconded by Judge Susan Redford to approve the Resolution No. 17-01-2008-2 to Approve Amendment No. 1 to the FY 2008-2009 UPWP as submitted. The Motion passed unanimously as follows:

Dr. Jimmy Goates Aye
Judge Mike Bradford Aye
Lauren Garduño Aye
Judge Susan Redford Aye

10. Approval of Revised MOTOR Building Lease Agreement with the City of Midland.

Melba Owens provided the following information:

The MOTOR Building Lease Agreement between MOTOR MPO and the City of Midland, that now includes the expanded space of approximately 1,319 square feet, has been through extensive review by the City of Odessa City Attorney's Office and the City of Midland City Attorney's Office. The City Attorney's Office in Odessa initially made several recommendations for changes which were submitted to the City of Midland City Attorney's Office. They in turn have countered those recommended revisions with the lease document before you today. This document has been under review by the Odessa City Attorney's Office. I received an e-mail on Wednesday, January 16, 2008, from LeeAnn Rimer, Assistant City Attorney for the City of Odessa, advising that she still had serious concerns about some provisions of the contract, particularly with Article VI, Article IX-Section 9.02, and Article X-Section 10.04.

If we decide to proceed with the Lease Agreement as written, we may be able to get this item on the January 23, 2008 Midland City Council Agenda for final approval, and commence with the new lease rate/provisions by February 1, 2008.

MPO Staff Recommendation:

Inasmuch as some of the language in sections of the City of Midland's lease agreement is standard to their contracts/agreements that they are unwilling to remove or change; and, unless the Policy Board feels that the language could potentially result in too great a risk for the MPO, we would recommend that we proceed with final approval of the lease agreement. We have been in negotiations for several months, and we would like to secure the additional space and the rates offered in the terms of this lease.

Judge Susan Redford expressed her concern with not amending Article VI. Dr. Jimmy Goates requested Ms. Owens inform our contact, Ms. Justin Ruff, with the City of Midland, that the entire Board has a problem with Article VI and what our concerns are and see if they can reword the article to eliminate our concerns.

11. Staff Reports:

11A. RFP for MTP Development/Scenario Planning/Community Visioning

Ms. Owens gave the following report:

We requested that all bids be returned to MOTOR on Friday, January 11, 2007, by 4:30 p.m. On January 11, 2008, we received a total of seven (7) bids that were all within the timelines required from the following firms:

- | | | |
|--------------------------------------|---|-------------------------|
| Wilbur Smith & Associates | - | Austin, Texas |
| Parsons Brinckerhoff | - | Austin, Texas |
| Kimley-Horn & Associates | - | Dallas, Texas |
| Half Associates | - | San Antonio, Texas |
| Alliance Transportation Group | - | Austin, Texas |
| LSA Associates, Inc. | - | Fort Collins, Colorado |
| Planning & Transportation Enterprise | - | Albuquerque, New Mexico |

We have submitted all bid proposals to the Technical Advisory Committee and Judge Bradford, Policy Board representative who will be the Selection Committee. The Selection Committee Members are in the process of reviewing all seven (7) proposals. The Selection Committee will narrow the list down to four (4) firms to be interviewed, and begin the interview process during the week of January 28th through February 1st, 2008. We are hopeful that we will select a firm by the first week in February, 2008. We will then begin the development/negotiation of the final contract

We have attached copies of the final recommendations made in the Midessa Study Final Report. These recommendations will be incorporated into the scenario planning process for MTP project selection criteria.

11B. 2007 Annual Performance and Expenditure Report:

Ms. Owens gave the following report:

The 2007 APER for the MOTOR MPO is attached for your review.

12. Project Reports – TxDOT-Odessa District

Lauren Garduño, TxDOT-Odessa District, gave updates on project letting dates, right-of-way acquisitions for all construction projects, and changes occurring in Categories 1 and 3 funding.

13. 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 Sections 551.071, 551.072 and 551.074.

14. Take action concerning Executive Session matters.

No action was taken in Executive Session.

15. Adjourn.

Judge Mike Bradford made the Motion to adjourn the meeting. The motion was seconded by Lauren Garduño. The motion passed unanimously as follows:

Dr. Jimmy Goates Aye
Judge Mike Bradford Aye
Lauren Garduño Aye
Judge Susan Redford Aye

The next Special Called Policy Board Meeting will be conducted on Thursday, January 31, 2008, in the MOTOR Conference Room at 5:00 p.m.

Minutes submitted and approved by:



Melba E. Owens, Executive Director