



POLICY BOARD MEETING
March 20, 2008
MINUTES

The regular meeting of the MOTOR Policy Board was called to order at 3:30 p.m. on March 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
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
Kyle Womack, Parkhill, Smith & Cooper
Melba E. Owens, MOTOR Executive Director

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 February 21, 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.

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.**

Melba Owens, Executive Director, asked the Policy Board Members to allow moving Agenda Item 9 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 4:00 p.m.

10. Take action concerning Executive Session Matters

A Motion was made by Wes Perry, seconded by Lauren Garduño to approve a 2% pay increase for the Motor MPO Staff to become effective April 1, 2008 consistent with the 2% pay increase approved for City of Odessa employees by recent City of Odessa City Council action. The Motion passed unanimously as follows:

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

5. Finance Report

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

The report submitted to you today reflects a total expenditure of \$21,347.59 for the month of January, 2008, giving us a current balance of \$350,346.43 We are now 13% 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 December and January 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 increase in the January, 2008 expenditures over the expenditures in December, 2007, resulted from the \$6,000.00 paid to Elms, Faris & Company for the MOTOR MPO audit. Final payment to Elms, Faris & Company will be made during the month of March, 2008.

As mentioned in our last meetings, we received notice by letter dated December 6, 2007 from James Randall, Director of Transportation Planning and Programming in Austin, Texas, advising us that the total authorized amounts of Federal Transit Administration (FTA) Section 5303, and PL-112 funds for Fiscal Year 2008 would be **\$418,937.67** which resulted in a **\$114,819.62** shortfall in our adopted budget. Our UPWP Amendment No. 1 was submitted to Austin to demonstrate fiscal constraint and has been approved and adjustments have been made. Dan Kessler, Director of TEMPO has advised all MPOs that the North Central Texas Council of Governments has submitted correspondence to TxDOT TP&P in Austin, requesting to use Transportation Development Credits on a statewide basis in order to make up the shortfall of local matching funds needed to meet TPF carry-over funding. He indicated that it was their understanding that TxDOT has a balance of \$102 million of credits available. We are hopeful that this will be approved by the Texas Transportation Commission in February or March, 2008, and the \$114,819.62 can be restored to our budget.

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

6. Approval of the Draft Contract with Wilbur Smith & Associates, Inc. for work to be performed with MOTOR in the MTP Development/Scenario Planning/Community Visioning.

Ms. Owens gave the following background information to the Policy Board Members:

BACKGROUND:

The Draft Contract was prepared by the MPO, and submitted to Wilbur Smith & Associates, Inc. to review during the last week of February, 2008. Wilbur Smith prepared the section of the Contract relating to specific tasks and services they would be providing to the MOTOR MPO over the two (2) year period (Exhibit "A"), and prepared Work Authorization No. 1 (Exhibit "B"), both as attachments to the Contract. They made a few initial recommendations for changes that were made prior to the Technical Advisory Committee Meeting on Friday, March 7, 2008. The Draft Contract was presented to the Technical Advisory Committee Members on Friday, March 7, 2008. David Freidenfeld, Project Manager, and the Renaissance Planning Team joined us by conference call and gave a brief overview of the specific tasks, and their understanding of all services to be included under Work Authorization No. 1. Budget numbers for Work Authorization No. 1 were not finalized until Friday, March 14, 2008. These numbers were provided electronically to the Technical Advisory Committee Members for review

on Friday, March 14, 2008. The Technical Advisory Committee Members have recommended that the Draft Contract be forwarded, as amended, to the Policy Board for final approval on Thursday, March 20, 2008. Other members of the Project Team attending the Technical Advisory Committee Meeting on Friday, March 7, 2008 were Kyle Womack, Parkhill, Smith & Cooper, and Joshua Crawford, Musketball Technologies.

I have highlighted the changes that resulted after the Technical Advisory Committee on March 7, 2008 in yellow, and the additional changes recommended by Wilbur Smith & Associates, Inc. on March 12, 2008, in gray. Lee Ann Rimer, Assistant City Attorney for the City of Odessa, has also reviewed the Contract, and has recommended a few minor changes which I have made, and highlighted in blue. The changes recommended by Wilbur Smith were also minor, with the exception of the percentage of profit margin (12%) which I am sure we will need to negotiate further with them. Wilbur Smith asked that we estimate a maximum amount for the entire project which I have entered as \$250,000.00. I have explained to them that this figure is contingent upon our budget shortfall of \$114,000.00 for FY 2008 *being reinstated* to the MPO budget, which is being considered by Austin at this time. We should have an answer by the end of this month. Should the funds be reinstated, we would take this entire amount and place it into Task 4 for this project. The Consultants understand that so much also depends on what decisions are made in Austin about authorized funds for our FY 2009 budget. I feel comfortable with this number as we will be managing the contract with Work Authorizations. The Wilbur Smith recommendations were electronically forwarded to each member of the Technical Advisory Committee on Thursday, March 13, 2008 for review.

MPO Staff Recommendation:

We would recommend that you consider the Draft Contract for final approval, with any recommendations for changes to be made before the final execution of the Contract.

David Freidenfeld, Project Manager, for Wilbur Smith & Associates, and Hannah Twaddell and David Ausherman, Renaissance Planning Group, joined the meeting by conference call. David Freidenfeld gave an overview of their scope of work for this project. Work Authorization No. 1, including budget projections, was discussed in detail. Kyle Womack, Parkhill, Smith & Cooper, a project team member for Wilbur Smith & Associates, was present at the meeting. All team members responded to questions that were asked by the Policy Board Members.

A Motion was made by Lauren Garduño and seconded by Wes Perry to approve the Master Agreement/Contract with Wilbur Smith & Associates with a few changes as recommended, and that the Work Authorization No. 1 proposed budget be negotiated further with selected members of the Technical Advisory Committee, the MPO Executive Director, and the Wilbur Smith & Associates Project Manager. The Motion passed unanimously as follows:

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

7. MPO Staff Reports:

a. Update on TEMPO Meeting in Austin attended by MPO Executive Director on Wednesday, March 19, 2008 – Ms. Owens advised the Policy Board Members that items discussed at the TEMPO Meeting in Austin were as follows:

- SAFETEA-LU Year of Expenditures and Total Project Costs Requirements;
- Impact of March 4, 2008 Federal Rescissions on MPO funding;
- Status report on Transportation Planning Funds Balances;
- NCTCOG Request for Use of Transportation Development Credits as match for TPF funds;
- EPA March 12 New Air Quality Standards.

b. Public Funds Investment Policy Development for MOTOR MPO as recommended by Elms Faris in final audit report – to comply with the Public Funds Investment Act (PFIA) – Appointment of James Zentner, City of Odessa’s Investment Officer as MOTOR’s Investment Officer – appointment of City of Odessa Finance Department Staff person to oversee MOTOR’s financial reporting and to assist with year-end financial statements.

Ms. Owens gave the following information:

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, I 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 the MOTOR MPO’s investment officer. He has agreed to serve in this capacity for MOTOR. I am in the process of developing MOTOR’s investment policy, utilizing the City of Odessa’s Public Funds Investment Policy as a guide. I will have this finalized and reviewed by Elms Faris for final adoption at the April 17, 2008 Policy Board Meeting.

c. 2008-2011 TIP Revisions

Ms. Owens advised the Policy Board Members that TP&P, Austin, reviewed our 2008-2011 TIP Revisions that were submitted on February 1, 2008. They made a few recommendations for administrative changes/documentation which was provided to them on Monday, March 10, 2008, the deadline for said submittals.

8. Project Updates – TxDOT-Odessa District

Matt Carr, TxDOT-Odessa District, gave updates on project letting dates, right-of-way acquisitions for various construction projects.

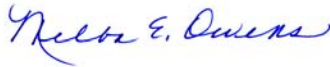
11. Adjourn

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, April 17, 2008, in the MOTOR Conference Room at 3:00 p.m.

Minutes submitted and approved by:



Melba E. Owens, Executive Director

