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AGENDA

TEXAS TRANSPORTATION COMMISSION 125 East 11th Street Austin, Texas

**THURSDAY
July 25, 2019**

9:00 A.M. CONVENE MEETING

1. Safety Briefing

Staff will provide general safety instruction.

2. Consider the approval of the Minutes of the June 26, 2019, workshop meeting and the June 27, 2019, regular meeting of the Texas Transportation Commission

3. Acknowledgement of Service

Recognize by resolution David Fulton, Director, Aviation Division for 27 years of service to the department

4. Contracts

Consider the award or rejection of contracts for highway construction and maintenance, and construction and rehabilitation of buildings (Presentation)

These proposed minute orders contain information concerning the receipt of bids for highway improvement contracts. The department may reschedule receipt of bids for those projects where the commission rejects all bids. Those bids accepted by the commission will result in conditional contract awards to the low bidders. Contract award conditions may involve securing funding from other sources, the contractor's ability to satisfy federal DBE subcontracting requirements, or other requirements as outlined in the project bid proposal.

a. Highway Improvement and Other Transportation Facilities

(see attached itemized list) (MO)

b. Routine Maintenance (see attached itemized list) (MO)

c. Construction and Rehabilitation of Buildings (Presentation)

(see attached itemized list) (MO)

5. Executive Director Compensation

Consider an adjustment of the compensation of the executive director (MO)

The commission employs the executive director of the department and sets the executive director's salary in accordance with the amount set by the legislature in the state's General Appropriations Act. The General Appropriations Act for the 2020-2021 biennium raised the maximum amount for the executive director's salary. The minute order sets the annual salary to be paid to the executive director beginning with FY 2020.

6. **Discussion Item**
Demography of employees (Presentation)
Staff will provide an overview of the state of the department's workforce by providing current and historical data on employment levels, employee tenure, and projected employee attrition.

7. **Promulgation of Administrative Rules Under Title 43, Texas Administrative Code, and the Administrative Procedure Act, Government Code, Chapter 2001:**
Proposed Adoption
Chapter 9 - Contract and Grant Management
Amendments to §9.87, Selection (MO)
These amendments provide the department with more flexibility to contract for scientific, real estate appraisal, right of way acquisition, and landscape architecture services under an indefinite delivery contract.

8. **Financial Assistance for Projects**
Bexar County - Alamo Regional Mobility Authority - As a result of the Alamo Area Metropolitan Planning Organization's adoption of a resolution supporting the development of Loop 1604 from SH 16 to I-35 as a non-tolled project, consider rescinding Minute Order 115051 dated September 28, 2017, and Minute Order 115073 dated October 26, 2017, both regarding a grant up to \$17,000,000 to the Alamo Regional Mobility Authority for the development of the Loop 1604 Managed Lanes Project, which included the addition of two tolled managed lanes in each direction along Loop 1604 from SH 16 to I-35 (MO)
This minute order will rescind Minute Orders 115051 and 115073 in which the commission approved a \$17,000,000 grant to the Alamo Regional Mobility Authority (ARMA) for development of the Loop 1604 Managed Lanes Project. The department did not execute a financial assistance agreement with ARMA or disburse any grant funds. Rescinding Minute Orders 115051 and 115073 will terminate the \$17,000,000 grant.

9. **Veterans Discount Program**
Various Counties - Consider the approval of additional programs and projects, specifically the costs associated with the veterans discount program on the Central Texas Turnpike System, to be funded with payments received from SH 130 Concession Company, LLC in accordance with the SH 130, Segments 5&6 Facility Concession Agreement, and interest earned on those payments (SH 130 payments), and the allocation of funds from the SH 130 payments to that program and project (MO)
The department has established a separate fund to account for and track projects and project costs funded with the SH 130 payments. This minute order authorizes additional programs and projects to be funded with those payments.

10. **Eminent Domain Proceedings**
Various Counties - Consider the authorization of the filing of condemnation proceedings to acquire real property by eminent domain for non-controlled and controlled access highways (see attached itemized list) (MO)
Commission findings, determinations, and authorizations for the state, by motion made in accordance with Senate Bill 18 (82nd Legislature), to acquire by eminent domain, upon the payment of adequate and just compensation, various ownership interests in specific parcels of real property that are needed to develop or improve both non-controlled and controlled access state highways, to include requesting the state attorney general to bring and pursue condemnation suits relating to those specific parcels of real property described in the attached itemized list.

11. **Routine Minute Orders and Reports**

a. **Donations to the Department**

Various Districts - Consider the acknowledgment of donations with a value of \$500 or more, including donations of money, materials, services, or real property, that are made to the department for the purpose of assisting the department in carrying out its functions and duties or for improving access to or from a highway on the state highway system (see attached itemized list) (MO)

State statutes require the commission to acknowledge the acceptance of a gift to the department that is valued at \$500 or more. By the adoption of this minute order, the commission acknowledges the receipt and acceptance of the property specified in the minute order.

b. **Real Estate Dispositions**

The commission must approve the sales, transfers, and exchanges of state rights of way and other real properties that are no longer needed for a state highway purpose. It must also approve, accept, and acknowledge donations to the state of real property that is valued at \$500 or more.

(1) **Brown County** - US 67/84/377 - Consider the quitclaim of the state's interests including mineral rights, if any, to comply with reversionary clauses contained in the instruments that originally conveyed the interests to the state (MO)

The City of Brownwood has requested that the tracts be quitclaimed to honor the reversionary clauses. The district has determined that the easements on the tracts are no longer needed for highway purposes.

(2) **Caldwell County** - SH 130 - Consider the sale of right of way to an abutting landowner (MO)

The district has determined that the fee interest in the land is no longer needed for highway purposes, but that a channel or drainage easement should be reserved across the land. An abutting landowner has requested to purchase the land, subject to the channel or drainage easement, and it may be sold to the requester.

(3) **Coryell County** - US 190 - Consider the sale of right of way to an abutting landowner (MO)

The district has determined that the land is no longer needed for highway purposes. An abutting landowner has requested to purchase the land, and it may be sold to the requester.

c. **Reports**

(1) **Compliance Division Report**

State law requires the commission to establish a compliance program, which must include a Compliance Division to oversee the program. The Compliance Division is responsible for acting to prevent and detect serious breaches of department policy, fraud, waste, and abuse of office, including any acts of criminal conduct within the department. The Compliance Division is required to provide a monthly report to the commission regarding investigations and a summary of information relating to trends and recommendations.

(2) **Letting Allocation Status Report**

Quarterly status report on the FY 2019 letting allocation, the actual allocation utilized through the current month, and proposed remaining highway maintenance and construction contract letting for the fiscal year (Report)

This report will provide the current overall allocation status, by district and metropolitan planning organization, of the FY 2019 letting allocation and will also provide the anticipated effect on the letting allocation of remaining proposed highway maintenance and construction letting.

11. **Routine Minute Orders and Reports (continued)**

c. **Reports (continued)**

(3) **Quarterly Cash Report**

Quarterly report on FY 2019 State Highway Fund 6 cash status (Report)

This report updates the commission on the year-to-date cash balance and activity of Fund 6. The report will include original projections and actual revenues/inflows and expenditures/outflows on a cash basis.

d. **Finance**

(1) **Quarterly Investment Report**

Consider accepting the Quarterly Investment Report for all of the funds invested at the direction of the commission (MO)

This minute order recognizes the presentation and commission's acceptance of the quarterly investment report for the investment of: (1) funds held by the Bank of New York Mellon, as trustee, under the Indenture of Trust securing the Central Texas Turnpike System toll revenue obligations; (2) funds for the pre-paid TxTag account held by the Bank of New York Mellon, acting as custodian; (3) funds held by Amegy Bank, a Division of ZB, National Association, as trustee, under the Trust Agreement securing the IH 35E Managed Lanes Project toll revenue obligations; and (4) funds held by U.S. Bank National Association, as trustee, under the Master Trust Agreement securing the SH 249 System toll revenue obligations.

(2) **Travis and Williamson Counties** - Consider the acceptance of the Voluntary Quarterly Report of Actual Traffic and Toll Revenue for the Central Texas Turnpike System (MO)

This minute order provides the Voluntary Quarterly Report of Actual Traffic and Toll Revenue for the Central Texas Turnpike System as of May 31, 2019.

(3) **State Highway Fund Bonds**

Consider approving the Ninth Supplemental Resolution authorizing the issuance of State Highway Fund revenue refunding bonds in one or more series, the documents relating to the issuance of such bonds, the refinancing of certain outstanding State Highway Fund revenue bonds without incurring additional debt and without extending the final maturity, if financial market conditions are favorable for refinancing, and the designation of department officials to take all actions necessary to deliver the bonds (MO)

This action provides final authorization for the chief financial officer and other designated department officials to move forward with the issuance of one or more series of State Highway Fund revenue refunding bonds to refund all or any portion of outstanding bonds and approve official statements, bond purchase contracts, escrow agreements, and other related documents, as authorized under Section 49-n, Article III of the Texas Constitution, Transportation Code §222.003, and Government Code Chapters 1207 and 1371. Any series of refunding bonds must achieve net present value debt service savings of at least 3% of the bonds refunded and/or provide for the refinancing of outstanding variable rate bonds.

11. **Routine Minute Orders and Reports (continued)**

d. **Finance (continued)**

(4) **Texas Mobility Fund Bonds**

Consider approving the Thirteenth Supplemental Resolution authorizing the issuance of Texas Mobility Fund refunding bonds in one or more series, the documents relating to the issuance of such bonds, the refinancing of certain outstanding Texas Mobility Fund bonds without incurring additional debt and without extending the final maturity, if financial market conditions are favorable for refinancing, and the designation of department officials to take all actions necessary to deliver the bonds (MO)

This action provides final authorization for the chief financial officer and other designated department officials to move forward with the issuance of one or more series of Texas Mobility Fund refunding bonds to refund all or any portion of outstanding bonds, and approve official statements/reoffering memorandum, bond purchase contracts, escrow agreements, and other related documents, as authorized under Section 49-k, Article III of the Texas Constitution, Transportation Code Chapter 201, Subchapter M, and Government Code Chapters 1207 and 1371. Any series of refunding bonds must achieve a net present value debt service savings of at least 3% of the bonds refunded and/or provide for the refinancing of variable rate bonds.

(5) **Highway Improvement General Obligation Bonds**

Consider approving the Fifth Supplemental Resolution authorizing the issuance of Highway Improvement General Obligation (HIGO) refunding bonds in one or more series, the documents relating to the issuance of such bonds, the refinancing of certain outstanding HIGO bonds without incurring additional debt and without extending the final maturity, if financial market conditions are favorable for refinancing, and the designation of department officials to take all actions necessary to deliver the bonds (MO)

This action provides final authorization for the chief financial officer and other designated department officials to move forward with the issuance of one or more series of general obligation refunding bonds to refund all or any portion of outstanding bonds and approve official statements, bond purchase contracts, escrow agreements, and other related documents, as authorized under Section 49-p, Article III of the Texas Constitution, Transportation Code §222.004, and Government Code Chapters 1207 and 1371. Any series of refunding bonds must achieve a net present value debt service savings of at least 3% of the bonds refunded.

11. **Routine Minute Orders and Reports (continued)**

d. **Finance (continued)**

(6) **Central Texas Turnpike System Bonds**

Consider approving the Eighth Supplemental Indenture authorizing the issuance of one or more series of Central Texas Turnpike System (CTTS) revenue refunding bonds to refund all or any portion of the outstanding CTTS bonds, the documents relating to such bonds, the refinancing or remarketing of certain outstanding CTTS bonds without incurring additional debt and without extending the final maturity, if financial market conditions are favorable for refinancing, and the designation of department officials to take all actions necessary to deliver the bonds (MO)

This action provides final authorization for the chief financial officer and other designated department officials to move forward with remarketing outstanding CTTS bonds subject to mandatory tender, the issuance of one or more series of CTTS revenue refunding bonds to refund all or any portion of outstanding bonds and approve official statements, bond purchase contracts, escrow agreements, and other related documents as authorized by Government Code Chapters 1207 and 1371. Any series of refunding bonds must achieve a net present value debt service savings of at least 3% of the bonds refunded and/or provide for the refinancing of variable rate bonds.

e. **Transportation Planning**

(1) **Various Counties** - Consider concurrence with the Regional Transportation Council of the North Central Texas Council of Governments' funding of construction and other project development costs of projects to be advanced through the use of payments received from the North Texas Tollway Authority in accordance with the SH 121 Toll Project Agreement (MO)

The department has established a separate fund to account for and track projects and project costs funded with the SH 121 payments. This minute order authorizes the funding of additional project costs and changes to the list of previously-approved projects. The project costs to be funded were selected through a cooperative process with the Regional Transportation Council.

(2) **Various Counties** - Consider concurrence with the Regional Transportation Council of the North Central Texas Council of Governments' funding of construction and other project development costs of projects to be advanced through the use of payments received from the North Texas Tollway Authority in accordance with the SH 161 Toll Project Agreement (MO)

The department has established a separate fund to account for and track projects and project costs funded with the SH 161 payments. This minute order authorizes changes to the list of previously approved projects.

f. **Speed Zones**

Various Counties - Consider the establishment or alteration of regulatory and construction speed zones on various sections of highways in the state (MO)

This minute order establishes or alters regulatory and construction speed zones on various sections of highways in the state.

12. **Executive Session Pursuant to Government Code, Chapter 551**

Section 551.071 - Consultation with and advice from legal counsel regarding any item on this agenda, pending or contemplated litigation, or other legal matters.

OPEN COMMENT PERIOD - At the conclusion of all other agenda items, the commission will allow an open comment period, not to exceed one hour, to receive public comment on any other matter that is under the jurisdiction of the department. No action will be taken. Each speaker will be allowed a maximum of three minutes. Speakers must be signed up prior to the beginning of the open comment period.

ADJOURN

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NOTE:

Enumerated agenda items are assigned numbers for ease of reference and will not necessarily be considered by the commission in that order. Agenda items with (MO) are those for which the commission is considering an action. Persons with special needs or disabilities who plan to attend this meeting and require auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print, or Braille are requested to contact Robin Carter at (512) 305-9536 at least three working days prior to the meeting so that appropriate arrangements can be made.

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